

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 21, 2006

Mr. Ted J. Uptmore
General Manager
West Fertilizer Co.
P.O. Box 399
West, Texas 76691

Re: Declaration of Administrative Completeness
Permit Application
Air Quality Permit No. 79803
Anhydrous Ammonia Plant
West, McLennan County
Customer Reference Number: CN603095266
Regulated Entity Number: RN100985407

Dear Mr. Uptmore:

We have declared the above-referenced application, received on September 1, 2006, administratively complete on September 21, 2006. We also understand you have represented that this application is for a small business stationary source.

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

- ☐ Notices for Newspaper Publication (Example A)
- ☐ Sign Posting Example (Example C)
- ☐ Instructions for Public Notice
- ☐ Affidavit of Publication
- ☐ Notification List
- ☐ Public Notice Verification Form

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

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.

1. Publish the enclosed notice and post signs within 30 calendar days after your application is declared administratively complete (see this letter's first paragraph for the declaration date).

Mr. Ted J. Uptmore
Page 2
September 21, 2006

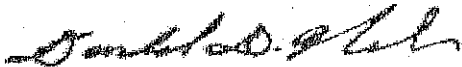
Re: Air Quality Permit No. 79803

2. You may also be required to publish notice and post signs in an alternate language (refer to the enclosed *Instructions for Public Notice*, and *Public Notice Verification Form*). The Public Notice Verification Form, and Spanish notice templates are available at www.tceq.state.tx.us/permitting/air/bilingual/when_biling.html.
3. Place a copy of your application in a public place in the county where the facilities are or will be located. This copy must be accessible to the public for review and copying and remain in place throughout the newspapers' comment period.
4. Return original newspaper clippings (tear sheets) of the notices, which show publication date and newspaper name, to the Texas Commission on Environmental Quality (TCEQ) Office of the Chief Clerk and copies to those on the enclosed *Notification List* within **10 business days** after notices are published.
5. Return the original enclosed *Affidavit of Publication* and, if applicable, *Alternative Language Affidavit of Publication* to the Office of the Chief Clerk and copies to those on the enclosed *Notification List* within **30 calendar days** after the notice is published in the newspaper.
6. Return the *Public Notice Verification Form* to the Office of the Chief Clerk and copies to those on the enclosed *Notification List* within **10 business days** after end of the comment period listed in the notices.

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. Please note that as your application undergoes the technical review, we may request additional information.

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 Ms. Sharon Hickman at (512) 239-1544.

Sincerely,



Donald D. Nelon, Team Leader
Air Permits Initial Review Team
Air Permits Division

DDN/skh

Enclosures

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



EXAMPLE A

NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN AIR PERMIT

PROPOSED AIR QUALITY PERMIT NO. 79803

APPLICATION West Fertilizer Co., has applied to the Texas Commission on Environmental Quality (TCEQ) for issuance of Air Quality Permit No. 79803 which would authorize continued operation of an Anhydrous Ammonia Fertilizer Plant located at 1471 Jerry Mashek Drive, West, McLennan County, Texas. The facility will emit the following air contaminants: ammonia.

This application was submitted to the TCEQ on September 1, 2006. The application is available for viewing and copying at the TCEQ central office, the TCEQ Waco regional office, and the West City Hall, 110 North Reagan Street, West, McLennan County, Texas. The facility's compliance file, if any exists, is available for public review in the Waco regional office of the TCEQ.

The TCEQ executive director has determined the application is administratively complete and will conduct a technical review of the application.

PUBLIC COMMENT/PUBLIC MEETING You may submit public comments, a request for a public meeting, or request a contested case hearing to the Office of the Chief Clerk at the address below. The TCEQ will consider all public comments in developing a final decision on the application. The deadline to submit public comments is 30 days after newspaper notice is published.

The purpose of a public meeting is to provide the opportunity to submit comments or ask questions about the application. A public meeting about the application may be held if the executive director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

If only comments are received on the application, the response to comments, along with notice of the executive director's action on the application, will be mailed to everyone who submitted comments or is on the mailing list for this application.

If a hearing request is timely filed, the executive director will complete the technical review, issue a preliminary decision on the application, and a Notice of Application and Preliminary Decision will be published and mailed to those who are on the mailing list for this application. That notice will contain the final deadline for submitting public comments.

After the final deadline for public comments following any required Notice of Application and Preliminary Decision, the executive director will consider the comments and prepare a response to all relevant and material, or significant public comments. If comments are received, the response to comments, along with the executive director's decision on the application, will then be mailed to everyone who submitted public comments or is on a mailing list for this application.

OPPORTUNITY FOR A CONTESTED CASE HEARING You may request a contested case hearing. A contested case hearing is a legal proceeding similar to a civil trial in state district court. Unless a written request for a contested case hearing is filed within 30 days from this notice, the executive director may approve the application. **If no hearing request is received within this 30-day period, no further opportunity for hearing will be provided.** A contested case hearing will only be granted based on disputed issues of fact that are relevant and material to the Commission's decision on the application. Further, the Commission will only grant a hearing on those issues raised during the public comment period and not withdrawn.

A person who may be affected by emissions of air contaminants from the facility is entitled to request a hearing. If requesting a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a specific description of how you would be adversely affected by the application and air emissions from the facility in a way not common to the general public; (5) the location and distance of your property relative to the facility; and (6) a description of how you use the property which may be impacted by the facility. If the request is made by a group or an association, the one or more members who have standing to request a hearing, and the interests which the group or association seeks to protect, must also be identified. You may also submit your proposed adjustments to the application/permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing within 30 days following this notice to the Office of the Chief Clerk, at the address below.

If a hearing request is timely filed, additional notice may be provided. Following the close of all applicable comment and request periods, the executive director will forward the application and any requests for contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact relating to relevant and material air quality concerns raised during the comment period.** Issues such as property values, noise, traffic safety, and zoning are outside of the Commission's jurisdiction to address in this proceeding.

MAILING LIST In addition to submitting public comments, you may ask to be placed on a mailing list to receive future public notices for this specific application mailed by the Office of the Chief Clerk by sending a written request to the TCEQ Office of the Chief Clerk at the address below.

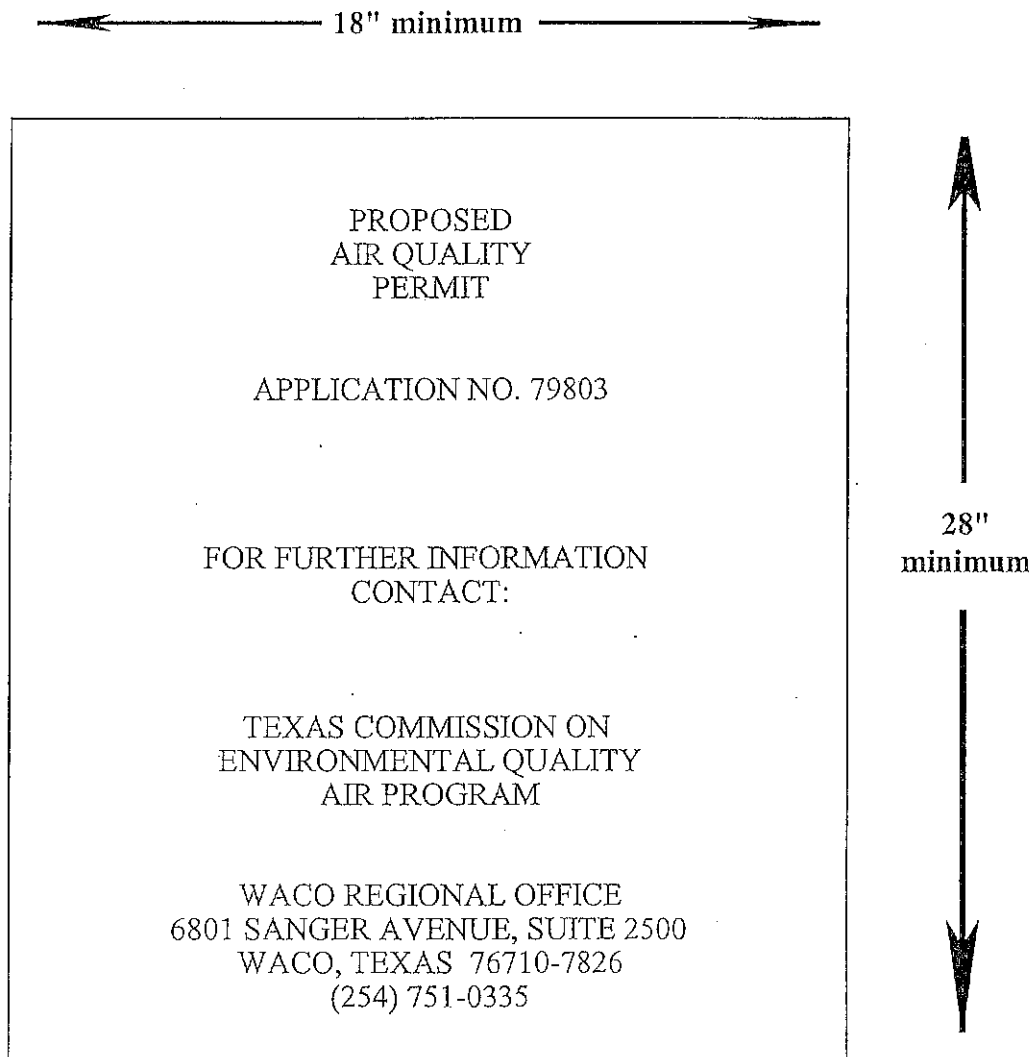
INFORMATION Written public comments or requests for a public meeting or contested case hearing should be submitted to the Office of the Chief Clerk, MC-105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For more information about this permit application or the permitting process, please call the Office of Public Assistance, Toll Free, at 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040. General information regarding the TCEQ can be found at www.tceq.state.tx.us.

Further information may also be obtained from West Fertilizer Co., P.O. Box 399, West, Texas 76691 or by calling Mr. Ted J. Uptmore, General Manager at (254) 826-5309.

Issuance Date: September 21, 2006

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 public highway, street or road. Signs must be 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 that is necessary for the sign(s) to be 100 percent visible from the street.

WHITE BACKGROUND WITH BLACK LETTERS

All lettering must be 1-1/2" block printed capitals.

INSTRUCTIONS FOR PUBLIC NOTICE
For New Source Review Air Permit
For Small Business Stationary Sources

NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN PERMIT

Your application has been declared administratively 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 or font/style of the notice without prior approval from the TCEQ.

Newspaper Notice

- You must publish the enclosed *Notice of Receipt of Application and Intent to Obtain Permit* within **30 calendar days** after the date of administrative completeness.
- You must publish the enclosed *Notice of Receipt of Application and Intent to Obtain Permit* at your expense, in a newspaper of general circulation in the municipality where the facilities are or will be located. If the facilities are not located within a municipality, the newspaper should be of general circulation in the municipality nearest the location. **Guidance on which publications qualify as a newspaper of general circulation is included in the General Information section of this document.**
- You must publish this notice in one issue of any applicable newspaper.
- The bold text of the enclosed notice **must** be printed in the newspaper in a font style or size that distinguishes it from the rest of the notice (i.e., **bold**, *italics*). **Failure to do so may require re-notice.**

Alternative Language Notice

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

- Public notice rules require the applicant to determine whether a bilingual program is required at either the elementary or middle school nearest to the 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 (signs notice, or signs and 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. **If a general circulation newspaper or publication printed 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. 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. **Guidance on which publications qualify as a newspaper of general circulation is included in the General Information section of this document.**

- The applicant has the burden to demonstrate compliance with these requirements. To assist applicants to meet these requirements, the TCEQ has provided the *Public Notice Verification Form* (enclosed). This form is available at www.tceq.state.tx.us/permitting/air/nav/air_publicnotice.html.
- It is suggested the applicant work with the local school district to do the following:
 - (a) Determine if a bilingual program is required in the district;
 - (b) Determine which language is required by the bilingual program;
 - (c) Locate the nearest elementary and middle schools; and
 - (d) Determine if any students attending either school are eligible to be enrolled in a bilingual educational program.

Proof of Publication

- You must submit **original newspaper clippings** of the published notices which show the date of publication and the name of the newspaper to the TCEQ Office of the Chief Clerk within **10 business days** after the date of publication.
- You must submit an **original affidavit of publication and alternate language affidavit of publication (if applicable)** to the Office of the Chief Clerk within **30 calendar days** after the date of publication. **You must use the enclosed affidavits.** The affidavits must clearly identify the applicant's name and permit number.
- You are encouraged to submit the affidavit with the original newspaper clippings described above; however, the affidavit must be submitted no later than **30 calendar days** after publication of notice.
- The **original affidavits and original newspaper clippings of the published notices** must be mailed to:

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

- Please ensure that the affidavit and newspaper clippings you send to the TCEQ Chief Clerk are originals and that all blanks on the affidavit are filled in correctly. Photocopies of newspaper clippings and affidavits will not be accepted.
- Please ensure the affidavits are correct and consistent with the hard copies that were provided. If any revisions are made to the affidavits they may not be accepted.
- **Photocopies of newspaper clippings, affidavits, and verifications must also be sent to those listed on the enclosed *Notification List* within the deadlines specified above.**

Failure to Publish and Submit Proof of Publication

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

Sign Posting

Applicants for air quality permits must also post signs.

- Signs must be in place on the first day of publication in a newspaper and must remain in place and be legible for the publications' designated comment period.
- The information enclosed (*Example C*) is an example only. 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 need to be approved by the agency.
- Each sign placed at the site must be located within 10 feet of each (every) property line paralleling a public street, road, or highway. Signs must be 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 street, road, or highway. Sign(s) must be placed at whatever height above the ground is necessary for sign(s) to be 100 percent visible from the street.
- All lettering on the sign must be 1½" in height. The sign must be at least 18" wide and 28" tall.
- Alternative language signs are required if alternative notice is required, even if no newspaper can be found.
- You must submit verification of sign posting using the Public Notice Verification Form within 10 business days after end of the publications' designated comment period.

Application in a Public Place

- You must provide a copy of the administratively complete application at a public place for review and copying by the public. This place must be in the county in which the facility is located or proposed to be located.
- A public place is one that is publicly owned or operated. For example, libraries, county courthouses, or city halls.
- The administratively complete application must be available beginning on the first day of newspaper publication and remain available until the end of the publications' designated 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 TCEQ Public Information Coordinator, MC-197, P.O. Box 13087, Austin, Texas 78711-3087."
- You must submit verification of file availability using the Public Notice Verification Form within 10 business days after end of the publications' designated comment period.

General Information

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

If you wish to obtain an electronic copy, please contact the administrative reviewer that assisted in the preparation of this public notice package. The electronic copy will consist of Example A, Example B (if applicable), Example C, the equivalent in Spanish (if applicable), instructions, Public Notice Verification Form, Affidavit of Publication and Alternate Language Affidavit of Publication (if applicable). The electronic version is available in WordPerfect format only and can be requested once your application has been declared administratively complete. Please ensure that the electronic version is correct and consistent with the hard copies that were provided. Any revisions made may not be accepted. You may download copies of the Public Notice Verification Form and Affidavit forms by visiting our agency web site at www.tceq.state.tx.us/permitting/air/nav/air_publicnotice.html.

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

Newspaper of General Circulation

Public notification must be provided in a newspaper of general circulation as required by 30 TAC 39.603(c) and (d). Texas law on determination of what is a "newspaper of general circulation" is discussed by the Office of the Attorney General in Opinion No. JC-0223 (May 22, 2000) which can be viewed on the internet at <http://www.oag.state.tx.us/opinions/op49cornyn/jc-0223.htm>. The issue of whether a newspaper is of general circulation is not merely of size but also a matter of publication content. Additional information on this topic is found in the case of *City of Corpus Christi v. Jones*, 144 S.W. 2d 388 (Tex. Civ. App. - San Antonio 1940, writ dismissed judgment corrected). Each case is fact specific so the numbers in the *Jones* case do not represent thresholds for either English or alternative language newspapers, just examples of what a court has found sufficient. In *Jones*, the court developed a seven factor test to make this determination. The factors were identified as follows:

1. whether the newspaper in which the notice is published is representative of the usual contents of the paper [in *Jones*, the issue was a representative issue of the newspaper, not a unique issue];
2. what the percentage of general circulation is [8% of the population of the city was sufficient in *Jones*];
3. what the percentage of delivery is [3% of the population of the city was sufficient in *Jones*];
4. whether there are paid subscribers [3% of the population of the city was sufficient in *Jones*];
5. whether the newspaper is dedicated to a private enterprise [In *Jones* the paper was not dedicated to a private enterprise];
6. whether the newspaper is dedicated to a church or religious activity [although in *Jones* the newspaper contained listings of church activities and religious organizations, the news coverage was not restricted to such activities]; and
7. whether the newspaper contained news items of general interest, editorials and advertisements [these were present in *Jones*].

Questions concerning whether or not a newspaper is to be considered in general circulation should be directed to the permit reviewer who will coordinate the determination with the TCEQ Environmental Law Division of the Office of Legal Services.

TCEQ-OFFICE OF THE CHIEF CLERK
MC-105 Attn: Notice Team
PO BOX 13087
AUSTIN TX 78711-3087

Applicant Name: West Fertilizer Co.
Permit No.: 79803 Permit Action: Initial Issuance
Notice of Intent to Obtain Permit

AFFIDAVIT OF PUBLICATION

STATE OF TEXAS §

COUNTY OF _____ §

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

_____, who being by me duly sworn,

(name of newspaper representative)

deposes and says that (s)he is the _____

(title of newspaper representative)

of the _____; that said newspaper is generally

(name of newspaper)

circulated in _____, Texas;

(in the municipality or nearest municipality to the proposed facility)

that the attached 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
PO BOX 13087
AUSTIN TX 78711-3087

Applicant Name: West Fertilizer Co.
Permit No.: 79803 Permit Action: Initial Issuance
Notice of Intent to Obtain Permit

ALTERNATIVE LANGUAGE AFFIDAVIT OF PUBLICATION

STATE OF TEXAS §

COUNTY OF _____ §

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

_____, who being by me duly sworn,
(name of newspaper representative)

deposes and says that (s)he is the _____
(title of newspaper representative)

of the _____; that said newspaper is generally
(name of newspaper)
circulated in _____, Texas;
(in the municipality or the county as the proposed facility)

that the attached 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 _____



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

OCC# _____
(TCEQ Use Only)

Public Notice Verification Form

Air Permit

Applicant Name: West Fertilizer Co.Site or Facility Name: West FertilizerTCEQ Account Number (if applicable): MB-0145-SPermit Number: 79803Regulated Entity Number: RN100985407Customer Number: CN603095266

All applicants must complete all applicable portions of this form. The completed form should be sent to the TCEQ to the attention of the Office of the Chief Clerk. 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: <input type="checkbox"/> YES <input type="checkbox"/> NO		
A bilingual education program is required by the Texas Education Code in the district: <input type="checkbox"/> YES <input type="checkbox"/> NO		
School District:	Phone:	
Person Contacted:	Date:	
The name of the elementary school nearest to the proposed or existing facility is:		
The name of the middle school nearest to the proposed or existing facility is:		
Students who attend one of the schools above are eligible to be enrolled in a bilingual program provided by the district. <input type="checkbox"/> YES <input type="checkbox"/> NO		
The following language(s) is/are utilized in the bilingual program:		
If an applicable bilingual program exists, then applicants must publish a notice and/or post signs, as outlined in the <i>Instructions for Public Notice</i> and certify as applicable on this form.		

ALTERNATIVE LANGUAGE VERIFICATION		
I verify that the area addressed by this permit application is subject to alternative language public notice requirements. <input type="checkbox"/> YES <input type="checkbox"/> NO		
I verify that 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		
I verify that no such newspaper or publication was found in any of the language(s) in which notice is required. <input type="checkbox"/> YES <input type="checkbox"/> NO		
I verify that the publishers of the newspapers listed below refused to publish the notice as requested, and no other newspaper or publication in the same language and of general circulation was 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:	
I verify that bilingual sign(s) required by the TCEQ were posted. (if applicable) <input type="checkbox"/> YES <input type="checkbox"/> NO		
I verify that original tear sheets 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		
Signed by:	Applicant:	
Title:	Date:	



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

OCC#

(TCEQ Use Only)

Public Notice Verification Form

Air Permit

Applicant Name: West Fertilizer Co.Site or Facility Name: West FertilizerTCEQ Account Number (if applicable): MB-0145-SPermit Number: 79803Regulated Entity Number: RN100985407Customer Number: CN603095266

NEW SOURCE REVIEW PERMIT NOTICE VERIFICATION

I verify that the required signs (for 1st notice) were posted in accordance with the regulations and instructions of the TCEQ.

☐ YES ☐ NO

I verify that original tear sheets of the newspaper notices and the requested affidavits have been furnished in accordance with the regulations and instructions of the TCEQ.

☐ YES ☐ NO**Notice of Receipt of Application and Intent to Obtain Permit (1st Notice):**

I verify that a copy of the complete air quality application, and any revisions, were available for review and copying at the public place indicated below throughout the duration of the public comment period.

☐ YES ☐ NO**Notice of Application and Preliminary Decision (2nd Notice, if applicable):**

I verify that a copy of the complete air quality application and draft permit, and any revisions, are available for review and copying at the public place indicated below from the first day after newspaper publication; and

I also verify that the air quality application and draft permit, and any revisions, will remain in the designated public place until either:

1) the TCEQ acts on the application; or

2) the application is referred to the State Office of Administrative Hearings (SOAH) for hearing

☐ YES ☐ NO

Name and Address of Public Place:

Signed by:

Title:

Date:

FEDERAL OPERATING PERMIT (TITLE V) NOTICE VERIFICATION

I verify that the required signs were posted in accordance with the regulations and instructions of the TCEQ.

☐ YES ☐ NO

I verify that original tear sheets of the newspaper notices and the requested affidavits have been furnished in accordance with the regulations and instruction of the TCEQ.

☐ YES ☐ NO

I verify that a copy of the complete air quality application and draft permit, and any revisions, were available for review and copying at the public place indicated below throughout the duration of the public comment period.

☐ YES ☐ NO

Name and Address of Public Place:

Signed by:

Title:

Date:

NOTIFICATION LIST

It is the responsibility of the applicant to furnish the following offices with copies of the notices published, the *Affidavits of Publication*, the *Alternative Language Affidavit of Publication (if applicable)*, and a completed copy of the *Public Notice Verification Form*. Originals should be sent to the TCEQ Office of the Chief Clerk, MC-105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. **Copies** should be sent to the following:

U.S. Environmental Protection Agency
Regional Administrator
Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

Texas Commission on Environmental Quality
Office of Permitting, Remediation, and
Registration
Air Permits Division (MC-163)
Ms. Stephanie Howell
P.O. Box 13087
Austin, Texas 78711-3087

Mr. Salal Tahiri, Section Manager
Air Program
TCEQ Region No. 9
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 27, 2006

The Honorable Kip Averitt
Texas Senate
P.O. Box 12068
Austin, Texas 78711-2068

Re: Small Business Stationary Source Application for an Air Quality Permit
Anhydrous Ammonia Plant

Dear Senator Averitt:

Pursuant to the requirements of Section 382.0516 of the Texas Clean Air Act, Texas Health and Safety Code, Chapter 382, this letter is to notify you of the recent receipt of an application for a permit for a small business stationary facility which is located in your district. As part of the air permitting process, this applicant will be required to publish a formal public notice in a newspaper of general circulation in the municipality nearest to the facility location. The notice will inform the public of their right to ask questions, make comments, request a public hearing, or request a public meeting. This letter is being sent to you for information only and no action is required. The status of all pending air quality applications may be viewed by visiting our agency web site at www2.tceq.state.tx.us/airperm.

West Fertilizer Co., P.O. Box 399, West, Texas 76691, has applied for authorization for continued operation of the Anhydrous Ammonia Fertilizer Plant located at 1471 Jerry Mashek Drive, West, McLennan County, Texas. The Air Quality Permit Number is 79803.

If you need further information or have any questions, please call Ms. Stephanie Howell at (512) 239-1560 or write her at the Texas Commission on Environmental Quality, Office of Permitting, Remediation, and Registration, Air Permits Division (MC-163), P.O. Box 13087, Austin, Texas 78711-3087.

Sincerely,



Donald D. Nelon, Team Leader
Air Permits Initial Review Team
Air Permits Division

DDN/SH/skh

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 27, 2006

The Honorable Charles "Doc" Anderson
Texas House of Representatives
P.O. Box 2910
Austin, Texas 78768-2910

Re: Small Business Stationary Source Application for an Air Quality Permit
Anhydrous Ammonia Plant

Dear Representative Anderson:

Pursuant to the requirements of Section 382.0516 of the Texas Clean Air Act, Texas Health and Safety Code, Chapter 382, this letter is to notify you of the recent receipt of an application for a permit small business stationary facility which is located in your district. As part of the air permitting process, this applicant will be required to publish a formal public notice in a newspaper of general circulation in the municipality nearest to the facility location. The notice will inform the public of their right to ask questions, make comments, request a public hearing, or request a public meeting. This letter is being sent to you for information only and no action is required. The status of all pending air quality applications may be viewed by visiting our agency web site at www2.tceq.state.tx.us/airperm.

West Fertilizer Co., P.O. Box 399, West, Texas 76691, has applied for authorization for continued operation of the Anhydrous Ammonia Fertilizer Plant located at 1471 Jerry Mashek Drive, West, McLennan County, Texas. The Air Quality Permit Number is: 79803.

If you need further information or have any questions, please call Ms. Stephanie Howell at (512) 239-1560 or write her at the Texas Commission on Environmental Quality, Office of Permitting, Remediation, and Registration, Air Permits Division (MC-163), P.O. Box 13087, Austin, Texas 78711-3087.

Sincerely,



Donald D. Nelon, Team Leader
Air Initial Review Team
Air Permits Division

DDN/SH/skh

**PERMIT APPLICATION ROUTING AND SUMMARY SHEET
AIR PERMITS**

This sheet should accompany all notices to be processed by the office of the chief clerk on the left side of the file folder.

NAME OF APPLICANT: West Fertilizer Co

FACILITY/ SITE NAME: Anhydrous Ammonia Fertilizer Plant

TCEQ PERMIT NUMBER: 79803

APPLICATION RECEIVED DATE: September 01, 2006

CUSTOMER REFERENCE NUMBER: CN603995266

REGULATED ENTITY NUMBER: RN100985407

Account Number: MB-0145-S

COUNTY: McLennan REGION: 9

LOCAL PROGRAM 1:

LOCAL PROGRAM 2:

PERMIT TYPE: Initial Issuance */new*

INTERNAL PROGRAM ROUTING

AIR PERMITS TEAM LEADER: Stephanie Howell PHONE NO. 512-239-1560

TEAM LEADER: Donald D. Nelson

DATE: *9/21/06*

ADMINISTRATIVELY REVIEWED BY: Sharon Hickman PHONE NO. 512-239-1544

ADMINISTRATIVELY COMPLETE DATE:

9/21/06

***801 APPLIES**

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

SEP 25 13 09:30

CHIEF CLERK'S OFFICE

55289
30 SB

09/21/2006 ----- NSR PERMITS IMS- PROJECT RECORD -----

PROJECT#: 124559 PERMIT#: 79803 STATUS: P DISP CODE: _____
RECEIVED: 09/01/2006 PROJTYPE: CRVW RENEWAL: _____
FEE DATE: 09/11/2006 FEE AMT: \$ 900 PROJ-ISSUE DATE: _____
STDY,PBR#,STDP: 0000 CHECK NUMBER: 3042, 3100
PROJECT NAME: ANHYDROUS AMMONIA FERTILIZER PLANT

GROUP: PAR

PARSTAFF1 : BOWERS, JOHNNY

PARSTAFF2 : HICKMAN, SHARON

GROUP: M/A

TEAMLDR : TEAM LEADER, MECH/AG

ADMIN REVIEW

A - PAR RECEIVED :	09/01/2006	A - ADMIN DEF CYCLE :	09/15/2006	09/20/2006	A - CN/RN REC FROM CENTRAL REG :	09/18/2006
A - CN/RN REQ FROM CENTRAL REG :	09/18/2006	A - SITE REVIEW RFC :	09/19/2006	A - PN DRAFT SENT TO COMPANY :	09/20/2006	
A - PN DRAFT APPROVED :	09/20/2006	A - ADMINCOMP :	09/21/2006	A - PAR TRANSFER TO APD :	09/21/2006	
A - LEGISLATOR LTR :	09/21/2006	A - 1ST PUBLIC NOTICE :	09/21/2006			

ISSUED TO: WEST FERTILIZER CO

COMPANY NAME: WEST FERTILIZER CO

CUSTOMER REGISTRY ID: CN603095266

PRIMARY CONTACT INFORMATION

CONTACT TYPE: RESPONSIBLE OFFICIAL

NAME: MR TED J UPTMORE

TITLE: GENERAL MANAGER

EMPLOYER NAME: WEST FERTILIZER CO

PHONE: 254-826-5309 ext

FAX: 254-826-4325 ext

STREET: PO BOX 399

CITY/STATE, ZIP: WEST, TX , 76691-

PROJECT INFORMATION

UNIT: ANHYDROUS AMMONIA FERTILIZER PLANT

SIC: 5153

REGION: 9

ACCOUNT: MB01455

REG ENTITY ID: RN100985407

SITE NAME: WEST FERTILIZER

COUNTY: MCLENNAN

CAPUNITS:

UNITTYPE:

CAPACITY:

CITY: WEST

LOCATION: 1471 JERRY MASHEK DRIVE

PUBLIC NOTICE

PUBLIC NOTICE REQUIRED?: Y

PN1 ALT LANGUAGE: NO

PN2 ALT LANGUAGE: NO

PN - ED AGENDA POST :

**EMISSION
RATES**

TONS/YR REDUCTION	NOX	CO	VOC	PM	SO2	OTHER	TOTAL
-------------------	-----	----	-----	----	-----	-------	-------

PROJECT NOTES

ADMINISTRATIVE: CHECK 3100 RECEIVED IN APRT ON 9/20/06

TECHNICAL ACTIVITY HISTORY

TR - ENGINEER RECEIVE
PROJECT :

SUP - RECEIVED FROM
PAR :

TR - FINAL PKG TO TEAM
LEADER :

TR - DEFICIENCY CYCLE :

TR - DRAFT PERMIT
REVIEW CYCLE :

TR - MODELING AUDIT
CYCLE :

TR - TOXICOLOGY RFC
CYCLE :

TR - FINAL PKG REWORK
CYCLE :

TR - MODELING CYCLE
APPLICANT :

TR - MODELING CYCLE
INTERNAL :

TR - WPO FINAL PACKAGE
CYCLE :

TR - FINAL PKG TO
SECTION MGR :

PROJECT ATTRIBUTES

FEE RECEIPT NUMBER : R700697

PROJECT LINK

PROJECTS/PERMITS VOIDANCE

TRANSMISSION VERIFICATION REPORT

TIME : 09/21/2006 09:24
NAME : TCEQ APIRT
FAX : 512-239-2123
TEL :
SER.# : 000M5J283428

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

09/21 09:18
912548264325
00:05:20
15
OK
STANDARD
ECM

Dorothy at West Fertilizer
9/21/06 10:00 AM



Protecting Texas
by Reducing and
Preventing Pollution

FAX TRANSMITTAL

DATE:

9/21/06

NUMBER OF PAGES (including this cover sheet):

15

TO:

Name

Ted Uptmore
West Fertilizer Co.
254.826.4325

Organization

FAX Number

FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Name

Sharon Hickman

Division/Region

Air Permits Initial Review Team

Telephone Number

512/239-1544

FAX Number

512 239 - 4500

NOTES:

West Fertilizer Co.
Permit 79803

Administrative complete letter and public notice package. The hard copy will follow in the mail. Your application will now be transferred to a technical engineer. Thanks and please don't hesitate to call if you have any questions

TRANSMISSION VERIFICATION REPORT

TIME : 09/20/2006 15:23
NAME : TCEQ APIRT
FAX : 512-239-2123
TEL :
SER.# : 000M5J283428

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

09/20 15:21
912548254325
00:01:36
04
OK
STANDARD
ECM

Ted Uptmore
9/20/06 4:08 pm



Protecting Texas
by Reducing and
Preventing Pollution

FAX TRANSMITTAL

DATE:

9/20/06

NUMBER OF PAGES (including this cover sheet):

4

TO:

Name

Ted Uptmore

Organization

West Fertilizer Co.

FAX Number

254.826.4325

FROM:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Name

Sharon Hickman

Division/Region

Air Permits Initial Review Team

Telephone Number

512 239-1544

FAX Number

512 239-4500

West Fertilizer Co
Permit 79803

We have attached a **DRAFT PORTION** of the Notice of Receipt of Application and Intent to Obtain a Permit, which contains information relevant to your application. Please review the information carefully and provide us with any corrections.

(If draft approval is not received within 2 working days, notice package will be filed with the Chief Clerks' office "As Is"). The application will not be declared administratively complete or forwarded to a technical engineer until you confirm that the wording in the notice is acceptable.

Once your application is declared complete, we will file the original notice package with the



Protecting Texas
by Reducing and
Preventing Pollution

FAX TRANSMITTAL

DATE: September 20, 2006NUMBER OF PAGES (including this cover sheet): 4

TO: Name Ms. Stephanie Howell
Organization TCEQ Air Permits
FAX Number 512-239-1300

FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Name Jack Bailey
Division/Region Region 09
Telephone Number 254-761-3028
FAX Number 254-772-9241

NOTES:

Request for Comment - Site Review - for West Fertilizer Co (Permit # 79803)

PM51

Jack B

Request for Comments -- Site Review TCEQ -- Air Permits Division Phone: (512) 239-1250 Fax: (512) 239-1300		
Submitted by: Air Permits Initial Review Team		
TO: Region: 9	City: West	County: McLennan
Date Request Submitted: 9/19/2006		
Comments Deadline is 21 calendar days from the Date Request Submitted.		
Date Application Received by Air Permit Initial Review Team: September 1, 2006		
REGIONAL OFFICES: Please return comments to the appropriate Permitting Team Leader indicated on the bottom of this page ASAP, but no later than the comments deadline which is 21 calendar days from the submittal date. Permit disposition will proceed after comments are received or after the comments deadline has passed. Engineer may request faster response if needed.		
PERMIT TYPE:		
XConstruction	Amendment	Revision
Renewal	Renewal Abbreviated Review	Other
Project No.: 124559		PERMIT No.: 79803
TCEQ Account No (if applicable): MB-0145-S		
Regulated Entity No.: RN100985407		Customer No.: CN603095266
Company Name: West Fertilizer Co.		
Plant Name: West Fertilizer	City: West	County: McLennan
Location: 1471 Jerry Mashek Drive		
Unit Name: Anhydrous Ammonia Fertilizer Plant		
Technical Contact: Ted J. Uptmore, GM		Phone: (254) 826-5309
Local Program Applicable?: No		

Request for Comments - Site Review RESPONSE

PLEASE SEND COMMENTS TO THE PERSON IDENTIFIED BELOW. (To avoid delays, please do not send this back to the Air Permits Initial Review Team.):

X To: Stephanie Howell - Air Permits Division - Austin (M/A) E-Mail: showell Phone: (512) 239-1560

FROM: Region: 9

City: West

County: McLennan

Compliance:

Legal:

Copy of Application Received by your Office: ☒ YES ☐ NO

Date Received: SEPT. 1, 2006

PERMIT No. 79803

PROJECT No. 124559

TCEQ ACCOUNT NUMBER: MH-0145-S

Company Name: West Fertilizer Co.

Investigator's/Compliance Officer's Name (Please Print): JACK BAILEY

Organization: TCEQ FOD R9

Phone: 767 3028

Comments Deadline:

Date of Last Site Visit: 6/20/06

SITE INFORMATION:

Nuisance/Odor Potential: ☐ Low ☒ Moderate ☐ High

Hazard Potential: ☐ Low ☒ Moderate ☐ High

Surrounding Land Use: RESIDENTIAL / FARM

School within 3,000 feet? ☒ Yes ☐ No HIGH SCHOOL & INTERMEDIATE

Distance to Nearest Off-Property Receptor: 350 FT

Receptor Type: ☐ School ☒ Residence ☐ Other

Distance from unit to nearest property line: 120 FT

Describe area surrounding nearest receptor: RESIDENTIAL / FARM

NOV INFORMATION (concerning affected process unit):		
Type of Site: <input checked="" type="checkbox"/> Existing <input type="checkbox"/> Similar in Texas <input type="checkbox"/> Similar in U.S.		
NOV Issued? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		Date:
Type of Violation:		
Please provide any information the permit engineer needs concerning the current NOV status		
Summarize any recent complaints related to this facility:		
Recommendation based on Compliance History: (*For Compliance Use Only)		
<input checked="" type="checkbox"/> Proceed with Permit Review <input type="checkbox"/> Additional Provisions <input type="checkbox"/> Deny Permit		
SITE REVIEW:		
In light of the proximity of sensitive receptors and the surrounding land use, please discuss any concerns you have concerning a facility of this type locating at the proposed site.		



Who Represents Me? Districts By Address

U.S. Senators|U.S. Representatives|State Senators|State Representatives|SBOE

The address was matched by ZIP Code.

1471 Jerry Mashek Drive
West, TX
76691
McLennan County

Texas U.S. Senators

U.S. Senators represent the entire state. Texas' current U.S. Senators are Senator John Cornyn and Senator Kay Bailey Hutchison. See their websites for current contact information.

Texas U.S. Representative

Congressional District 17--Congressman Chet Edwards
District Address: 2264 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON DC 20515
Phone: (202) 225-6105
District Offices

600 Austin Ave., Ste. 29
Waco, TX 76701
Phone: (254) 752-9600

115 South Main Street, Ste. 202
Cleburne, TX 76033
Phone: (817) 645-4743

111 University Drive East, Ste. 216
College Station, TX 77840
Phone: (979) 691-8797

Texas State Senator

Senate District 22--Senator Kip Averitt
Capitol Office: EXT E1.608
Capitol Phone: (512) 463-0122
Capitol Address: P.O. Box 12068, Capitol Station
Austin, TX 78711
District Address: River Square Center, 215 Mary, Suite 303
Waco TX 76701
Phone: (254) 772-6225
State District Offices

Texas State Representative

House District 56--Representative Charles 'Doc' Anderson
Capitol Office: EXT E1.422
Capitol Phone: (512) 463-0135
Capitol Address: P.O. Box 2910
Austin, TX 78768
District Address: 900 Austin Ave., Suite 804
Waco TX 76701
Phone: (254) 754-3892

Texas State Board of Education Member

Request for Comments -- Site Review
TCEQ -- Air Permits Division
Phone: (512) 239-1250
Fax: (512) 239-1300

Submitted by: Air Permits Initial Review Team

TO: Region: 9

City: West

County: McLennan

Date Request Submitted: 9/19/2006

Comments Deadline is 21 calendar days from the Date Request Submitted.

Date Application Received by Air Permit Initial Review Team: September 1, 2006

REGIONAL OFFICES: Please return comments to the appropriate Permitting Team Leader indicated on the bottom of this page ASAP, but no later than the comments deadline which is 21 calendar days from the submittal date. Permit disposition will proceed after comments are received or after the comments deadline has passed. Engineer may request faster response if needed.

PERMIT TYPE:

XConstruction

Amendment

Revision

Renewal

Renewal Abbreviated Review

Other

Project No.: 124559

PERMIT No.: 79803

TCEQ Account No (if applicable): MB-0145-S

Regulated Entity No.: RN100985407

Customer No.: CN603095266

Company Name: West Fertilizer Co.

Plant Name: West Fertilizer

City: West

County: McLennan

Location: 1471 Jerry Mashek Drive

Unit Name: Anhydrous Ammonia Fertilizer Plant

Technical Contact: Ted J. Uptmore, GM

Phone: (254) 826-5309

Local Program Applicable?: No

**Request for Comments -- Site Review
RESPONSE**

PLEASE SEND COMMENTS TO THE PERSON IDENTIFIED BELOW. (To avoid delays, please do not send this back to the Air Permits Initial Review Team.):

<input checked="" type="checkbox"/>	To: Stephanie Howell - Air Permits Division - Austin (M/A)	E-Mail: showell	Phone: (512) 239-1560
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
FROM: Region: 9		City: West	County: McLennan
		Compliance:	Legal:
Copy of Application Received by your Office: <input type="checkbox"/> YES <input type="checkbox"/> NO			
Date Received:			
PERMIT No. 79803		PROJECT No. 124559	
TCEQ ACCOUNT NUMBER: MB-0145-S			
Company Name: West Fertilizer Co.			
Investigator's/Compliance Officer's Name (Please Print):			
Organization			Phone:
Comments Deadline:			
Date of Last Site Visit:			
SITE INFORMATION:			
Nuisance/Odor Potential: <input type="checkbox"/> Low <input type="checkbox"/> Moderate <input type="checkbox"/> High			
Hazard Potential: <input type="checkbox"/> Low <input type="checkbox"/> Moderate <input type="checkbox"/> High			
Surrounding Land Use:			
School within 3,000 feet? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Distance to Nearest Off-Property Receptor:			
Receptor Type: <input type="checkbox"/> School <input type="checkbox"/> Residence <input type="checkbox"/> Other _____			
Distance from unit to nearest property line:			
Describe area surrounding nearest receptor:			

NOV INFORMATION (concerning affected process unit):		
Type of Site: <input type="checkbox"/> Existing <input type="checkbox"/> Similar in Texas <input type="checkbox"/> Similar in U.S.		
NOV Issued? <input type="checkbox"/> No <input type="checkbox"/> Yes		Date:
Type of Violation:		
Please provide any information the permit engineer needs concerning the current NOV status		
Summarize any recent complaints related to this facility:		
Recommendation based on Compliance History: (*For Compliance Use Only)		
Proceed with Permit Review Additional Provisions Deny Permit		
SITE REVIEW:		
In light of the proximity of sensitive receptors and the surrounding land use, please discuss any concerns you have concerning a facility of this type locating at the proposed site.		

Mail Envelope Properties (451057B3.34C : 3 : 20447)

Subject: Site Review/Request for Comments for Project Number 124559
Creation Date 9/19/2006 3:48:51 PM
From: Sharon Hickman

Created By: SHICKMAN@tceq.state.tx.us

Recipients	Action	Date & Time
tceq.state.tx.us		
OWRMPO.TNRDOM3	Delivered	9/19/2006 3:48:56
PM		
RFCAIR9 (RFCAIR9)		

Post Office	Delivered	Route
OWRMPO.TNRDOM3	9/19/2006 3:48:56 PM	tceq.state.tx.us

Files	Size	Date & Time
MESSAGE	564	9/19/2006 3:48:51 PM
TEXT.htm	538	
124559_sr.wpd	23668	9/19/2006 3:48:38 PM

Options

Auto Delete: No
Expiration Date: None
Notify Recipients: Yes
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

To Be Delivered: Immediate
Status Tracking: Delivered & Opened



Texas Commission on Environmental Quality
Table 30
Estimated Capital Cost and Fee Verification

Include estimated cost of the equipment and services that would normally be capitalized according to standard and generally accepted corporate financing and accounting procedures. Tables, checklists, and guidance documents pertaining to air quality permits are available from the Texas Commission on Environmental Quality, Air Permits Division Web site at www.texas.state.tx.us/permitting/airperm.

1. DIRECT COSTS (30 TAC § 116.141(c)(1))		Estimated Capital Cost
A. A process and control equipment not previously owned by the applicant and not currently authorized under this chapter	\$	N/A
B. Auxiliary equipment, including exhaust hoods, ducting, fans, pumps, piping, conveyors, stacks, storage tanks, waste disposal facilities, and air pollution control equipment specifically needed to meet permit and regulation requirements	\$	N/A
C. Freight charges	\$	
D. Site preparation, including demolition, construction of fences, outdoor lighting, road and parking areas	\$	N/A
E. Installation, including foundations, erection of supporting structures, enclosures or weather protection, insulation and painting, utilities and connections, process integration, and process control equipment	\$	N/A
F. Auxiliary buildings, including materials storage, employee facilities, and changes to existing structures	\$	N/A
G. Ambient air monitoring network	\$	N/A
II. INDIRECT COSTS (30 TAC § 116.141(c)(2))		Estimated Capital Cost
A. Final engineering design and supervision, and administrative overhead	\$	N/A
B. Construction expense, including construction liaison, securing local building permits, insurance, temporary construction facilities, and construction clean-up	\$	N/A
C. Contractor's fee and overhead	\$	N/A
TOTAL ESTIMATED CAPITAL COST	\$	N/A

I certify that the total estimated capital cost of the project as defined in 30 TAC § 116.141 is equal to or less than the above figure. I further state that I have read and understand Texas Water Code § 7.179, which defines **CRIMINAL OFFENSES** for certain violations, including intentionally or knowingly making, or causing to be made, false material statements or representations.

Company Name: WEST FERTILIZER Co.

Company Representative Name (please print): TED J. UPTMORE Title: GEN. MGR.

Company Representative Signature: Ted J. Uptmore

Estimated Capital Cost	Permit Application Fee	PSD/Nonattainment Application Fee
Less than \$ 300,000	\$900 (minimum fee)	\$3,000 (minimum fee)
\$300,000 to \$25,000,000	0.30% of capital cost	
\$300,000 to \$ 7,500,000		1.0% of capital cost
Greater than \$ 25,000,000	\$75,000 (maximum fee)	
Greater than \$ 7,500,000		\$75,000 (maximum fee)

PERMIT APPLICATION FEE (from table above) = \$ 900.⁰⁰

Date: 9-20-06

TCEQ-10196 [Revised 04-15-03]

Table 30 - This form is for use by facilities subject to Air New Source Review permit requirements and may be revised. [ANSRG95A/7024-v2]

DEPOSIT INFORMATION FORM

If You Remove Correspondence from a Check or Send a Customer to the Cashier's Office, Please Complete this Form and Attach it to the Check. This Is Necessary So That the Check May Be Correctly Deposited.

TODAY'S DATE

~~9/19/06~~ 9/20/06

CUSTOMER ACCOUNT/PERMIT NO.

79803

ACCOUNT NUMBER

MB01455

*If the customer has no account number please indicate "no account number".

CHECK NUMBER:

3100

CHECK AMOUNT:

300⁰⁰

CHECK DATE:

9-19-06

CHECK MAKER:

Adair Grain Inc. DBA West Fertilizer Co.

PAID FOR:

West Fertilizer Co.

(If different from check maker)

PERSON TAKING BACKUP: Sharon Hickman

PROGRAM/DIVISION: OPRR/APD

TELEPHONE NUMBER: 512/239-1544

Purpose of Check: Air Permit -

New Assurance Air Permit

Check attached below:

ADAIR GRAIN, INC.
DBA WEST FERTILIZER

PH. 254-826-5309
P.O. BOX 399
WEST, TX 76691

3100

PAY
TO THE
ORDER OF

TCEQ

DATE

September 19, 2006

88-515/1119

\$300⁰⁰

xx

THE SUM 300 DOLLARS

DOLLARS

1

Security Features
printed
Check to us check



The State National Bank

IN WEST

WEST, TEXAS 76691

FOR

[Signature]

MP

⑈003100⑈ ⑆111905159⑆

00 0294 9⑈



Texas Commission on Environmental Quality
Table 30
Estimated Capital Cost and Fee Verification

Include estimated cost of the equipment and services that would normally be capitalized according to standard and generally accepted corporate financing and accounting procedures. Tables, checklists, and guidance documents pertaining to air quality permits are available from the Texas Commission on Environmental Quality, Air Permits Division Web site at www.tceq.state.tx.us/permitting/airperm.

I. DIRECT COSTS [30 TAC § 116.141(c)(1)]	Estimated Capital Cost
A. A process and control equipment not previously owned by the applicant and not currently authorized under this chapter	\$ N/A
B. Auxiliary equipment, including exhaust hoods, ducting, fans, pumps, piping, conveyors, stacks, storage tanks, waste disposal facilities, and air pollution control equipment specifically needed to meet permit and regulation requirements	\$ N/A
C. Freight charges	\$
D. Site preparation, including demolition, construction of fences, outdoor lighting, road and parking areas	\$ N/A
E. Installation, including foundations, erection of supporting structures, enclosures or weather protection, insulation and painting, utilities and connections, process integration, and process control equipment	\$ N/A
F. Auxiliary buildings, including materials storage, employee facilities, and changes to existing structures	\$ N/A
G. Ambient air monitoring network	\$ N/A
II. INDIRECT COSTS [30 TAC § 116.141(c)(2)]	Estimated Capital Cost
A. Final engineering design and supervision, and administrative overhead	\$ N/A
B. Construction expense, including construction liaison, securing local building permits, insurance, temporary construction facilities, and construction clean-up	\$ N/A
C. Contractor's fee and overhead	\$ N/A
TOTAL ESTIMATED CAPITAL COST	\$ N/A

I certify that the total estimated capital cost of the project as defined in 30 TAC § 116.141 is equal to or less than the above figure. I further state that I have read and understand Texas Water Code § 7.179, which defines **CRIMINAL OFFENSES** for certain violations, including intentionally or knowingly making, or causing to be made, false material statements or representations.

Company Name: WEST FERTILIZER Co.

Company Representative Name (please print): TED J. UPTMORE Title: GEN. MGR.

Company Representative Signature: Ted J. Uptmore

Estimated Capital Cost	Permit Application Fee	PSD/Nonattainment Application Fee
Less than \$ 300,000	\$900 (minimum fee)	\$3,000 (minimum fee)
\$300,000 to \$25,000,000	0.30% of capital cost	
\$300,000 to \$ 7,500,000		1.0% of capital cost
Greater than \$ 25,000,000	\$75,000 (maximum fee)	
Greater than \$ 7,500,000		\$75,000 (maximum fee)

PERMIT APPLICATION FEE (from table above) = \$ 900.00

Date: 9-20-06

TCEQ-10196 [Revised 04-15-03]

Table 30 - This form is for use by facilities subject to Air New Source Review permit requirements and may be revised. [ANSRG95A/7024-v2]

**ADAIR GRAIN, INC.
DBA WEST FERTILIZER**

PH. 254-826-5308
P.O. BOX 399
WEST, TX 76691

3100

DATE September 19, 2006 BB-515/1119

PAY
TO THE
ORDER OF

TCEO

\$300 ⁰⁰/_{XX}

THE SUM 300 DOLLARS 00 CTS

DOLLARS ☒ Amount/Number
Payable in full.



The State National Bank
IN WEST
WEST, TEXAS 76691

FOR

[Signature]

MP

⑈003100⑈ ⑆111905159⑆

00 0294 9⑈

DATE 9/18/06

TO TCEO

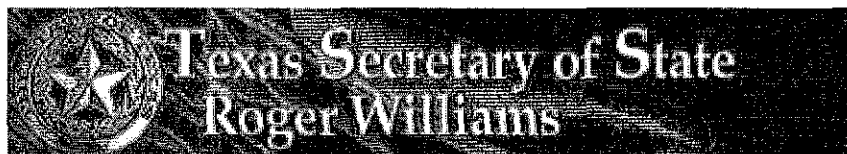
ATTN: Shawn Hickman

FROM: WEST FERTILIZER CO.
P.O. BOX 399
WEST, TX 76691

FAX # (254) 826-4325
PHONE # (254) 826-5309

COMMENTS: Correction of Section 1-A LC
Completed Table 30 Form

THIS TRANSMISSION OF _____ PAGES INCLUDING THIS COVER
SHEET. PLEASE CALL (254) 826-5309 IF THERE IS A PROBLEM.



[UCC](#) | [Business Organizations](#) | [Trademarks](#) | [Account](#) | [Help/Fees](#) | [Briefcase](#) | [Logout](#)

BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY

Filing Number: 800347677 **Entity Type:** Domestic For-Profit Corporation
Original Date of Filing: May 27, 2004 **Entity Status:** In existence
Formation Date: N/A
Tax ID: 12011790115 **FEIN:**
Duration: Perpetual
Name: Adair Grain, Inc.
Address: PO BOX 399
WEST, TX 76691-0399 USA

<u>REGISTERED</u> <u>AGENT</u>	<u>FILING</u> <u>HISTORY</u>	<u>NAMES</u>	<u>MANAGEMENT</u>	<u>ASSUMED</u> <u>NAMES</u>	<u>ASSOCIATED</u> <u>ENTITIES</u>
	Date of Filing	Expiration Date	Inactive Date	Name Status	Counties
	West Fertilizer Co.	June 14, 2004	June 14, 2014	Active	All Counties

[Order](#) [Return to Search](#)

Instructions:

- To place an order for additional information about a filing press the 'Order' button.

Sharon Hickman - Re: project 124559

From: Norma Hernandez
To: Sharon Hickman
Date: 9/18/2006 4:36 PM
Subject: Re: project 124559

sorry :(

updates made

>>> Sharon Hickman 9/18/2006 4:17 PM >>>
norma

the updates were not made to the RN based on the core data form...can you please review and make the necessary corrections?..thank you!

Sharon Hickman
TCEQ Air Permits Division
phone: 512.239.1544
fax: 512.239.4500
shickman@tceq.state.tx.us

>>> Norma Hernandez 9/18/2006 3:58 PM >>>
CN603095266
WEST FERTILIZER CO

RN100985407
WEST CHEMICAL AND FERTILIZER

Please call me if you have any questions.

Thank You
Norma
X2015

TRANSMISSION VERIFICATION REPORT

TIME : 09/18/2006 12:28
 NAME : AIR PERMIT APIRT
 FAX : 5122394500
 TEL : 5122394500
 SER. # : 000M5J283467

DATE, TIME 09/18 12:28
 FAX NO. /NAME 5181
 DURATION 00:00:37
 PAGE(S) 03
 RESULT OK
 MODE STANDARD
 ECM



Protecting Texas
 by Reducing and
 Preventing Pollution

FAX TRANSMITTAL

DATE: September 18, 2006 NUMBER OF PAGES (including this cover sheet):

3

TO: Name Central Registry
 Organization Attention: Central Registry
 FAX Number (512) 239-5181

FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
 Name Sharon Hickman
 Division/Region Air Permits Initial Review Team,
 Air Permits Division
 Telephone Number (512) 239-1544
 FAX Number (512) 239-4500

Check Box

New Cust.	<input checked="" type="checkbox"/>
New Reg Ent	<input type="checkbox"/>

Check Box

Update Customer	<input type="checkbox"/>
Update Regulated Entity	<input type="checkbox"/>
Update All CN Info	<input type="checkbox"/>
Update All RN Info	<input checked="" type="checkbox"/>
New Affiliation	<input type="checkbox"/>
New Reg/Permit #	<input checked="" type="checkbox"/>

Portable ☐

✓ 1st
 Request

2nd
 Request

Attached is a CORE Data form or print out of CR Data. Please update Central



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FAX TRANSMITTAL

DATE: September 18, 2006

NUMBER OF PAGES (including this cover
sheet):

3

TO: Name Central Registry
Organization Attention: Central Registry
FAX Number (512) 239-5181

FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Name Sharon Hickman
Division/Region Air Permits Initial Review Team,
Air Permits Division
Telephone Number (512) 239-1544
FAX Number (512) 239-4500

Check Box

New Cust.	<input checked="" type="checkbox"/>
New Reg Ent	<input type="checkbox"/>

Check Box

Update Customer	<input type="checkbox"/>
Update Regulated Entity	<input type="checkbox"/>
Update All CN Info	<input type="checkbox"/>
Update All RN Info	<input checked="" type="checkbox"/>
New Affiliation	<input type="checkbox"/>
New Reg/Permit #	<input checked="" type="checkbox"/>

☒ 1st
Request

☐ 2nd
Request

Portable	<input type="checkbox"/>
----------	--------------------------

Attached is a CORE Data form or print out of CR Data. Please update Central Registry with the information on the form provided.

Company Name:	West Fertilizer Co <small>✓ Assumed Name: different than SOS Legal Name. Legal Name for TCEQ. Legal Name: Research shows name on CDF is Legal Name, not name currently in SOS.</small>
Customer Number:	
Regulated Entity No.	RN100985407
Account Number:	
IMS Project Number:	124559
Registration or Permit: (Please underline one)	79803 - permit

Please call if you should have any questions. Thank you.

(03/09/05)

TRANSMISSION VERIFICATION REPORT

TIME : 09/18/2006 12:18
NAME : TCEQ APIRT
FAX : 512-239-2123
TEL :
SER.# : 000M5J283428

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

09/18 12:16
912548264325
00:01:43
04
OK
STANDARD
ECM



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FAX TRANSMITTAL

DATE: 9/18/06 NUMBER OF PAGES (including this cover sheet): 4

TO:

Name

Organization

FAX Number

Ted Uptmore
GM

254-826-4325

FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Name

Sharon Hickman

Division/Region

Air Permits Initial Review Team

Telephone Number

512/239-1544

FAX Number

512 239-4500

- Please correct the PI-1 form in Sections:

Section I - A and C - Correct the company name
Section VII - Correct Regan to Reagan Street

- Complete the Table 30 Form
- Submit the additional application fee

Please fax back the forms and also overnite the check and forms to:

Air Permits Division

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
TELEPHONE MEMO TO THE FILE

Please complete with typewriter or black pen.

Call to: Ted Uptmore

Call from: Blackman

Date of call: 9-15

File no.: 124559

Phone no.: () _____

Subject:

Information for file: need \$300

need table 30

need SOS name

correct PVP name (Reagan)

Signed

CEQ Core Data Form

TCEQ Use Only

If you have questions on how to fill out this form or about our Central Registry, please contact us at 512-239-5175.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512-239-3282.

SECTION I: General Information

1. Reason for Submission *Example: new wastewater permit; IHW registration; change in customer information; etc.*

Air Permit for Anhydrous Ammonia Plant

2. Attachments Describe Any Attachments: (ex: Title V Application, Waste Transporter Application, etc.)

X YES NO PI-1

3. Customer Reference Number-if issued

CN

(9 digits)

4. Regulated Entity Reference Number-if issued

RN

RN100985407

(9 digits)

SECTION II: Customer Information

5. Customer Role (Proposed or Actual) -- As It Relates to the Regulated Entity Listed on This Form

Please check one of the following:

Occupational Licensee

Owner

Operator

X

Owner and Operator

Volunteer Cleanup Applicant

Other

TCEQ Use Only

Superfund

PST

Respondent

6. General Customer Information

X

New Customer

Change to Customer Information

Change in Regulated Entity Ownership

No Change *

*If a No Change and Section I is complete, skip to Section III - Regulated Entity Information.

7. Type of Customer:

Individual

Sole Proprietorship - D.B.A.

Partnership

✓

Corporation

Federal Government

State Government

County Government

City Government

Other Government

Other:

8. Customer Name (If an individual, please print last name first)

If new name, enter previous name:

West Fertilizer Co.

9. Mailing Address:

P.O. Box 399

City

West

State

Texas

ZIP

76691

ZIP + 4

10. Country Mailing Information if outside USA

11. E-Mail Address if applicable

12. Telephone Number

254-826-5309

13. Extension or Code

14. Fax Number if applicable

254-826-435

15. Federal Tax ID (9 digits)

16. State Franchise Tax ID Number if applicable

17. DUNS Number if applicable
(9 digits)

18. Number of Employees

X 0-20

21-100

101-250

251-500

501 and higher

19. Independently Owned and Operated?

Yes

No

SECTION III: Regulated Entity Information

20. General Regulated Entity Information

New Regulated Entity

✓

Change to Regulated Entity Information

No Change*

*If "No Change" and Section I is complete, skip to Section IV - Preparer Information.

09/18/2006 14:02

2394500

AIR PERMIT RT

PAGE 02/04



Texas Commission on Environmental Quality
Form PI-1 General Application for
Air Preconstruction Permits and Amendments

Update: The TCEQ requires that a Core Data Form be submitted on all incoming applications unless a Regulated Entity and Customer Reference Number has been issued by the TCEQ and no core data information has changed. For more information regarding the Core Data Form, call (512) 239-5175 or go to the TCEQ Web site at www.tceq.state.tx.us/permitting/central_registry/guidance.html.

A. Company or Other Legal Name: West Fertilizer Company of West Texas		
Texas Secretary of State Charter/Registration Number (If Applicable):		
B. Company Official Contact Name & Title: Ted J. Uptmore		
Mailing Address: P.O. Box 389		
City: West	State: Texas	Zip Code: 78691
Telephone: 254-826-5309	Fax: 254-826-4325	E-mail:
C. Technical Contact Name and Title: Ted J. Uptmore-General Manager		
Company: West Fertilizer Company of West Texas		
Mailing Address: P.O. Box 389		
City: West	State: Texas	Zip Code: 78691
Telephone: 254-826-5309	Fax: 254-826-4325	E-mail:
D. Facility Location Information:		
Street Address: 1471 Jerry Mushak Drive		
If no street address, provide clear driving directions to the site in writing:		
City: West	County: McLennan	Zip Code: 78691
E. TCEQ Account Identification Number (leave blank if new site or facility):		
F. Is a TCEQ Core Data Form (TCEQ Form #10400) attached? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
G. TCEQ Customer Reference Number (leave blank if unknown):		
H. TCEQ Regulated Entity Number (leave blank if unknown): RN100885407		
A. Is confidential information submitted with this application? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
If "YES", is each "confidential" page marked "CONFIDENTIAL" in large red letters? <input type="checkbox"/> YES <input type="checkbox"/> NO		
B. Is this application in response to a TCEQ investigation or enforcement action? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
If "YES", attach a copy of any correspondence from the TCEQ		
C. Number of New Jobs: None		
D. Names of the State Senator and district number for this facility site: Kipp Avritt-District 22		
Names of State Representative and district number for this facility site: Charles Doc Anderson-District 86		

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AIR & WASTE Page 28 of 33
APPLICATIONS TEAM

Corrected page



Texas Commission on Environmental Quality
Form PI-1 General Application for
Air Preconstruction Permits and Amendments

Update: The TCEQ requires that a Core Data Form be submitted on all incoming applications unless a Regulated Entity and Customer Reference Number has been issued by the TCEQ and no core data information has changed. For more information regarding the Core Data Form, call (512) 239-5175 or go to the TCEQ Web site at www.tceq.state.tx.us/permitting/central_registry/guidance.html.

I. APPLICANT INFORMATION		
A. Company or Other Legal Name: West Fertilizer Company of West, Texas		
Texas Secretary of State Charter/Registration Number (If Applicable):		
B. Company Official Contact Name & Title: Ted J. Uptmore		
Mailing Address: P.O. Box 399		
City: West	State: Texas	Zip Code: 76691
Telephone: 254-826-5309	Fax: 254-826-4325	E-mail:
C. Technical Contact Name and Title: Ted J. Uptmore-General Manager		
Company: West Fertilizer Company of West, Texas		
Mailing Address: P.O. Box 399		
City: West	State: Texas	Zip Code: 76691
Telephone: 254-826-5309	Fax: 254-826-4325	E-mail:
D. Facility Location Information:		
Street Address: 1471 Jerry Mashek Drive		
If no street address, provide clear driving directions to the site in writing:		
City: West	County: McLennan	Zip Code: 76691
E. TCEQ Account Identification Number (leave blank if new site or facility):		
F. Is a TCEQ Core Data Form (TCEQ Form #10400) attached? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
G. TCEQ Customer Reference Number (leave blank if unknown):		
H. TCEQ Regulated Entity Number (leave blank if unknown): RN100985407		
II. IMPORTANT GENERAL INFORMATION		
A. Is confidential information submitted with this application? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
If "YES", is each "confidential" page marked "CONFIDENTIAL" in large red letters? <input type="checkbox"/> YES <input type="checkbox"/> NO		
B. Is this application in response to a TCEQ investigation or enforcement action? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
If "YES", attach a copy of any correspondence from the TCEQ		
C. Number of New Jobs: None		
D. Names of the State Senator and district number for this facility site: Kipp Avritt-District 22		
Names of State Representative and district number for this facility site: Charles Doc Anderson-District 56		

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AIR & WASTE Page 28 of 33
APPLICATIONS TEAM



Texas Commission on Environmental Quality
Form PI-1 General Application for
Air Preconstruction Permits and Amendments

V. PERMIT FEE INFORMATION		
A. Fee Paid for this application:		\$ 600.00
B. Is a copy of the check or money order attached to the original submittal of this application?		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
C. Is a Table 30 entitled, "Certification of Estimated Capital Cost and Fee Verification," attached?		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
VI. PUBLIC NOTICE APPLICABILITY		
A. Is this a new permit application?		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
B. Is this an application for a major modification of a PSD, NA or 30 TAC § 112(g) permit?		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
C. Is this a state permit amendment application? If "YES", answer C.1. through C.3.		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
1. Is there any change in character of emissions or a new air contaminant in this application?		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
2. Do the facilities handle, load, unload, dry, manufacture, or process grain, seed, legumes, or vegetable fibers (agricultural facilities)?		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
3. List the total annual emission increases associated with this application (<i>list all that apply</i>):		
Volatile Organic Compounds (VOC) _____ tpy		Particulate Matter (PM) _____ tpy
Sulfur Dioxide (SO ₂) _____ tpy		Lead (Pb) _____ tpy
Carbon Monoxide (CO) _____ tpy		Nitrogen Oxides (NOx) _____ tpy
Other air contaminants not listed above _____ tpy		List: _____
D. Is this a change of location application? If "YES", answer D.1. through D.3.		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
1. Is the new facility site located in or contiguous to the right-of-way of a public works project?		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
2. Is there a permitted facility occupying the new site?		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
If "YES", please list the permit number.		Permit No.: _____
3. Have portable facilities occupied the new site at any time in the last two years?		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
VII. PUBLIC NOTICE INFORMATION (<i>complete if applicable</i>)		
A. Responsible Person:		
Name and Title: Ted J. Uptmore-General Manager		
Mailing Address: P.O. Box 399		
City: West	State: Texas	Zip Code: 76691
Telephone: 254-826-5309	Fax: 254-826-4325	E-mail:
B. Technical Contact:		
Name and Title: Ted J. Uptmore-General Manager		
Mailing Address: P.O. Box 399		
City: West	State: Texas	Zip Code: 76691
Telephone: 254-826-5309	Fax: 254-826-4325	E-mail:

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APPLICATIONS TEAM

**Form PI-1 General Application for
Air Preconstruction Permits and Amendments**



C. Application in Public Places:			
Name of Public Place: West City Hall			
Physical Address: 110 North Regan ^{Remick} St.		City: West	County: McLennan
The public place has granted authorization to place the application for public viewing and copying?			<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
D. Small Business Classification:			
Does this company (including parent companies and subsidiary companies) employ 100 or fewer persons?			<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Is the site a major source under 30 TAC Chapter 122, Federal Operating Permit Program?			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Are the site emissions of any individual air contaminant greater than 50 tpy?			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Are the site emissions of all air contaminants combined greater than 75 tpy?			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
E. Bilingual notice confirmation:			
Is a bilingual program required by the Texas Education Code in the School District?			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Are the children who attend either the elementary school or the middle school closest to your facility eligible to be enrolled in a bilingual program provided by the district?			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
If yes, which language is required by the bilingual program?			
F. Additional Information:			
A. Is a current area map attached?			<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Are any schools located within 3,000 feet of this facility?			<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
B. Is a plot plan of the plant property attached?			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
C. Is a process flow diagram and a process description attached?			<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
D. Maximum Operating Schedule: 24 Hours/Day 7 Days/Week 82 Weeks/Year			
Seasonal Operation? If "YES", please describe:			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
E. Are worst-case emissions data and calculations attached?			<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
1. Is a Table 1(a) entitled, "Emission Point Summary Table," attached?			<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
2. Is a Table 2 entitled, "Material Balance Table," attached?			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
3. Are equipment, process or control device tables attached?			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
4. Are routine maintenance, start-up, or shutdown emissions included?			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
F. Are actual emissions for the last two years (determination federal applicability) attached?			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

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AIR & WASTE
APPLICATIONS TEAM

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Corrected page



**Texas Commission on Environmental Quality
Form PI-1 General Application for
Air Preconstruction Permits and Amendments**

VII. PUBLIC NOTICE INFORMATION <i>(complete if applicable) (Continued)</i>			
C. Application in Public Place:			
Name of Public Place: West City Hall			
Physical Address: 110 North Regan <u>St.</u> City: West County: Mclennan			
The public place has granted authorization to place the application for public viewing and copying? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
D. Small Business Classification:			
Does this company (including parent companies and subsidiary companies) employ 100 or fewer persons? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
Is the site a major source under 30 TAC Chapter 122, Federal Operating Permit Program? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
Are the site emissions of any individual air contaminant greater than 50 tpy? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
Are the site emissions of all air contaminants combined greater than 75 tpy? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
E. Bilingual notice confirmation:			
Is a bilingual program required by the Texas Education Code in the School District? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
Are the children who attend either the elementary school or the middle school closest to your facility eligible to be enrolled in a bilingual program provided by the district? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
If yes, which language is required by the bilingual program? 			
VIII. TECHNICAL INFORMATION			
A. Is a current area map attached? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
Are any schools located within 3,000 feet of this facility? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
B. Is a plot plan of the plant property attached? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
C. Is a process flow diagram and a process description attached? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
D. Maximum Operating Schedule: <u>24</u> Hours/Day <u>7</u> Days/Week <u>52</u> Weeks/Year			
Seasonal Operation? If "YES", please describe: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
E. Are worst-case emissions data and calculations attached? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
1. Is a Table 1(a) entitled, "Emission Point Summary Table," attached? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
2. Is a Table 2 entitled, "Material Balance Table," attached? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
3. Are equipment, process or control device tables attached? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
4. Are routine maintenance, start-up, or shutdown emissions included? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
F. Are actual emissions for the last two years (determination federal applicability) attached? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			



**Texas Commission on Environmental Quality
Form PI-1 General Application for
Air Preconstruction Permits and Amendments**

IX. STATE REGULATORY REQUIREMENTS	
Applicants must be in compliance with all applicable state regulations to obtain a permit or amendment.	
A. The emissions from the proposed facility will comply with all rules and regulations of the TCEQ and details are attached?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
B. The proposed facility will be able to measure emissions of significant air contaminants and details are attached?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
C. A demonstration of Best Available Control Technology (BACT) is attached?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
D. The proposed facilities will achieve the performance in the permit application and compliance demonstration or record keeping information is attached?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
E. Is atmospheric dispersion modeling attached?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
F. Does this application involve any air contaminants for which a "disaster review" is required? If "YES", details must be attached. <i>Note: For a list of air contaminants for which a "disaster review" will be required, refer to the NSRPD Disaster Review Guidance Document at www.tceq.state.tx.us/permitting/air/Rules/Federal/63/63hmpg.htm.</i>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
G. Is this facility or group of facilities located at a site within the Houston/Galveston nonattainment area? (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, or Waller Counties)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Does the facility or group of facilities located at this site have an uncontrolled design capacity to emit 10 tpy or more of NO _x ?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Is this site subject to 30 TAC Chapter 101, Subchapter H, Division 3 (Mass Emissions Cap and Trade)?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Does this action make the site subject to 30 TAC Chapter 101, Subchapter H, Division 3 (Mass Emissions Cap and Trade)?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Does this action require the site to obtain additional emission allowances?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
X. FEDERAL REGULATORY REQUIREMENTS	
Applicants must be in compliance with all applicable federal regulations to obtain a permit or amendment. <i>If any of the following questions is answered "YES", the application must contain detailed attachments addressing applicability, identify federal regulation Subparts, show how requirements are met, and include compliance information.</i>	
A. Does a Title 40 Code of Federal Regulations Part 60, (40 CFR Part 60) New Source Performance Standard (NSPS) apply to a facility in this application?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
B. Does 40 CFR Part 61, National Emissions Standard for Hazardous Air Pollutants (NESHAP) apply to a facility in this application?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
C. Does a 40 CFR Part 63, Maximum Achievable Control Technology (MACT) standard apply to a facility in this application?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
D. Does nonattainment permitting requirements apply to this application?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
E. Does prevention of significant deterioration permitting requirements apply to this application?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
F. Does Hazardous Air Pollutant Major Source [FAA § 112(g)] requirements apply to this application?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO



Texas Commission on Environmental Quality
Form PI-1 General Application for
Air Preconstruction Permits and Amendments

XI. COPIES OF THIS APPLICATION		
A. Has the required fee been sent separately with a copy of this Form PI-1 to the TCEQ Revenue Section? (MC 214, P.O. Box 13088, Austin, Texas 78711)	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO <input type="checkbox"/> N/A
B. Are the Core Data Form, Form PI-1, and all attachments being sent to the TCEQ in Austin?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
OPTIONAL: Has an extra copy of the Core Data Form, Form PI-1 and all attachments been sent to the TCEQ in Austin? If "YES", please mark this application as "COPY".	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
C. Is a copy of the Core Data Form, the Form PI-1, and all attachments being sent to the appropriate TCEQ regional office?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
D. Is a copy of the Core Data Form, the Form PI-1, and all attachments being sent to each appropriate local air pollution control program(s)?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
List all local air pollution control program(s):		
E. Is a copy of the Core Data Form, Form PI-1, and all attachments (without confidential information) being sent to the EPA Region 6 office in Dallas, Texas? (federal applications only)	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
F. This facility is located within 100 kilometers of the Rio Grande River and a copy of the application was sent to the International Boundary Water Commission (IBWC):	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
G. This facility is located within 100 kilometers of a federally-designated Class I area and a copy of the application was sent to the appropriate Federal Land Manager:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
XII. PROFESSIONAL ENGINEER (P.E.) SEAL		
Is the estimated capital cost of the project greater than \$2 million dollars?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
If "YES", the application must be submitted under the seal of a Texas licensed Professional Engineer (P.E.)		
XIII. SIGNATURE		
<p>The signature below confirms that I have knowledge of the facts included in this application and that these facts are true and correct to the best of my knowledge and belief. I further state that to the best of my knowledge and belief, the project for which application is made will not in any way violate any provision of the Texas Water Code (TWC), Chapter 7, Texas Clean Air Act (TCAA), as amended, or any of the air quality rules and regulations of the Texas Commission on Environmental Quality or any local governmental ordinance or resolution enacted pursuant to the TCAA. I further state that I understand my signature indicates that this application meets all applicable nonattainment, prevention of significant deterioration, or major source of hazardous air pollutant permitting requirements. I further state that I have read and understand TWC §§ 7.177-7.183, which defines <u>CRIMINAL OFFENSES</u> for certain violations, including intentionally or knowingly making or causing to be made false material statements or representations in this application, and TWC § 7.187, pertaining to <u>CRIMINAL PENALTIES</u>.</p>		
NAME: <u>Red J. Spetmore</u>	SIGNATURE: <u>Red J. Spetmore</u> <small>Original Signature Required</small>	DATE: <u>8-29-06</u>

Reset Form

Print Form

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AIR & WASTE
APPLICATIONS TEAM

21. Regulated Entity Name <i>(If an individual, please print last name first)</i>						
West Fertilizer Company						
22. Street Address (No PO Boxes)		1471 Jerry Mashek Drive				
		City		State	ZIP	ZIP + 4
		West		Texas	76691	
23. Mailing Address		P.O. Box 399				
		City		State	ZIP	ZIP + 4
		West		Texas	76691	
24. E-Mail Address:						
25. Telephone Number		26. Extension or Code		27. Fax Number if applicable		
254-826-5309				254-826-4325		
28. Primary SIC Code (4 digits)		29. Secondary SIC Code (4 digits)		30. Primary NAICS Code (5 or 6 digits)		
5153				42291		
31. Secondary NAICS Code (5 or 6 digits)						
32. What is the Primary Business of this entity? (Please do not repeat the SIC or NAICS description)						
Farm Supply Store						
Questions 33 - 37 address geographic location. Please refer to the instructions for applicability.						
33. County		McLennan				
34. Description of Physical Location						
Farm Supply Store that sells liquid and dry fertilizer along with other farm and ranch supplies.						
35. Nearest City			State		Nearest Zip	
West			Texas		76691	
36. Latitude (N)			37. Longitude (W)			
<i>Degrees</i>	<i>Minutes</i>	<i>Seconds</i>	<i>Degrees</i>	<i>Minutes</i>	<i>Seconds</i>	
31	83	70.3	97	09	57.2	
38. TCEQ Programs In Which This Regulated Entity Participates <i>Not all programs have been listed. Please add to this list as needed. If you don't know or are unsure, please mark "Unknown". If you know a permit or registration # for this entity, please write it below the program.</i>						
	Animal Feeding Operation			Petroleum Storage Tank		
	Title V - Air			Wastewater Permit		
	Industrial & Hazardous Waste			Water Districts		
	Municipal Solid Waste			Water Utilities		
				Unknown		
X	New Source Review - Air			Licensing - TYPE(s)		
Section IV: Preparer Information						
39. Name Ted J. Uptmore			40. Title General Manager			
41. Telephone Number		42. Extension or Code		43. Fax Number if applicable		
254-826-5309				254-826-4325		
44. E-mail Address:						

ADAM RAIN, INC.
DBA WEST FERTILIZER

PH. 254-826-5309
P.O. BOX 399
WEST, TX 76691

3042

88-515/1119

DATE August 30, 2006


PAY
TO THE
ORDER OF

Revenue Section, TCEQ

\$600⁰⁰/₁₀₀

THE SUM OF 600 DOLLARS

DOLLARS

 Security Features
Indicated
Delete on Back



The State National Bank
IN WEST
WEST, TEXAS 76691

FOR

Jeff L. Moore

⑈003042⑈ ⑆111905159⑆

00 0294 9⑈

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AIR & WASTE
APPLICATIONS TEAM

Attachments

August 21, 2006

West Fertilizer Company

PO Box 399

West, Tex ~~Texhoma~~ OK 76691

254-826-5309

West Fertilizer Company.- Ammonia Plant

- ✓ 1. Cover Letter
- 2. Attachment Sheet
- 3. Form PI-1
- 4. Core Data Form
- 5. TCEQ Recommendations
- 6. State Regulatory Requirements
- 7. Summary of Valves, Flanges and Open Ended Lines
- 8. Table 1(a) Emission Point Summary
- 9. Facility Maps
- 10. Safety Information and Mitigation
- 11. Area Maps

Received

SEP 01 2006

Air & Waste Applications

TCEQ Contact Information

<i>Question</i>	<i>Who</i>	<i>Phone</i>	<i>Web</i>
Core Data Form Requirements	Central Registry	(512) 239-1575	www.tceq.state.tx.us/permitting/central_registry/guidance.html
Form PI-1 Requirements	Air Permits Division	(512) 239-1250	www.tceq.state.tx.us/nav/permits/air_permits.html
Receipt and Initial Application Review	Permits Administrative Review (PAR) Section	(512) 239-5160	www.tceq.state.tx.us/nav/data/permit_data.html
Permit Application Guidance	Air Permits Division	(512) 239-1250	www.tceq.state.tx.us/nav/data/permit_data.html

Submitting an Application (Note: You must submit an application to all of the following)

<i>Who</i>	<i>Where</i>	<i>What</i>
Revenue Section, TCEQ	Regular, Certified, Priority Mail Mail Code 214, P.O. Box 13088, Austin, Texas 78711-3088 OR Hand Delivery, Overnight Mail Mail Code 214, 12100 Park 35 Circle, Building A, Third Floor, Austin, Texas 78753	Fee, 1 copy of Form PI-1; and 1 copy of the Core Data Form
Permits Administrative Review (PAR) Section, TCEQ	Regular, Certified, Priority Mail Mail Code 161, P.O. Box 13087, Austin, Texas 78711-3087 OR Hand Delivery, Overnight Mail Mail Code 161, 12100 Park 35 Circle, Building F, First Floor, Room 1206, Austin, Texas 78753 <i>Note: The official application cannot be faxed to the TCEQ</i>	Original Form PI-1; Original Core Data Form; Original attachments; and 1 copy of a money order or check OPTIONAL 1 copy of Form PI-1; 1 copy of Core Data Form; and 1 copy of all attachments
Appropriate TCEQ regional office	To find your regional office address go to www.tceq.state.tx.us or call (512) 239-1250	1 copy of Form PI-1; 1 copy of Core Data Form; and 1 copy of all attachments
Appropriate local air pollution control program(s) <i>No Regional Office</i>	To find your local air pollution control programs go to www.tceq.state.tx.us/nav/permits/air_permits.html or call (512) 239-1250	1 copy of Form PI-1; 1 copy of Core Data Form; and 1 copy of all attachments
U.S. Environmental Protection Agency (federal permit and major modification applications only)	EPA Region 6, Air Permits Division 1445 Ross Avenue Dallas, Texas 75202-2733	1 copy of Form PI-1; 1 copy of Core Data Form; and 1 copy of all attachments (do not include confidential information)

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AIR & WASTE
APPLICATIONS TEAM

August 21, 2006

West Fertilizer Company
PO Box 399
West, Texas 76691
245-826-5093

West Fertilizer Company – Anhydrous Ammonia Plant

1. Air Permit for West Fertilizer Companies Anhydrous Ammonia Fertilizer Plant.
2. Ammonia Plant consists of 2-12,000 gallon storage tanks. Ammonia tanks are never filled beyond 85% capacity for safety reasons.
3. Risk Management Plan has been filed with EPA, Facility ID # 1000 0013 5597
4. This is a rural township ammonia plant that stores and sells anhydrous ammonia to area farmers..
5. Only properly trained employees are allowed to unload trucks or rail cars.
6. When plant is unattended all belly valves are locked.
7. Storage and loading
 - a. 100 % of all NH₃ is received by truck or rail.
 - b. Maximum hourly throughput of NH₃ received by truck or rail is 7.6 tons/hr
 - c. Maximum annual throughput of NH₃ received by truck or rail is 3000 tons/yr.
8. There is a school located within 3000 feet of plant.

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AIR & WASTE
APPLICATIONS TEAM

Kathleen Hartnett White, *Chairman*
R.B. "Ralph" Marquez, *Commissioner*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 26, 2006

CERTIFIED MAIL 7004 2890 0002 6243 8287
RETURN RECEIPT REQUESTED

Mr. Ted Uptmore
Plant Manager
West Chemical and Fertilizer Company
P.O. Box 6
West TX 76691

Re: Notice of Violation for the Complaint Investigation at:
West Chemical and Fertilizer Company, 1307 Jerry Machek Drive, West, McLennan County
Regulated Entity No.: RN100985407

Dear Mr. Uptmore:

On June 21, 2006, Mr. Jack Bailey and Mr. Anwar Johnson of the Texas Commission on Environmental Quality (TCEQ) Waco Regional Office conducted an investigation of the above-referenced facility to evaluate compliance with applicable air quality requirements. Enclosed is a summary which lists the investigation findings. During the investigation, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by July 26, 2006 a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for each of the outstanding alleged violations.

In the listing of alleged violations, we have cited applicable requirements, including TCEQ rules. If you would like to obtain a copy of the applicable TCEQ rules, you may contact any of the sources listed in the enclosed brochure entitled "Obtaining TCEQ Rules."

The Texas Commission on Environmental Quality appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violations as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violation(s) documented in this notice. Should you choose to do so, you must notify the Waco Regional Office within 10 days from the date of this letter. At that time, I will

REPLY TO: REGION 9 • 6801 SANGER AVE., STE. 2500 • WACO, TEXAS 76710-7826 • 254/751-0335 • FAX 254/772-9241

P.O. Box 13087 • Austin, Texas 78711-3087 • 512/239-1000 • Internet address: www.tceq.state.tx.us

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Mr. Ted Uptmore
June 26, 2006
Page 2

schedule a violation review meeting to be conducted within 21 days from the date of this letter. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the attached Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

If you or members of your staff have any questions, please feel free to contact Mr. Bailey in the Waco Regional Office at (254) 772-9240.

Sincerely,



Salal A. Tahiri
Air Section Manager
Waco Regional Office

ST/JB/ks

cc: Central Records

Enclosures: Summary of Investigation Findings
Obtaining TCEQ Rules

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AIR & WASTE
APPLICATIONS TEAM

Summary of Investigation Findings

WEST CHEMICAL AND FERTILI
1307 JERRY MACHEK DR
WEST, MCLENNAN COUNTY, TX 76691
Additional ID(s): MB0145S

Investigation # 483529
Investigation Date: 06/20/2006

OUTSTANDING ALLEGED VIOLATIONS

Track No: 242134 Compliance Due Date: 07/27/2006
30 TAC Chapter 116.110(a)

Alleged Violation:

Investigation: 483529

Comment Date: 6/26/2006

Failure to obtain a permit or qualify for a permit by rule.

Recommended Corrective Action: Obtain a permit or qualify for a permit by rule. Submit written documentation to the Waco Regional Office with a description of corrective action taken and required documentation demonstrating that compliance has been achieved for the alleged violation.

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AIR & WASTE
APPLICATIONS TEAM

August 21, 2006

West Fertilizer Company
PO Box 399
West, Tx 76691
254-826-5309

West Fertilizer Company-Ammonia Plant
1471 Jerry Mashek Drive
West, TX 76691
254-826-5309

State Regulatory Requirements

A. Compliance With All Rules and Regulations

1. 30 TAC Chapter 101 General Rules
 - a. All rules have been followed for this facility with no complaints with citations issued.
2. 30 TAC Chapter 111 Visible Emissions and Particulate Matter
 - a. There have been no visible emissions from Ammonia Plant
3. 30 TAC Chapter 112 Sulfur Compounds
 - a. Non-Applicable-there are no sulfur emissions involved with Anhydrous Ammonia.
4. 30 TAC Chapter 113 Toxic Materials
 - a. Toxic emissions are negligible with anhydrous ammonia plant.
5. 30 TAC Chapter 115 Volatile Organic Compounds
 - a. Non-Applicable-there are no volatile Organic Compounds involved with Anhydrous Ammonia plant.

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6. 30 TAC Chapter 117 Nitrogen Compounds

- a. Non-Applicable-there are no Nitrogen Compounds involved with grain elevator.

7. 30 TAC Chapter 122 Federal Operating Permits

- a. Non-Applicable -Emissions for this plant is not over 100 TPY.

B. Measurement of Air Contaminants

- 1. Will be done through observation and record keeping.

C. Pipeline Facility Control

- 1. Non-Applicable-this not a pipeline facility.

D. Existing Facility Permit and Emissions Control Analysis

- 1. BACT for this facility is done through the use of pop off valves, closed system when loading nurse tanks, excess flow valves and back flow check valves.

E. Achieve Performance and Compliance Demonstration

- 1. Observation of emissions and record keeping. Equipment maintenance will be done in accordance with manufactures recommendations. ANSI, ASME and OSHA 29 CFR 1910.111 standards will be followed.

F. Emissions Cap and Trade

- 1. Non-Applicable- Anhydrous Ammonia plant is not located in eight county area mention in application.

SUMMARY OF VALVES, FLANGES AND LINES FOR STORAGE FACILITY

West Fertilizer Company, West Texas							
EQUIPMENT	SERVICE	NUMBER	SOCMI FACTOR LB/HR.	APPLICABLE CONTROL EFFICIENCIES	MULTIPLIER	T/PHR.	TPY
VALVES	LIGHT LIQUID	18	0.0035	97%	3%	0.00189	0.0082782
OPEN-ENDED LINES	LIGHT LIQUID	7	0.004	97%	3%	0.00084	0.0036792
FLANGES AND PIPE CONNECTIONS	LIGHT LIQUID	21	0.0005	97%	3%	0.000315	0.0013797
VALVES	VAPOR	14	0.0089	97%	3%	0.003738	0.01637244
COMPRESSOR SEALS	VAPOR	8	0.5027	95%	5%	0.20108	0.8807304
PRESSURE RELIEF VALVES	VAPOR	5	0.2293	100%	0%	0	0
OPEN-ENDED LINES	VAPOR	9	0.004	97%	3%	0.00108	0.0047304
FLANGES AND PIPE CONNECTIONS	VAPOR	23	0.0029	97%	3%	0.002001	0.00876438
					TOTAL TONS PER HR.	0.210944	
						TPY	0.92393472
		TPH	HOURS/YEAR	TONS	TPY		
		0.210944	8760	1	0.92393472		
				2000			

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Table 1(a) Emission Point Summary

Permit Number:		RN Number:		Date:	8-21-06
Company Name:	West Fertilizer Company-Ammonia Plant				

Review of applications and issuance of permits will be expedited by supplying all necessary information requested on this Table.

AIR CONTAMINANT DATA					
1. Emission Point			2. Component or Air Contaminant Name	3. Air Contaminant Emission Rate	
EPN (A)	FIN (B)	NAME (C)		Pounds per Hour (A)	TPY (B)
1	West	Valves-Light Liquid	NH3	0.0035	0.0082782
2	West	Open Ended Lines-Light Liquid	NH3	0.004	0.0036792
3	West	Flanges and Pipe Connections-Li	NH3	0.0005	0.0013797
4	West	Valves-Vapor	NH3	0.0089	0.01637244
5	West	Compressor Seals-Vapor	NH3	0.5027	0.8807304
6	West	Pressure Relief Valves-Vapor	NH3	0.2293	0
7	West	Open Ended Valves-Vapor	NH3	0.004	0.0047304
8	West	Flanges & Pipe Connections-Vap	NH3	0.0029	0.00876438

EPN = Emission Point Number

FIN = Facility Identification Number



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Table 1(a) Emission Point Summary

Permit Number:		RN Number:		Date:	8-21-06
Company Name:	West Fertilizer Company-Ammonia Plant				

Review of applications and issuance of permits will be expedited by supplying all necessary information requested on this Table.

AIR CONTAMINANT DATA			EMISSION POINT DISCHARGE PARAMETERS									
1. Emission Point			4. UTM Coordinates of Emission Point			Source						
EPN (A)	FIN (B)	NAME (C)	Zone	East (Meters)	North (Meters)	5. Height Above Ground (Feet)	6. Stack Exit Data			7. Fugitives		
							Diameter (Feet) (A)	Velocity (fps) (B)	Temperature (°F) (C)	Length (ft.) (A)	Width (ft.) (B)	Axis Degrees (C)
1	West	Valves-Light Liquid										
2	West	Open Ended Lines-Light Liquid										
3	West	Flanges & Pipe Connections-Light Liquid										
4	West	Valves-Vapor										
5	West	Compressor Seals-Vapor										
6	West	Pressure Relief Valves-Vapor										
7	West	Open Ended Valves-Vapor										
8	West	Flanges & Pipe Connections-Vapor										

EPN = Emission Point Number
FIN = Facility Identification Number

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SAFETY INFORMATION

1. The following codes and standards have been referenced to help determine the proper construction and operation of this facility: OSHA 1910.111, ANSI K61.1, and ASME VIII.
2. The maximum inventory storage capacity of this facility is 105,060 pounds in 2-12,000 gallon tanks.
 - a. In order to prevent over pressurization of the storage tanks and the nurse tanks, the company's policy states that the tanks shall not be filled more than 85% of the total capacity. Therefore, the total capacity of the storage tanks shall not exceed 52,530 pounds in each of the 12,000 gallon tanks.
 - b. During the off-season, the company maintains a minimum inventory of anhydrous ammonia for economic and safety reasons.
 - (1) The company strives to keep the inventory of ammonia at 20% of the total capacity of the storage tanks.
4. The upper pressure for the design of the tanks, pipes and hoses is 250 psi. The facility has a series of pressure relief valves installed on the tanks and on the piping, which are designed to relieve excess pressure build-up.
5. The plant has excess flow valves built into the system, which are designed to automatically shut off the flow of product in the event of hose or pipe rupture or breakage.
6. The general manager shall update the safety information if a major change occurs that makes the information listed above inaccurate.

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NH3 HAZARD REVIEW

"What If"

WHAT IF	EVENT SEQUENCES AND CONSEQUENCES	PREVENTION	POTENTIAL MITIGATING ACTION
Tank Failure	Complete loss of NH3	Comply with ANSI K-61 & OSHA requirements in order to minimize risk.	Use water curtain to capture and contain vapor cloud.
Hose Rupture (partial)	Release rate is below excess flow valve set point. Results in continuous release.	Protect hoses from damage. Clean hoses when necessary. Replace hoses when necessary and/or required. Install shut-off valves and/or cable release quick shut-off valves.	Approach the supply valve from upwind and close the valve. Use water curtain for protection if necessary. Water curtain can also be used to capture and contain vapor cloud.
Hose Rupture (complete)	Release rate exceeds excess flow valve setting. Results in short high quantity release.	Protect hoses from damage. Clean when necessary. Replace hoses when necessary and/or required. Install shut-off valves and/or cable release quick shut-off valves.	Approach the supply valve from upwind and close the valve. Use water curtain for protection if necessary. Water curtain can also be used to capture and contain vapor cloud.
Valve Failure (partial)	Continuous release of NH3 from failed valve resulting from valve seat or packing gland failure.	Ensure only NH3 valves are installed. Perform preventive maintenance. Maintain spare valve and parts inventory.	Approach the supply valve from upwind and close the valve. Use water curtain for protection if necessary. Water curtain can also be used to capture and contain vapor cloud.
Valve Failure (complete)	Continuous release of NH3 resulting from complete failure of a valve or a pressure relief valve (PRV).	Ensure only NH3 valves are installed. Install PRV manifold allowing PRV's to be replaced without emptying NH3 tank.	Approach the supply valve from upwind and close the valve. Use water curtain for protection if necessary. Water curtain can also be used to capture and contain vapor cloud.
Overfill Tank (PRV Release)	Continuous release of NH3 vapor.	Use 85% fixed liquid level gauge when filling tank. Train employees not to overfill tanks.	Use water curtain to capture and contain released vapor cloud until the pressure on the tank drops low enough for the PRV to reset.

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WHAT IF	EVENT SEQUENCES AND CONSEQUENCES	PREVENTION	POTENTIAL MITIGATING ACTION
Overfill Tank (Tank Rupture)	Complete loss of NH ₃ resulting from over pressurization and/or damaged tank.	Use 85% fixed liquid level gauge when filling tanks. Train employees not to overfill tanks. Train employees not to fill tanks that have been damaged.	Use water curtain to capture and contain released vapor cloud.
Tanker Pulls Away Before Hoses Are Disconnected	Hose rupture and/or valves are damaged. Excess flow valve will activate and stop the flow of NH ₃ . If excess flow valve does not function, product will continue to release; and the flow rate will decrease as the tank pressure drops.	A facility employee should monitor the NH ₃ transfer process. Tanker wheels should be chocked before transfer operations begin and removed only after all hoses have been disconnected.	Close storage tank belly valve and activate the emergency shutdown valve on the transport truck. Use water curtain for protection if necessary. Water curtain can also be used to capture and contain vapor cloud.
Nurse Tank Pulled Away Before Hoses Are Disconnected	Hose rupture and/or valves are damaged. Excess flow valve will activate and stop the flow of NH ₃ . If excess flow valve does not function, product will continue to release; and the flow rate will decrease as the tank pressure drops.	A facility employee should monitor the NH ₃ transfer process. The nurse tank wheels should be chocked, the hitch safety chain disconnected, and the hitch pin pulled before transfer operations begin. Once the hoses have been disconnected the hitch pin can be replaced, the safety chain re-attached, and the chocks removed.	Close storage tank liquid and vapor belly valves and close the liquid and vapor valves on the nurse tank. Use water curtain for protection if necessary. Water curtain can also be used to capture and contain vapor cloud.
Physical Damage To Valves, Hoses, and Piping	Continuous release of vapor or liquid from damaged equipment.	Install safety barriers (bumper poles) to protect equipment from damage.	Approach the supply valve from upwind and close the valve. Use water curtain for protection if necessary. Water curtain can also be used to capture and contain vapor cloud.
Valve Not Properly Closed	Continuous low quantity release from valve that is not properly closed (i.e. ice on valve seat).	Shut valves with sufficient torque to seat properly.	Approach the supply valve from upwind and close the valve. Use water curtain for protection if necessary. Water curtain can also be used to capture and contain vapor cloud.

WHAT IF	EVENT SEQUENCES AND CONSEQUENCES	PREVENTION	POTENTIAL MITIGATING ACTION
Corrosion Of Piping	Continuous low quantity release from pinhole in piping.	Include piping system in preventive maintenance program.	Approach the supply valve from upwind and close the valve. Use water curtain for protection if necessary. Water curtain can also be used to capture and contain vapor cloud.
Process piping releases from failures at flanges, joints, welds, valves and valve seals, and drains or bleeds	Release of NH ₃ as a result of failures at flanges, joints, welds, valves and valve seals, and drains or bleeds	Inspection of process equipment and the replacement of faulty equipment with equipment designed for NH ₃ .	Approach the supply valve from upwind and close the valve. Use water curtain for protection if necessary. Water curtain can also be used to capture and contain vapor cloud.
Process vessel or pump releases due to cracks, seal failure, or drain, bleed, or plug failure	Release of NH ₃ due to cracks, seal failure, or drain, bleed, or plug failure	Inspection of the process vessels and pumps, and the replacement of faulty equipment with equipment designed for NH ₃ .	Approach the supply valve from upwind and close the valve. Use water curtain for protection if necessary. Water curtain can also be used to capture and contain vapor cloud.
Shipping container mishandling and breakage or puncturing	Release of NH ₃ due to breakage or puncturing as a result of mishandling.	Train employees proper ways to move and transport NH ₃ nurse tanks.	Use water curtain to capture and contain vapor cloud.
Vandalism	Release of NH ₃ from valve opened by vandal.	Ensure that valves are in the off position and locked.	Approach the supply valve from upwind and close the valve. Use water curtain for protection if necessary. Water curtain can also be used to capture and contain vapor cloud.
Earthquake Or Tornado	Damage to valves, piping, and tank.	Ensure that all valves are in the off positions and locked when the plant is not in use. Make improvements as necessary to reduce the risk of damage. Inspect for damage and repair before operating.	

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WHAT IF	EVENT SEQUENCES AND CONSEQUENCES	REVENTION	POTENTIAL MITAGATING ACTION
Flooding	Floodwater could damage compressor and hydrostatic pressure relief valves.	Ensure that all valves are in the off position and locked when the plant is not in use. Inspect the entire system after floodwaters have receded. Ensure that entire system is functional and free of water.	
Traffic Accident	Damage to piping or valves from vehicle impact.	Install safety barriers (bumper poles) to protect equipment from damage.	Approach the supply valve from upwind and close the valve. Use water curtain for protection if necessary. Water curtain can also be used to capture and contain vapor cloud.

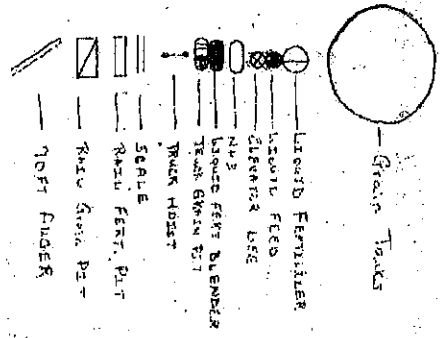
CAUTION: Mitigating actions shall only be performed by personnel who are properly equipped with personal protective equipment (PPE), who have been trained how to use the PPE, and who have knowledge of the proper mitigation procedures.

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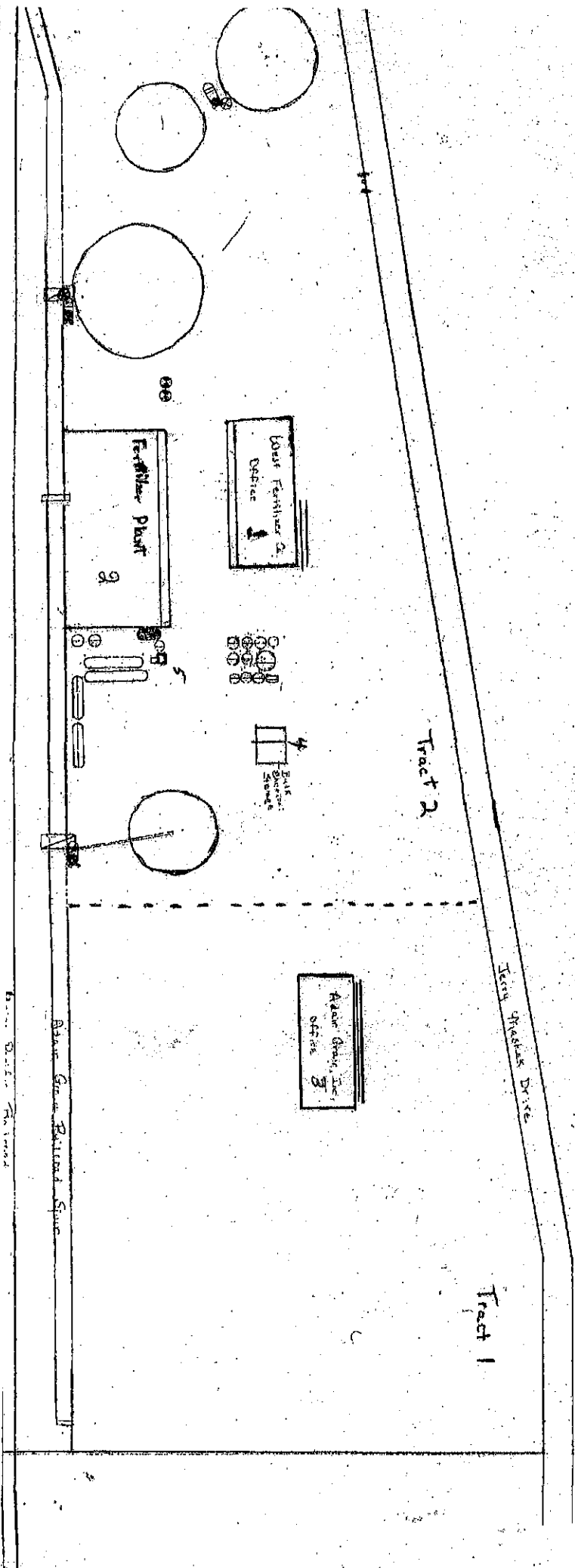
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ADAIR GRAIN INC dba WEST FERTILIZER CO.

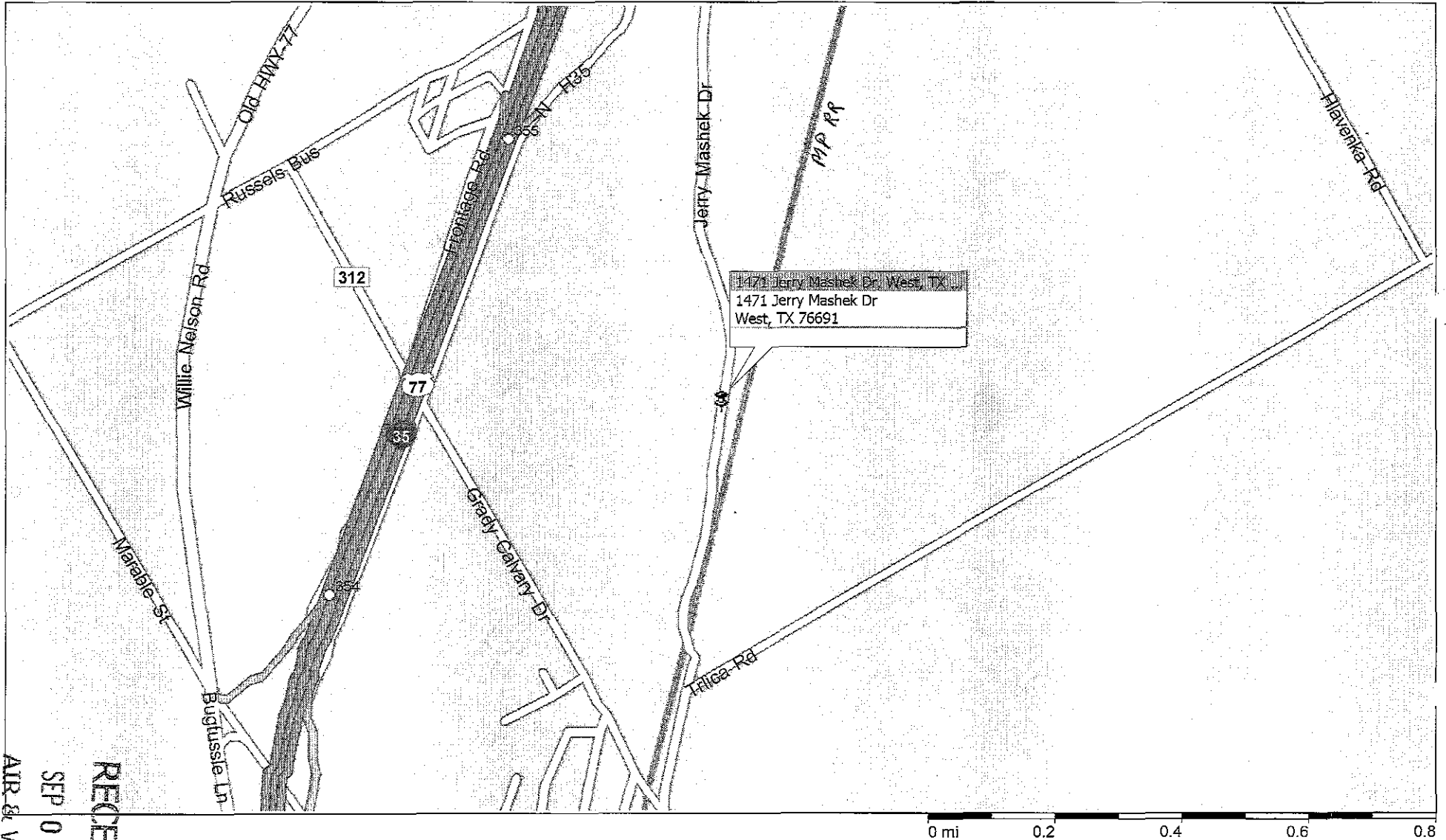
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Scale 1" = 135'



Texas, United States, North America



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APPLICATIONS TEAM



FAX TRANSMITTAL

DATE: 10/20/06

NUMBER OF PAGES (including this cover sheet):

2

TO: Name Ted Uptmore
Organization West Fertilizer Co
FAX Number 254-826-4325

FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Name Rosalie Branham
Division/Region Office of the Chief Clerk
Telephone Number (512) 239-3332
FAX Number (512) 239-3311

NOTES:

Permit No. 79803

The Public Notice Verification Form pg 1, that we received in our office is incomplete. The second box was left blank. The form will need to be completely filled out, even though permit is not subject to alternative language. I am sending a new form. Please complete and mail to us, we do need the original. Also there is no need to mail to anyone else on the mailing list, just to our office.

Thank You!

TCEQ
Office of the Chief Clerk, MC 105
Attn: Notice Team
PO Box 13087
Austin TX 78711-3087

CHIEF CLERKS OFFICE

OCT 23 AM 10:29

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Confirmation Report--Memory Send

Time : 10-20-2006 09:38am
Tel line 1 : +15122391502
Tel line 2 :
Name : TCEQ / CHIEF CLERK

Job number : 423
Date : 10-20 09:36am
To : 912548264325
Document Pages : 002
Start time : 10-20 09:36am
End time : 10-20 09:38am
Pages sent : 002
Status : OK

Job number : 423

*** SEND SUCCESSFUL ***



F A X T R A N S M I T T A L

DATE: 10/20/06 NUMBER OF PAGES (including this cover sheet):

2

TO:	Name	Ted Uptmore
	Organization	West Fertilizer Co
	FAX Number	254-826-4325
FROM:	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY	
	Name	Rosalie Branham
	Division/Region	Office of the Chief Clerk
	Telephone Number	(512) 239-3332
	FAX Number	(512) 239-3311

NOTES:

Permit No. 79803

The Public Notice Verification Form pg 1, that we received in our office is incomplete. The second box was left blank. The form will need to be completely filled out, even though permit is not subject to alternative language. I am sending a new form. Please complete and mail to us, we do need the original. Also there is no need to mail to anyone else on the mailing list, just to our office.

Thank You!

TCEQ
Office of the Chief Clerk, MC 105
Attn: Notice Team
PO Box 13087
Austin TX 78711-3087



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Public Notice Verification Form

Air Permit

OCC#

TEXAS (TCEQ Use Only)

COMMISSION
ON ENVIRONMENTAL
QUALITY

OCT -6 PM 3:08

CHIEF CLERKS OFFICE

Applicant Name: West Fertilizer Co.Site or Facility Name: West FertilizerTCEQ Account Number (if applicable): MB-
0145-SPermit Number: 79803Regulated Entity Number: RN100985407Customer Number: CN603095266

All applicants must complete all applicable portions of this form. The completed form should be sent to the TCEQ to the attention of the Office of the Chief Clerk. 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

A bilingual education program is required by the Texas Education Code in the district: ☐ YES ☒ NOSchool District: WEST INDEPENDENT SCHOOL DISTRICT Phone: 826-7500Person Contacted: Ms. JAN HUNGATEDate: 8-26-06The name of the elementary school nearest to the proposed or existing facility is: WEST ELEMENTARYThe name of the middle school nearest to the proposed or existing facility is: WEST MIDDLE SCHOOL

Students who attend one of the schools above are eligible to be enrolled in a bilingual program provided by the district.

☐ YES ☒ NO

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

SPANISH

If an applicable bilingual program exists, then applicants must publish a notice and/or post signs, as outlined in the Instructions for Public Notice and certify as applicable on this form.

ALTERNATIVE LANGUAGE VERIFICATION

I verify that the area addressed by this permit application is subject to alternative language public notice requirements.

☐ YES ☐ NOI verify that 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). ☐ YES ☐ NO

I verify that no such newspaper or publication was found in any of the language(s) in which notice is required.

☐ YES ☐ NOI verify that the publishers of the newspapers listed below refused to publish the notice as requested, and no other newspaper or publication in the same language and of general circulation was found in the municipality or county in which the facility is located (or proposed to be located). ☐ YES ☐ NO ☐

N/A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Public Notice Verification Form
Air Permit

OCC# _____
(TCEQ Use Only)

Newspaper:	Language:
I verify that bilingual sign(s) required by the TCEQ were posted. (if applicable) <input type="checkbox"/> YES <input type="checkbox"/> NO	
I verify that original tear sheets 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	
Signed by:	Applicant:
Title:	Date:

Air (Rev. 05/06)

Page 1 of 2

Applicant Name: West Fertilizer Co.

Site or Facility Name: West Fertilizer

TCEQ Account Number (if applicable): MB-
0145-S

Permit Number: 79803

Regulated Entity Number: RN100985407

Customer Number: CN603095266

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CHIEF CLERK'S OFFICE
001-6 PM 2:00

NEW SOURCE REVIEW PERMIT NOTICE VERIFICATION
I verify that the required signs (for 1st notice) were posted in accordance with the regulations and instructions of the TCEQ. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
I verify that original tear sheets 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
Notice of Receipt of Application and Intent to Obtain Permit (1st Notice): I verify that a copy of the complete air quality application, and any revisions, were available for review and copying at the public place indicated below throughout the duration of the public comment period. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Notice of Application and Preliminary Decision (2nd Notice, if applicable): I verify that a copy of the complete air quality application and draft permit, and any revisions, are available for review and copying at the public place indicated below from the first day after newspaper publication; and I also verify that the air quality application and draft permit, and any revisions, will remain in the designated public place until either: 1) the TCEQ acts on the application; or 2) the application is referred to the State Office of Administrative Hearings (SOAH) for hearing <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Name and Address of Public Place:



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Public Notice Verification Form
Air Permit

OCC# _____
(TCEQ Use)

Signed by: <i>Ed J. Zptmore</i>	
Title: <i>Gen. Manager, West Fertilizer Co.</i>	Date: <i>10-3-06</i>

FEDERAL OPERATING PERMIT (TITLE V) NOTICE VERIFICATION	
I verify that the required signs were posted in accordance with the regulations and instructions of the TCEQ. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
I verify that original tear sheets of the newspaper notices and the requested affidavits have been furnished in accordance with the regulations and instruction of the TCEQ. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
I verify that a copy of the complete air quality application and draft permit, and any revisions, were available for review and copying at the public place indicated below throughout the duration of the public comment period. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
Name and Address of Public Place: <i>West City Hall, 110 N. Reagan, West, Texas 76691</i>	
Signed by: <i>Ed J. Zptmore</i>	
Title: <i>Gen. Manager, West Fertilizer Co.</i>	Date: <i>10-3-06</i>

TCEQ 20244-Air (Rev. 05/06)

Page 2 of 2

NOTIFICATION LIST

It is the responsibility of the applicant to furnish the following offices with copies of the notices published, the *Affidavits of Publication*, the *Alternative Language Affidavit of Publication (if applicable)*, and a completed copy of the *Public Notice Verification Form*. Originals should be sent to the TCEQ Office of the Chief Clerk, MC-105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. **Copies** should be sent to the following:

U.S. Environmental Protection Agency
Regional Administrator
Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

Texas Commission on Environmental Quality
Office of Permitting, Remediation, and Registration
Air Permits Division (MC-163)
Ms. Stephanie Howell
P.O. Box 13087
Austin, Texas 78711-3087

Mr. Salal Tahiri, Section Manager
Air Program
TCEQ Region No. 9
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

CHIEF CLERK'S OFFICE
OCT 10 2006
TCEQ
ON ENVIRONMENTAL
QUALITY

TCEQ-OFFICE OF THE CHIEF CLERK
MC-105 Attn: Notice Team
PO BOX 13087
AUSTIN TX 78711-3087

Applicant Name: West Fertilizer Co.
Permit No.: 79803 Permit Action: Initial Issuance
Notice of Intent to Obtain Permit

ON COMPLETION
OF EMPLOYMENT
QUALITY
TCEQ-11-5 PM 3-17
CHIEF CLERK'S OFFICE

AFFIDAVIT OF PUBLICATION

STATE OF TEXAS §
COUNTY OF McLennan §

Before me, the undersigned authority, on this day personally appeared
Larry Knapik, who being by me duly sworn,
(name of newspaper representative)

deposes and says that (s)he is the editor
(title of newspaper representative)

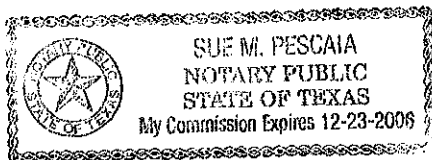
of the The West News; that said newspaper is generally
(name of newspaper)
circulated in West, McLennan County, Texas;
(in the municipality or nearest municipality to the proposed facility)

that the attached notice was published in said newspaper on the following date(s):
28 September 2006

Larry Knapik
(newspaper representative's signature)

Subscribed and sworn to before me this the 3rd day of October, 2006, to
certify which witness my hand and seal of office.

(Seal)



Sue M. Pescaia
Notary Public in and for the State of Texas

Print or Type Name of Notary Public

My Commission Expires

NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN AIR PERMIT

PROPOSED AIR QUALITY PERMIT NO. 79803

APPLICATION West Fertilizer Co., has applied to the Texas Commission on Environmental Quality (TCEQ) for issuance of Air Quality Permit No. 79803 which would authorize continued operation of an Anhydrous Ammonia Fertilizer Plant located at 1471 Jerry Mashek Drive, West, McLennan County, Texas. The facility will emit the following air contaminants: ammonia.

This application was submitted to the TCEQ on September 1, 2006. The application is available for viewing and copying at the TCEQ central office, the TCEQ Waco regional office, and the West City Hall, 110 North Reagan Street, West, McLennan County, Texas. The facility's compliance file, if any exists, is available for public review in the Waco regional office of the TCEQ.

The TCEQ executive director has determined the application is administratively complete and will conduct a technical review of the application.

PUBLIC COMMENT/PUBLIC MEETING You may submit public comments, a request for a public meeting, or request a contested case hearing to the Office of the Chief Clerk at the address below. The TCEQ will consider all public comments in developing a final decision on the application. The deadline to submit public comments is 30 days after newspaper notice is published.

The purpose of a public meeting is to provide the opportunity to submit comments or ask questions about the application. A public meeting about the application may be held if the executive director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

If only comments are received on the application, the response to comments, along with notice of the executive director's action on the application, will be mailed to everyone who submitted comments or is on the mailing list for this application.

If a hearing request is timely filed, the executive director will complete the technical review, issue a preliminary decision on the application, and a Notice of Application and Preliminary Decision will be published and mailed to those who are on the mailing list for this application. That notice will contain the final deadline for submitting public comments.

After the final deadline for public comments following any required Notice of Application and Preliminary Decision, the executive director will consider the comments and prepare a response to all relevant and material, or significant public comments. If comments are received, the response to comments, along with the executive director's decision on the application, will then be mailed to everyone who submitted public comments or is on a mailing list for this application.

OPPORTUNITY FOR A CONTESTED CASE HEARING You may request a contested case hearing. A contested case hearing is a legal proceeding similar to a civil trial in state district court. Unless a written request for a contested case hearing is filed within 30 days from this notice, the executive director may approve the application. **If no hearing request is received within this 30-day period, no further opportunity for hearing will be provided.** A contested case hearing will only be granted based on disputed issues of fact that are relevant and material to the Commission's decision on the application. Further, the Commission will only grant a hearing on those issues raised during the public comment period and not withdrawn.

A person who may be affected by emissions of air contaminants from the facility is entitled to request a hearing. If requesting a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "I/we request a contested case hearing;" (4) a specific description of how you would be adversely affected by the application and air emissions from the facility in a way not common to the general public; (5) the location and distance of your property relative to the facility; and (6) a description of how you use the property which may be impacted by the facility. If the request is made by a group or an association, the one or more members who have standing to request a hearing, and the interests which the group or association seeks to protect, must also be identified. You may also submit your proposed adjustments to the applicant/permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing within 30 days following this notice to the Office of the Chief Clerk, at the address below.

If a hearing request is timely filed, additional notice may be provided. Following the close of all applicable comment and request periods, the executive director will forward the application and any requests for contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact relating to relevant and material air quality concerns raised during the comment period.** Issues such as property values, noise, traffic safety, and zoning are outside of the Commission's jurisdiction to address in this proceeding.

MAILING LIST In addition to submitting public comments, you may ask to be placed on a mailing list to receive future public notices for this specific application mailed by the Office of the Chief Clerk by sending a written request to the TCEQ Office of the Chief Clerk at the address below.

INFORMATION Written public comments or requests for a public meeting or contested case hearing should be submitted to the Office of the Chief Clerk, MC-105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For more information about this permit application or the permitting process, please call the Office of Public Assistance, Toll Free at 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040. General information regarding the TCEQ can be found at www.tceq.state.tx.us.

Further information may also be obtained from West Fertilizer Co., P.O. Box 399, West, Texas 76691 or by calling Mr. Ted J. Uptmore, General Manager at (254) 826-5309.

West Fertilizer Co.
P.O. Box 399
West, Texas 76691



0000

U.S. POSTAGE
PAID
WEST TX
76691
OCT 05, 06
AMOUNT
\$4.88
00032938-05

RECEIVED
OCT 06 2006
TCEQ MAIL CENTER
MM

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

TRANSMISSION VERIFICATION REPORT

TIME : 10/11/2006 08:21
NAME : AIR PERMIT APIRT
FAX : 5122394500
TEL : 5122394500
SER.# : 000M5J283467

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

10/11 08:20
913617672254
00:00:57
02
OK
STANDARD
ECM

FAX TRANSMITTAL

DATE: October 11, 2006NUMBER OF PAGES (including this cover
sheet):

2

TO:

Name

Mr. Joe Henry Hanus, Consultant

Organization

Triangle Insurance

FAX Number

(361) 767-2254

FROM:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Name

Ms. Heather Nixon

Division/Region

Office of Permitting, Remediation, and
Registration, Air Permits Division

Telephone Number

(512) 239-4716

FAX Number

(512) 239-1300

NOTES: This fax contains a public notice verification form. Please choose the appropriate response to the bottom four questions and initial.

Thank you,

Heather Nixon

Hnixon@tceq.state.tx.us

512-239-4716





Protecting Texas
by Reducing and
Preventing Pollution

FAX TRANSMITTAL

DATE: October 11, 2006

NUMBER OF PAGES (including this cover
sheet):

2

TO:

Name

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FAX Number

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Registration, Air Permits Division**

Telephone Number

(512) 239-4716

FAX Number

(512) 239-1300

NOTES: This fax contains a public notice verification form. Please choose the appropriate response to the bottom four questions and initial.

Thank you,

Heather Nixon

Hnixon@tceq.state.tx.us

512-239-4716



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Public Notice Verification Form
Air Permit

OCC# _____
(TCEQ Use Only)

Applicant Name: West Fertilizer Co.

Site or Facility Name: West Fertilizer

TCEQ Account Number (if applicable): MB-
0145-S

Permit Number: 79803

Regulated Entity Number: RN100985407

Customer Number: CN603095266

All applicants must complete all applicable portions of this form. The completed form should be sent to the TCEQ to the attention of the Office of the Chief Clerk. 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:	
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
A bilingual education program is required by the Texas Education Code in the district: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
School District: <u>WEST INDEPENDENT SCHOOL DISTRICT</u>	Phone: <u>826-7500</u>
Person Contacted: <u>MR. JAN HUNGATE</u>	Date: <u>8-26-06</u>
The name of the elementary school nearest to the proposed or existing facility is: <u>WEST ELEMENTARY</u>	
The name of the middle school nearest to the proposed or existing facility is: <u>WEST MIDDLE SCHOOL</u>	
Students who attend one of the schools above are eligible to be enrolled in a bilingual program provided by the district.	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
The following language(s) is/are utilized in the bilingual program:	<u>SPANISH</u>
If an applicable bilingual program exists, then applicants must publish a notice and/or post signs, as outlined in the Instructions for Public Notice and certify as applicable on this form.	

ALTERNATIVE LANGUAGE VERIFICATION	
I verify that the area addressed by this permit application is subject to alternative language public notice requirements.	
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
I verify that 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 checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
I verify that no such newspaper or publication was found in any of the language(s) in which notice is required.	
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
I verify that the publishers of the newspapers listed below refused to publish the notice as requested, and no other newspaper or publication in the same language and of general circulation was found in the municipality or county in which the facility is located (or proposed to be located).	
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>	
<u>N/A</u>	

Compliance History

Regulated Entity

Number: RN100985407

Name: WEST FERTILIZER

Classification: AVERAGE

Rating: 3

Publication Date: 10/01/2006

Customer

Number: CN603095266

Name: West Fertilizer Co

Classification:

Rating:

Publication Date:

Repeat Violator Ind: NO

Compliance History
Start: 09/01/2006 End: 09/01/2001 Co

Enforcement Actions

Type	Effective Date	Violations		
		Citation/Requirement Provision	Abbv. Description	Classification

Criminal Convictions

Conviction Date	Number of		Violations		
	Felonies	Misdemeanors	Citation/Requirement Provision	Abbv. Description	Classification

Chronic Excessive Emissions Events

Start Date

Investigations

Date	Type
------	------

Notices of Violation

Date	Status	Citation/Requirement Provision	Abbv. Description	Classification	Self Reported
06/21/2006	ACTIVE	30 TAC Chapter 116, SubChapter B 116.110(a)	Failure to obtain a permit or qualify for a permit by rule.	MODERATE	NO

Environmental Audits

Notice of Audit Date	Disclosure Of Violation			
	DOV Date	Violations		
		Classification	Citation/Requirement Provision	Abbv. Description

Environmental Management Systems

Type	Tier	Date of Certification	Implementation Date
------	------	-----------------------	---------------------

Voluntary On-Site Compliance Assessments

Date

Voluntary Pollution Reduction Programs

Name	Level	Start Date of Participation
------	-------	-----------------------------

Early Compliance

Date	Description
------	-------------

[Central Registry Help](#) [Central Registry Glossary](#)

COVER SHEET
JOE HENRY HANUS
TRIANGLE COMPANIES
E-MAIL hanusj@trianglecompanies.com
CELL 361-319-5378
HOME 361 358 1513

TO: Heather Nixon

PAGES: 2

COMMENT: Public Notice Verification for West
Fertilizer

Oct 11 08 09:37a Gulf Coast Coop -Robstown 361 /67 2254
10/11/2006 08:20 5122394500 AIR PERMIT APIRT

p.2

PAGE 02/02

OCC#
(TCEQ Use Only)



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Public Notice Verification Form
Air Permit

Applicant Name: West Fertilizer Co.Site or Facility Name: West Fertilizer

TCEQ Account Number (if applicable): MB-
0145-S

Permit Number: 79803Regulated Entity Number: RN109985407Customer Number: CN603095266

All applicants must complete all applicable portions of this form. The completed form should be sent to the TCEQ to the attention of the Office of the Chief Clerk. For more information regarding public notice refer to the instructions in the public notice package.

I have contacted the appropriate school district:		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
A bilingual education program is required by the Texas Education Code in the district: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
School District:	<u>WEST INDEPENDENT SCHOOL DISTRICT</u>		Phone: <u>826-7500</u>
Person Contacted:	<u>MR. JAN HUNGATE</u>		Date: <u>9-26-06</u>
The name of the elementary school nearest to the proposed or existing facility is: <u>WEST ELEMENTARY</u>			
The name of the middle school nearest to the proposed or existing facility is: <u>WEST MIDDLE SCHOOL</u>			
Students who attend one of the schools above are eligible to be enrolled in a bilingual program provided by the district. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
The following language(s) is/are utilized in the bilingual program:			<u>SPANISH</u>

I verify that the area addressed by this permit application is subject to alternative language public notice requirements. <input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/> NO JHH	
I verify that 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). <u>N/A JHH</u> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
I verify that no such newspaper or publication was found in any of the language(s) in which notice is required. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <u>N/A JHH</u>	
I verify that the publishers of the newspapers listed below refused to publish the notice as requested, and no other newspaper or publication in the same language and of general circulation was found in the municipality or county in which the facility is located (or proposed to be located). <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <u>N/A JHH</u>	

Stephanie Hound

TCEQ-OFFICE OF THE CHIEF CLERK
MC-105 Attn: Notice Team
PO BOX 13087
AUSTIN TX 78711-3087

Applicant Name: West Fertilizer Co.
Permit No.: 79803 Permit Action: Initial Issuance
Notice of Intent to Obtain Permit

AFFIDAVIT OF PUBLICATION

STATE OF TEXAS §
COUNTY OF McLennan §

Before me, the undersigned authority, on this day personally appeared
Larry Knapik, who being by me duly sworn,
(name of newspaper representative)

deposes and says that (s)he is the editor
(title of newspaper representative)

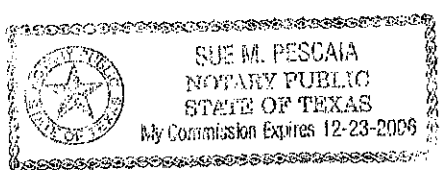
of the The West News; that said newspaper is generally
(name of newspaper)
circulated in West, McLennan County, Texas;
(in the municipality or nearest municipality to the proposed facility)

that the attached notice was published in said newspaper on the following date(s):
28 September 2006

Larry Knapik
(newspaper representative's signature)

Subscribed and sworn to before me this the 3rd day of October, 2006, to
certify which witness my hand and seal of office.

(Seal)



Sue M. Pescaia

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

My Commission Expires

RECEIVED
OCT 16 2006
AIR PERMITS DIVISION



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Public Notice Verification Form
Air Permit

OCC# _____
(TCEQ Use)

Signed by: <i>Led J. Zytmore</i>	
Title: <i>Gen. Manager, West Fertilizer Co.</i>	Date: <i>10-3-06</i>

FEDERAL OPERATING PERMIT (TITLE V) NOTICE VERIFICATION	
I verify that the required signs were posted in accordance with the regulations and instructions of the TCEQ. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
I verify that original tear sheets of the newspaper notices and the requested affidavits have been furnished in accordance with the regulations and instruction of the TCEQ. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
I verify that a copy of the complete air quality application and draft permit, and any revisions, were available for review and copying at the public place indicated below throughout the duration of the public comment period. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
Name and Address of Public Place: <i>West City Hall, 110 N. Reagan St., West, Texas 76691</i>	
Signed by: <i>Led J. Zytmore</i>	
Title: <i>Gen. Manager, West Fertilizer Co.</i>	Date: <i>10-3-06</i>

TCEQ 20244-Air (Rev. 05/06)

Page 2 of 2

NOTIFICATION LIST

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U.S. Environmental Protection Agency
Regional Administrator
Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

Texas Commission on Environmental Quality
Office of Permitting, Remediation, and Registration
Air Permits Division (MC-163)
Ms. Stephanie Howell
P.O. Box 13087
Austin, Texas 78711-3087

Mr. Salal Tahiri, Section Manager
Air Program
TCEQ Region No. 9
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Public Notice Verification Form
Air Permit

OCC# _____
(TCEQ Use Only)

Newspaper:	Language:
I verify that bilingual sign(s) required by the TCEQ were posted. (if applicable) <input type="checkbox"/> YES <input type="checkbox"/> NO	
I verify that original tear sheets 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	
Signed by:	Applicant:
Title:	Date:

Air (Rev. 05/06)

Page 1 of 2

Applicant Name: West Fertilizer Co.

Site or Facility Name: West Fertilizer

TCEQ Account Number (if applicable): MB-
0145-S

Permit Number: 79803

Regulated Entity Number: RN100985407

Customer Number: CN603095266

NEW SOURCE REVIEW PERMIT NOTICE VERIFICATION

I verify that the required signs (for 1st notice) were posted in accordance with the regulations and instructions of the TCEQ.

☒ YES ☐ NO

I verify that original tear sheets of the newspaper notices and the requested affidavits have been furnished in accordance with the regulations and instructions of the TCEQ.

☒ YES ☐ NO

Notice of Receipt of Application and Intent to Obtain Permit (1st Notice):

I verify that a copy of the complete air quality application, and any revisions, were available for review and copying at the public place indicated below throughout the duration of the public comment period.

☒ YES ☐ NO

Notice of Application and Preliminary Decision (2nd Notice, if applicable):

I verify that a copy of the complete air quality application and draft permit, and any revisions, are available for review and copying at the public place indicated below from the first day after newspaper publication; and

I also verify that the air quality application and draft permit, and any revisions, will remain in the designated public place until either:

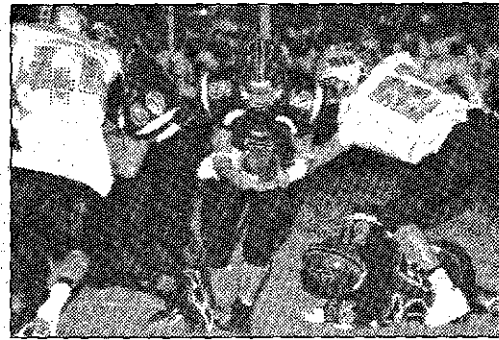
- 1) the TCEQ acts on the application; or
- 2) the application is referred to the State Office of Administrative Hearings (SOAH) for hearing

☒ YES ☐ NO

Name and Address of Public Place:

Trojans remain
unbeaten at 4-0

See sports- page 8



Residents urged to write
to Congressmen, Senators

See sample letter - page 6

West News

The oldest business in West - established in 1889

Volume 116, No. 39 One Section

Thursday, September 28, 2006

West Texas 50 CENTS

NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN AIR PERMIT

PROPOSED AIR QUALITY PERMIT NO.79803

APPLICATION West Fertilizer Co., has applied to the Texas Commission on Environmental Quality (TCEQ) for issuance of Air Quality Permit No.79803 which would authorize continued operation of an Anhydrous Ammonia Fertilizer Plant located at 1471 Jerry Mashek Drive, West, McLennan County, Texas. The facility will emit the following air contaminants: ammonia.

This application was submitted to the TCEQ on September 1, 2006. The application is available for viewing and copying at the TCEQ central office, the TCEQ Waco regional office, and the West City Hall, 110 North Reagan Street, West, McLennan County, Texas. The facility's compliance file, if any exists, is available for public review in the Waco regional office of the TCEQ.

The TCEQ executive director has determined the application is administratively complete and will conduct a technical review of the application.

PUBLIC COMMENT/PUBLIC MEETING You may submit public comments, a request for a public meeting, or request a contested case hearing to the Office of the Chief Clerk at the address below. The TCEQ will consider all public comments in developing a final decision on the application. The deadline to submit public comments is 30 days after newspaper notice is published.

The purpose of a public meeting is to provide the opportunity to submit comments or ask questions about the application. A public meeting about the application may be held if the executive director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

If only comments are received on the application, the response to comments, along with notice of the executive director's action on the application, will be mailed to everyone who submitted comments or is on the mailing list for this application.

If a hearing request is timely filed, the executive director will complete the technical review, issue a preliminary decision on the application, and a Notice of Application and Preliminary Decision will be published and mailed to those who are on the mailing list for this application. That notice will contain the final deadline for submitting public comments.

After the final deadline for public comments following any required Notice of Application and Preliminary Decision, the executive director will consider the comments and prepare a response to all relevant and material, or significant public comments. If comments are received, the response to comments, along with the executive director's decision on the application, will then be mailed to everyone who submitted public comments or is on a mailing list for this application.

OPPORTUNITY FOR A CONTESTED CASE HEARING You may request a contested case hearing. A contested case hearing is a legal proceeding similar to a civil trial in state district court. Unless a written request for a contested case hearing is filed within 30 days from this notice, the executive director may approve the application. **If no hearing request is received within this 30-day period, no further opportunity for hearing will be provided.** A contested case hearing will only be granted based on disputed issues of fact that are relevant and material to the Commission's decision on the application. Further, the Commission will only grant a hearing on those issues raised during the public comment period and not withdrawn.

A person who may be affected by emissions of air contaminants from the facility is entitled to request a hearing. If requesting a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "I/we request a contested case hearing;" (4) a specific description of how you would be adversely affected by the application and air emissions from the facility in a way not common to the general public; (5) the location and distance of your property relative to the facility; and (6) a description of how you use the property which may be impacted by the facility. If the request is made by a group or an association, the one or more members who have standing to request a hearing, and the interests which the group or association seeks to protect, must also be identified. You may also submit your proposed adjustments to the applicant/permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing within 30 days following this notice to the Office of the Chief Clerk, at the address below.

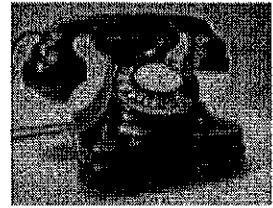
If a hearing request is timely filed, additional notice may be provided. Following the close of all applicable comment and request periods, the executive director will forward the application and any requests for contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact relating to relevant and material air quality concerns raised during the comment period.** Issues such as property values, noise, traffic safety, and zoning are outside of the Commission's jurisdiction to address in this proceeding.

MAILING LIST In addition to submitting public comments, you may ask to be placed on a mailing list to receive future public notices for this specific application mailed by the Office of the Chief Clerk by sending a written request to the TCEQ Office of the Chief Clerk at the address below.

INFORMATION Written public comments or requests for a public meeting or contested case hearing should be submitted to the Office of the Chief Clerk, MC-105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For more information about this permit application or the permitting process, please call the Office of Public Assistance, Toll Free at 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040. General information regarding the TCEQ can be found at www.tceq.state.tx.us.

Further information may also be obtained from West Fertilizer Co., P.O. Box 399, West, Texas 76691 or by calling Mr. Ted J. Uptmore, General Manager at (254) 826-5309.

RECORD OF TELEPHONE CALL



DATE: 10/05/2006

TIME: 2:30 PM

Staff Contact: **Ms. Heather Nixon**

Phone: **(512) 239-4716**

Division: **Air Permits Division**

City: **Austin**

Company Contact: **Mr. Joe Henry Hanus**

Phone: **(361) 319-5378**

Company: **West Fertilizer Co.**

City: **Cresson, TX**

SUBJECT: Mr. Hanus called to let me know that he is the consultant that worked on the application and I should contact him with any questions.

SUMMARY: He also wanted to discuss some of the listed items I had sent in a deficiency letter to the company manager. I went over each point with him and explained what I was looking for. He thought he had sent that information, I told him it was not in the file. He said he would get the information and send it in.

10/04/06

15:16

512 239 5698

AIR PERMITTING

001

*** ACTIVITY REPORT ***

TRANSMISSION OK

TX/RX NO.

4117

CONNECTION TEL

912548264325

CONNECTION ID

START TIME

10/04 15:13

USAGE TIME

02'25

PAGES

3

RESULT

OK



FAX TRANSMITTAL

DATE: October 4, 2006

NUMBER OF PAGES *(including this cover sheet)*:

3

TO:

Name Mr. Ted Uptmore, General Manager
Organization West Fertilizer Co.
FAX Number (254) 826-4325

FROM: **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

Name Ms. Heather Nixon
Division/Region Office of Permitting, Remediation, and
Registration, Air Permits Division
Telephone Number (512) 239-4716
FAX Number (512) 239-1300

NOTES: This fax contains a deficiency letter listing items which are necessary for the review of your permit application. Please provide the deficient items within the **30-day deadline**.

Please let me know if you have any questions.

Thank you,
Heather Nixon
Hnixon@tceq.state.tx.us
512-239-4716

Mr. Ted J. Uptmore
General Manager
West Fertilizer Co.
P.O. Box 399
West, Texas 76691

Re: Permit Application
Permit Number: 79803
Anhydrous Ammonia Fertilizer Plant
West, McLennan County
Regulated Entity Number: RN100985407
Customer Reference Number: CN603095266
Account Number: MB-0145-S

*The Storage Facility
not a plant*

Dear Mr. Uptmore:

Upon evaluation of the above-referenced application, we have determined that additional information is needed to complete our review. Please furnish the information indicated as follows:

- A complete history of the facility;
- A detailed description of any barriers on your property to prevent vehicle accidents;
- A thorough discussion on the nurse tanks maintained on this property;
- A block flow diagram of the operation;
- A written process description of the operation;
- A discussion of control of emissions (bleeding emissions from the disconnection of hoses);
- A detailed description of all maintenance and housekeeping procedures employed by the facility; and
- Completed storage tank tables (table 7) for each ammonia storage tank.

Please note that the Texas Commission on Environmental Quality (TCEQ) has an Internet site that has proven helpful to many air permit applicants. The site includes New Source Review Permit forms, tables, guidance documents and state air regulations. The Web address is http://www.tceq.state.tx.us/nav/permits/air_permits.html.

Mr. Ted J. Uptmore
Page 2

Re: Permit Number 79803

After receipt of all the additional information, we will continue the review of your application. If the information furnished in response to this notice results in the need for further clarification or additional information, we will communicate that need as soon as possible. In accordance with Title 30 Texas Administrative Code § 116.116(a), all representations made in a permit application become conditions upon which a permit is issued. Any variations from these representations require prior authorization from the TCEQ.

Failure to submit all of the requested information within 30 days of the date of this notification may result in a voidance of your application. Following a voidance, the permit fee will be retained for 180 days. If you still wish to pursue the project following the voidance, you will need to submit a new Form PI-1 (General Application for Air Preconstruction Permits and Amendments) and an entirely new application. The new application will be subject to the state and federal rules and regulations in place at the time of submittal, i.e., we will review state and federal applicability (best available control technology, netting, offsets, etc.). If public notice was required in the original application, you may be required to republish the notice. You do not need to submit additional fees with the new application if the project scope has not increased and the original fee was correct.

If a new Form PI-1 and new application are not submitted within 180 days from the date of the voidance, you will forfeit the original permit fee. A new Form PI-1, new application, and a new fee must be submitted if you desire to pursue the project beyond the 180 days.

Thank you for your cooperation in this matter. If you have any questions, please contact me at (512) 239-4716, or write to the Texas Commission on Environmental Quality, Office of Permitting, Remediation, and Registration, Air Permits Division (MC-163), P.O. Box 13087, Austin, Texas 78711-3087.

Sincerely,



Heather Nixon
Air Permits Division
Texas Commission on Environmental Quality

HN

Enclosures

cc: Air Section Manager, Region 9 - Waco

Compliance History

Regulated Entity

Number: RN100985407

Name: WEST FERTILIZER

Classification: AVERAGE

Rating: 3

Publication Date: 10/01/2006

Customer

Number: CN603095266

Name: West Fertilizer Co

Classification:

Rating:

Publication Date:

Repeat Violator Ind: NO

Compliance History
Start: 09/01/2006 End: 09/01/2001

Enforcement Actions

Type	Effective Date	Violations		
		Citation/Requirement Provision	Abb. Description	Classification

Criminal Convictions

Conviction Date	Number of		Violations		
	Felonies	Misdemeanors	Citation/Requirement Provision	Abb. Description	Classification

Chronic Excessive Emissions Events

Start Date

Investigations

Date	Type
------	------

Notices of Violation

Date	Status	Citation/Requirement Provision	Abb. Description	Classification	Self Reported
06/21/2006	ACTIVE	30 TAC Chapter 116, SubChapter B 116.110(a)	Failure to obtain a permit or qualify for a permit by rule.	MODERATE	NO

Environmental Audits

Notice of Audit Date	Disclosure Of Violation			
	DOV Date	Violations		
		Classification	Citation/Requirement Provision	Abbv. Description

Environmental Management Systems

Type	Tier	Date of Certification	Implementation Date
------	------	-----------------------	---------------------

Voluntary On-Site Compliance Assessments

Date

Voluntary Pollution Reduction Programs

Name	Level	Start Date of Participation
------	-------	-----------------------------

Early Compliance

Date	Description
------	-------------

[Central Registry Help](#) [Central Registry Glossary](#)

Company Name:

West Fertilizer Co.

Permit #

79803

2 - 12,000 Gallon NH₃ Tanks

Filled to 85% capacity

Equipment	Service	Number	SOCMI Factor (#/hr)	Applicable Control Efficiencies	=	#/hr	TPY
Valves	Light Liquid	18	0.0035	97%	=	0.0018900	0.0082782
Open-Ended Lines	Light Liquid	7	0.004	97%	=	0.0008400	0.0036792
Flanges & Pipe Conn.	Light Liquid	21	0.0005	97%	=	0.0003150	0.0013797
Valves	Vapor	14	0.0089	97%	=	0.0037380	0.01637244
Compressor Seals	Vapor	8	0.5027	95%	=	0.2010800	0.8807304
Pressure Relief Valves	Vapor	5	0.2293	100%	=	0.0000000	0
Open-Ended Lines	Vapor	9	0.004	97%	=	0.0010800	0.0047304
Flanges & Pipe Conn.	Vapor	23	0.0029	97%	=	0.0020010	0.00876438

Total =	0.2109440	0.92393472
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Maximum hourly throughput of NH₃ received by truck or rail is 7.6 tons/hr (15,200 #/hr).

Maximum annual throughput of NH₃ received by truck or rail is 3,000 tons/yr.

[Send To Printer](#)

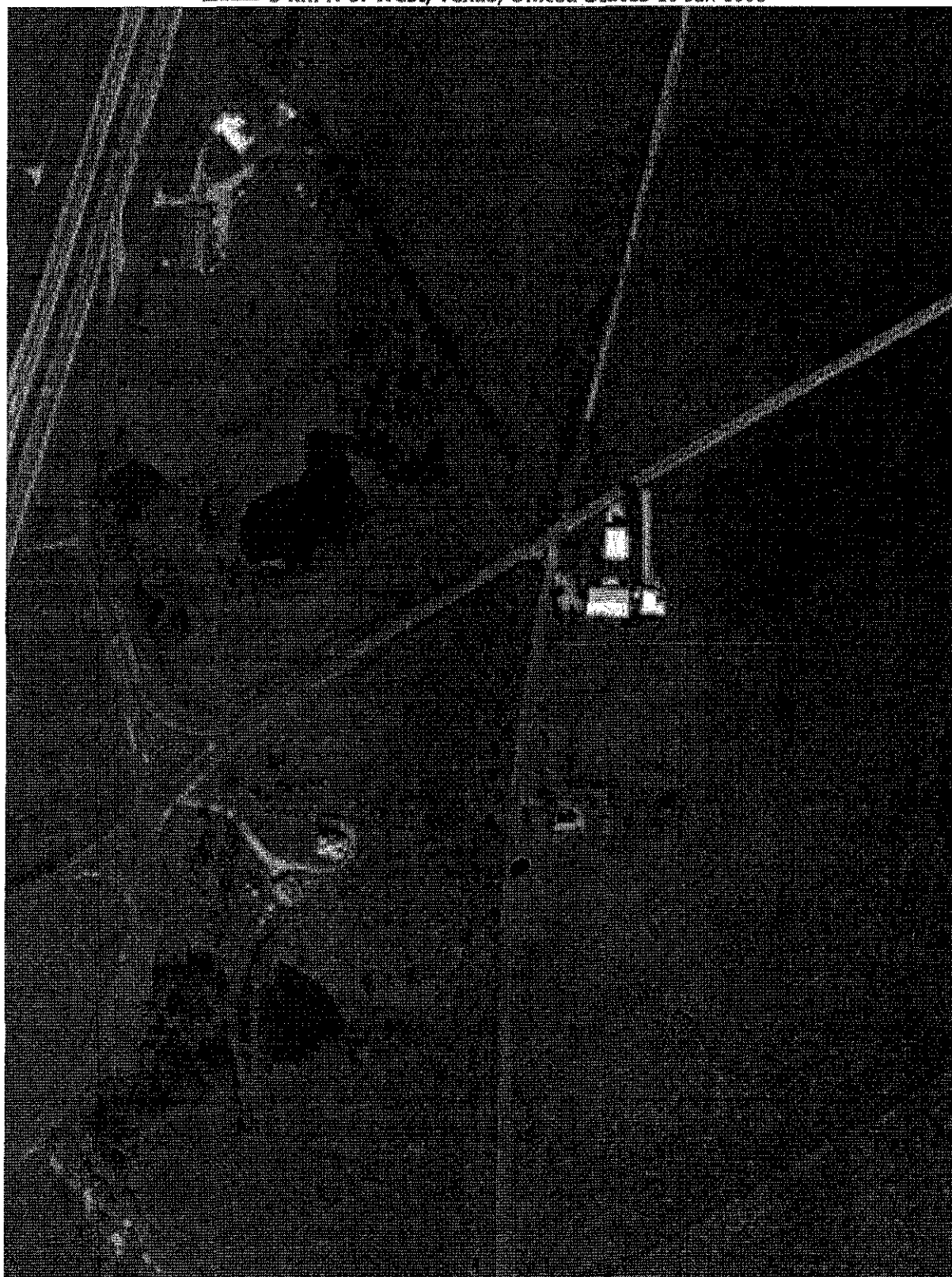
[Back To TerraServer](#)

[Change to 11x17 Print Size](#)

[Show Grid Lines](#)

[Change to Landscape](#)

USGS 5 km N of West, Texas, United States 19 Jan 1995



0 100M

0 100yd

Image courtesy of the U.S. Geological Survey

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[Privacy Statement](#)

MR JACKSON BATTLE
BROWN MCCARROLL LLP
111 CONGRESS AVE STE 1400
AUSTIN TX 78701-4093

R W CARTER
RICHARD W CARTER ASSOCIATES
PO BOX 1195
ROWLETT TX 75030-1195

MR BUCHANAN EASLEY
4020 SUMMIT CT
FAIRVIEW TX 75069-1183

STUART HENRY ATTY AT LAW
HENRY & POPLIN
819 1/2 W 11TH ST
AUSTIN TX 78701-2009

JODY ORSAG
ONCOR DISTRIBUTION DIVISION
3600 FRANKLIN AVE
WACO TX 76710-7328

WILEY STEM III ASSISTANT CITY MGR
CITY OF WACO
PO BOX 2570
WACO TX 76702-2570

IRVIN A UPHOFF
2532 ALDEN AVE
DALLAS TX 75211-2713

DICK & JEAN WEINKAUF
PO BOX 5408
LAGUNA PARK TX 76644-5408

9/25/06

LP

✎ CITY OF WACO
PO BOX 2570
WACO TX 76702-2570

✎ HEART OF TEXAS COUNCIL OF
GOVERNMENTS
1514 S NEW RD
WACO TX 76711-1316

✎ MCLENNAN COUNTY JUDGE
PO BOX 1728
WACO TX 76703-1728

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

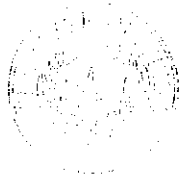
FIELD SUPERVISOR
✎ US FISH & WILDLIFE SERVICE
10711 BURNET RD STE 200
AUSTIN TX 78758-4460

PUBLIC HEALTH REGION 7
✎ TEXAS DEPARTMENT OF STATE HEALTH
SERVICES
2408 S 37TH ST
TEMPLE TX 76504-7168

ROGER BARKER DIRECTOR
✎ WACO-MCLENNAN COUNTY HEALTH DEPT
225 W WACO DR
WACO TX 76707-3897

LAURALEE VALLON GENERAL COUNSEL
✎ BRAZOS RIVER AUTHORITY
PO BOX 7555
WACO TX 76714-7555

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 27, 2006

The Honorable Kip Averitt
Texas Senate
P.O. Box 12068
Austin, Texas 78711-2068

Re: Small Business Stationary Source Application for an Air Quality Permit
Anhydrous Ammonia Plant

Dear Senator Averitt:

Pursuant to the requirements of Section 382.0516 of the Texas Clean Air Act, Texas Health and Safety Code, Chapter 382, this letter is to notify you of the recent receipt of an application for a permit for a small business stationary facility which is located in your district. As part of the air permitting process, this applicant will be required to publish a formal public notice in a newspaper of general circulation in the municipality nearest to the facility location. The notice will inform the public of their right to ask questions, make comments, request a public hearing, or request a public meeting. This letter is being sent to you for information only and no action is required. The status of all pending air quality applications may be viewed by visiting our agency web site at www2.tceq.state.tx.us/airperm.

West Fertilizer Co., P.O. Box 399, West, Texas 76691, has applied for authorization for continued operation of the Anhydrous Ammonia Fertilizer Plant located at 1471 Jerry Mashek Drive, West, McLennan County, Texas. The Air Quality Permit Number is 79803.

If you need further information or have any questions, please call Ms. Stephanie Howell at (512) 239-1560 or write her at the Texas Commission on Environmental Quality, Office of Permitting, Remediation, and Registration, Air Permits Division (MC-163), P.O. Box 13087, Austin, Texas 78711-3087.

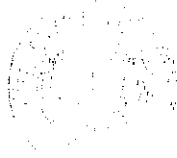
Sincerely,

A handwritten signature in black ink, appearing to read "Donald D. Nelon".

Donald D. Nelon, Team Leader
Air Permits Initial Review Team
Air Permits Division

DDN/SH/skh

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 27, 2006

The Honorable Charles "Doc" Anderson
Texas House of Representatives
P.O. Box 2910
Austin, Texas 78768-2910

Re: Small Business Stationary Source Application for an Air Quality Permit
Anhydrous Ammonia Plant

Dear Representative Anderson:

Pursuant to the requirements of Section 382.0516 of the Texas Clean Air Act, Texas Health and Safety Code, Chapter 382, this letter is to notify you of the recent receipt of an application for a permit small business stationary facility which is located in your district. As part of the air permitting process, this applicant will be required to publish a formal public notice in a newspaper of general circulation in the municipality nearest to the facility location. The notice will inform the public of their right to ask questions, make comments, request a public hearing, or request a public meeting. This letter is being sent to you for information only and no action is required. The status of all pending air quality applications may be viewed by visiting our agency web site at www2.tceq.state.tx.us/airperm.

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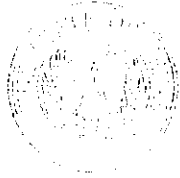
Sincerely,

A handwritten signature in black ink, appearing to read "Donald D. Nelon".

Donald D. Nelon, Team Leader
Air Initial Review Team
Air Permits Division

DDN/SH/skh

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 21, 2006

Mr. Ted J. Uptmore
General Manager
West Fertilizer Co.
P.O. Box 399
West, Texas 76691

Re: Declaration of Administrative Completeness
Permit Application
Air Quality Permit No. 79803
Anhydrous Ammonia Plant
West, McLennan County
Customer Reference Number: CN603095266
Regulated Entity Number: RN100985407

Dear Mr. Uptmore:

We have declared the above-referenced application, received on September 1, 2006, administratively complete on September 21, 2006. We also understand you have represented that this application is for a small business stationary source.

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

- ☐ Notices for Newspaper Publication (Example A)
- ☐ Sign Posting Example (Example C)
- ☐ Instructions for Public Notice
- ☐ Affidavit of Publication
- ☐ Notification List
- ☐ Public Notice Verification Form

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

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.

1. Publish the enclosed notice and post signs within **30 calendar days** after your application is declared administratively complete (see this letter's first paragraph for the declaration date).

Mr. Ted J. Uptmore
Page 2
September 21, 2006

Re: Air Quality Permit No. 79803

2. You may also be required to publish notice and post signs in an alternate language (refer to the enclosed *Instructions for Public Notice*, and *Public Notice Verification Form*). The Public Notice Verification Form, and Spanish notice templates are available at www.tceq.state.tx.us/permitting/air/bilingual/when_biling.html.
3. Place a copy of your application in a public place in the county where the facilities are or will be located. This copy must be accessible to the public for review and copying and remain in place throughout the newspapers' comment period.
4. Return original newspaper clippings (tear sheets) of the notices, which show publication date and newspaper name, to the Texas Commission on Environmental Quality (TCEQ) Office of the Chief Clerk and copies to those on the enclosed *Notification List* within **10 business days** after notices are published.
5. Return the original enclosed *Affidavit of Publication* and, if applicable, *Alternative Language Affidavit of Publication* to the Office of the Chief Clerk and copies to those on the enclosed *Notification List* within **30 calendar days** after the notice is published in the newspaper.
6. Return the *Public Notice Verification Form* to the Office of the Chief Clerk and copies to those on the enclosed *Notification List* within **10 business days** after end of the comment period listed in the notices.

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. Please note that as your application undergoes the technical review, we may request additional information.

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 Ms. Sharon Hickman at (512) 239-1544.

Sincerely,



Donald D. Nelon, Team Leader
Air Permits Initial Review Team
Air Permits Division

DDN/skh

Enclosures

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



EXAMPLE A

NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN AIR PERMIT

PROPOSED AIR QUALITY PERMIT NO. 79803

APPLICATION West Fertilizer Co., has applied to the Texas Commission on Environmental Quality (TCEQ) for issuance of Air Quality Permit No. 79803 which would authorize continued operation of an Anhydrous Ammonia Fertilizer Plant located at 1471 Jerry Mashek Drive, West, McLennan County, Texas. The facility will emit the following air contaminants: ammonia.

This application was submitted to the TCEQ on September 1, 2006. The application is available for viewing and copying at the TCEQ central office, the TCEQ Waco regional office, and the West City Hall, 110 North Reagan Street, West, McLennan County, Texas. The facility's compliance file, if any exists, is available for public review in the Waco regional office of the TCEQ.

The TCEQ executive director has determined the application is administratively complete and will conduct a technical review of the application.

PUBLIC COMMENT/PUBLIC MEETING You may submit public comments, a request for a public meeting, or request a contested case hearing to the Office of the Chief Clerk at the address below. The TCEQ will consider all public comments in developing a final decision on the application. **The deadline to submit public comments is 30 days after newspaper notice is published.**

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After the final deadline for public comments following any required Notice of Application and Preliminary Decision, the executive director will consider the comments and prepare a response to all relevant and material, or significant public comments. If comments are received, the response to comments, along with the executive director's decision on the application, will then be mailed to everyone who submitted public comments or is on a mailing list for this application.

OPPORTUNITY FOR A CONTESTED CASE HEARING You may request a contested case hearing. A contested case hearing is a legal proceeding similar to a civil trial in state district court. Unless a written request for a contested case hearing is filed within 30 days from this notice, the executive director may approve the application. **If no hearing request is received within this 30-day period, no further opportunity for hearing will be provided.** A contested case hearing will only be granted based on disputed issues of fact that are relevant and material to the Commission's decision on the application. Further, the Commission will only grant a hearing on those issues raised during the public comment period and not withdrawn.

A person who may be affected by emissions of air contaminants from the facility is entitled to request a hearing. If requesting a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a specific description of how you would be adversely affected by the application and air emissions from the facility in a way not common to the general public; (5) the location and distance of your property relative to the facility; and (6) a description of how you use the property which may be impacted by the facility. If the request is made by a group or an association, the one or more members who have standing to request a hearing, and the interests which the group or association seeks to protect, must also be identified. You may also submit your proposed adjustments to the application/permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing within 30 days following this notice to the Office of the Chief Clerk, at the address below.

If a hearing request is timely filed, additional notice may be provided. Following the close of all applicable comment and request periods, the executive director will forward the application and any requests for contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact relating to relevant and material air quality concerns raised during the comment period.** Issues such as property values, noise, traffic safety, and zoning are outside of the Commission's jurisdiction to address in this proceeding.

MAILING LIST In addition to submitting public comments, you may ask to be placed on a mailing list to receive future public notices for this specific application mailed by the Office of the Chief Clerk by sending a written request to the TCEQ Office of the Chief Clerk at the address below.

INFORMATION Written public comments or requests for a public meeting or contested case hearing should be submitted to the Office of the Chief Clerk, MC-105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For more information about this permit application or the permitting process, please call the Office of Public Assistance, Toll Free, at 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040. General information regarding the TCEQ can be found at www.tceq.state.tx.us.

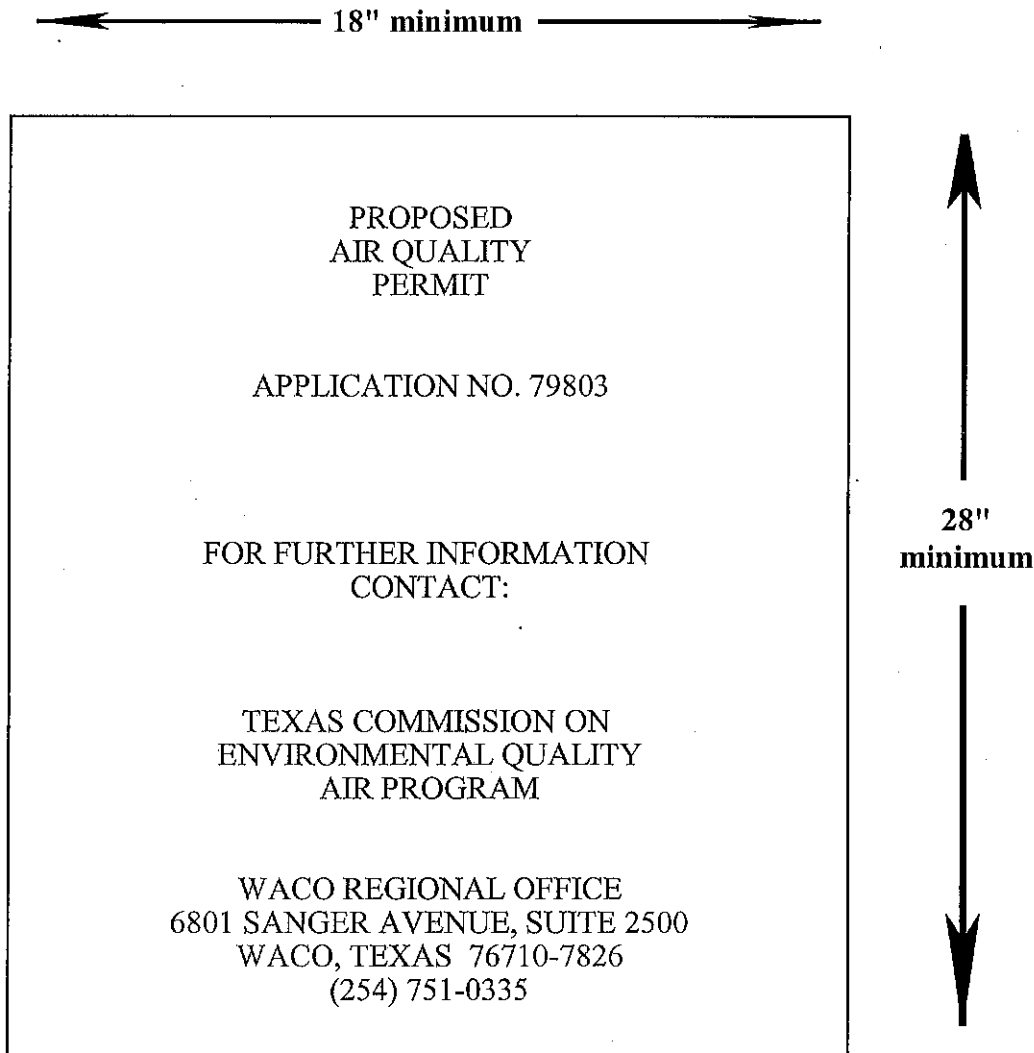
Further information may also be obtained from West Fertilizer Co., P.O. Box 399, West, Texas 76691 or by calling Mr. Ted J. Uptmore, General Manager at (254) 826-5309.

Issuance Date: September 21, 2006

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 public highway, street or road. Signs must be 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 that is necessary for the sign(s) to be 100 percent visible from the street.

WHITE BACKGROUND WITH BLACK LETTERS

All lettering must be 1-1/2" block printed capitals.

INSTRUCTIONS FOR PUBLIC NOTICE
For New Source Review Air Permit
For Small Business Stationary Sources

NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN PERMIT

Your application has been declared administratively 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 or font/style of the notice without prior approval from the TCEQ.

Newspaper Notice

- You must publish the enclosed *Notice of Receipt of Application and Intent to Obtain Permit* within **30 calendar days** after the date of administrative completeness.
- You must publish the enclosed *Notice of Receipt of Application and Intent to Obtain Permit* at your expense, in a newspaper of general circulation in the municipality where the facilities are or will be located. If the facilities are not located within a municipality, the newspaper should be of general circulation in the municipality nearest the location. **Guidance on which publications qualify as a newspaper of general circulation is included in the General Information section of this document.**
- You must publish this notice in one issue of any applicable newspaper.
- The bold text of the enclosed notice **must** be printed in the newspaper in a font style or size that distinguishes it from the rest of the notice (i.e., **bold, italics**). **Failure to do so may require re-notice.**

Alternative Language Notice

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

- Public notice rules require the applicant to determine whether a bilingual program is required at either the elementary or middle school nearest to the 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 (signs notice, or signs and 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. **If a general circulation newspaper or publication printed 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. 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. **Guidance on which publications qualify as a newspaper of general circulation is included in the General Information section of this document.**

- The applicant has the burden to demonstrate compliance with these requirements. To assist applicants to meet these requirements, the TCEQ has provided the *Public Notice Verification Form* (enclosed). This form is available at www.tceq.state.tx.us/permitting/air/nav/air_publicnotice.html.
- It is suggested the applicant work with the local school district to do the following:
 - (a) Determine if a bilingual program is required in the district;
 - (b) Determine which language is required by the bilingual program;
 - (c) Locate the nearest elementary and middle schools; and
 - (d) Determine if any students attending either school are eligible to be enrolled in a bilingual educational program.

Proof of Publication

- You must submit **original newspaper clippings** of the published notices which show the date of publication and the name of the newspaper to the TCEQ Office of the Chief Clerk within **10 business days** after the date of publication.
- You must submit an **original affidavit of publication and alternate language affidavit of publication (if applicable)** to the Office of the Chief Clerk within **30 calendar days** after the date of publication. **You must use the enclosed affidavits.** The affidavits must clearly identify the applicant's name and permit number.
- You are encouraged to submit the affidavit with the original newspaper clippings described above; however, the affidavit must be submitted no later than **30 calendar days** after publication of notice.
- The **original affidavits and original newspaper clippings of the published notices** must be mailed to:

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

- Please ensure that the affidavit and newspaper clippings you send to the TCEQ Chief Clerk are originals and that all blanks on the affidavit are filled in correctly. Photocopies of newspaper clippings and affidavits will not be accepted.
- Please ensure the affidavits are correct and consistent with the hard copies that were provided. If any revisions are made to the affidavits they may not be accepted.
- **Photocopies of newspaper clippings, affidavits, and verifications must also** be sent to those listed on the enclosed *Notification List* within the deadlines specified above.

Failure to Publish and Submit Proof of Publication

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

Sign Posting

Applicants for air quality permits must also post signs.

- Signs must be in place on the first day of publication in a newspaper and must remain in place and be legible for the publications' designated comment period.
- The information enclosed (*Example C*) is an example only. 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 need to be approved by the agency.
- Each sign placed at the site must be located within 10 feet of each (every) property line paralleling a public street, road, or highway. Signs must be 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 street, road, or highway. Sign(s) must be placed at whatever height above the ground is necessary for sign(s) to be 100 percent visible from the street.
- All lettering on the sign must be 1½" in height. The sign must be at least 18" wide and 28" tall.
- Alternative language signs are required if alternative notice is required, even if no newspaper can be found.
- You must submit verification of sign posting using the Public Notice Verification Form within **10 business days** after end of the publications' designated comment period.

Application in a Public Place

- You must provide a copy of the administratively complete application at a public place for review and copying by the public. This place must be in the county in which the facility is located or proposed to be located.
- A public place is one that is publicly owned or operated. For example, libraries, county courthouses, or city halls.
- The administratively complete application must be available beginning on the first day of newspaper publication and remain available until the end of the publications' designated 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 TCEQ Public Information Coordinator, MC-197, P.O. Box 13087, Austin, Texas 78711-3087."
- You must submit verification of file availability using the Public Notice Verification Form within **10 business days** after end of the publications' designated comment period.

General Information

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

If you wish to obtain an electronic copy, please contact the administrative reviewer that assisted in the preparation of this public notice package. The electronic copy will consist of Example A, Example B (if applicable), Example C, the equivalent in Spanish (if applicable), instructions, Public Notice Verification Form, Affidavit of Publication and Alternate Language Affidavit of Publication (if applicable). The electronic version is available in WordPerfect format only and can be requested once your application has been declared administratively complete. Please ensure that the electronic version is correct and consistent with the hard copies that were provided. Any revisions made may not be accepted. You may download copies of the Public Notice Verification Form and Affidavit forms by visiting our agency web site at www.tceq.state.tx.us/permitting/air/nav/air_publicnotice.html.

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

Newspaper of General Circulation

Public notification must be provided in a newspaper of general circulation as required by 30 TAC 39.603(c) and (d). Texas law on determination of what is a "newspaper of general circulation" is discussed by the Office of the Attorney General in Opinion No. JC-0223 (May 22, 2000) which can be viewed on the internet at <http://www.oag.state.tx.us/opinions/op49cornyn/jc-0223.htm>. The issue of whether a newspaper is of general circulation is not merely of size but also a matter of publication content. Additional information on this topic is found in the case of City of Corpus Christi v. Jones, 144 S.W. 2d 388 (Tex. Civ. App. - San Antonio 1940, writ dismissed judgment corrected). Each case is fact specific so the numbers in the Jones case do not represent thresholds for either English or alternative language newspapers, just examples of what a court has found sufficient. In Jones, the court developed a seven factor test to make this determination. The factors were identified as follows:

1. whether the newspaper in which the notice is published is representative of the usual contents of the paper [in Jones, the issue was a representative issue of the newspaper, not a unique issue];
2. what the percentage of general circulation is [8% of the population of the city was sufficient in Jones]
3. what the percentage of delivery is [3% of the population of the city was sufficient in Jones].
4. whether there are paid subscribers [3% of the population of the city was sufficient in Jones]
5. whether the newspaper is dedicated to a private enterprise [In Jones the paper was not dedicated to a private enterprise];
6. whether the newspaper is dedicated to a church or religious activity [although in Jones the newspaper contained listings of church activities and religious organizations, the news coverage was not restricted to such activities]; and
7. whether the newspaper contained news items of general interest, editorials and advertisements [these were present in Jones].

Questions concerning whether or not a newspaper is to be considered in general circulation should be directed to the permit reviewer who will coordinate the determination with the TCEQ Environmental Law Division of the Office of Legal Services.

TCEQ-OFFICE OF THE CHIEF CLERK
MC-105 Attn: Notice Team
PO BOX 13087
AUSTIN TX 78711-3087

Applicant Name: West Fertilizer Co.
Permit No.: 79803 Permit Action: Initial Issuance
Notice of Intent to Obtain Permit

AFFIDAVIT OF PUBLICATION

STATE OF TEXAS §

COUNTY OF _____ §

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

_____, who being by me duly sworn,
(name of newspaper representative)

deposes and says that (s)he is the _____
(title of newspaper representative)

of the _____; that said newspaper is generally
(name of newspaper)

circulated in _____, Texas;
(in the municipality or nearest municipality to the proposed facility)

that the attached 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
PO BOX 13087
AUSTIN TX 78711-3087

Applicant Name: West Fertilizer Co.
Permit No.: 79803 Permit Action: Initial Issuance
Notice of Intent to Obtain Permit

ALTERNATIVE LANGUAGE AFFIDAVIT OF PUBLICATION

STATE OF TEXAS §

COUNTY OF _____ §

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

_____, who being by me duly sworn,
(name of newspaper representative)

deposes and says that (s)he is the _____
(title of newspaper representative)

of the _____; that said newspaper is generally
(name of newspaper)

circulated in _____, Texas;
(in the municipality or the county as the proposed facility)

that the attached 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 _____



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Public Notice Verification Form
Air Permit

OCC# _____
(TCEQ Use Only)

Applicant Name: West Fertilizer Co.

Site or Facility Name: West Fertilizer

TCEQ Account Number (if applicable): MB-0145-S

Permit Number: 79803

Regulated Entity Number: RN100985407

Customer Number: CN603095266

All applicants must complete all applicable portions of this form. The completed form should be sent to the TCEQ to the attention of the Office of the Chief Clerk. 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: <input type="checkbox"/> YES <input type="checkbox"/> NO		
A bilingual education program is required by the Texas Education Code in the district: <input type="checkbox"/> YES <input type="checkbox"/> NO		
School District:	Phone:	
Person Contacted:	Date:	
The name of the elementary school nearest to the proposed or existing facility is:		
The name of the middle school nearest to the proposed or existing facility is:		
Students who attend one of the schools above are eligible to be enrolled in a bilingual program provided by the district. <input type="checkbox"/> YES <input type="checkbox"/> NO		
The following language(s) is/are utilized in the bilingual program:		
If an applicable bilingual program exists, then applicants must publish a notice and/or post signs, as outlined in the instructions for Public Notice and certify as applicable on this form.		

ALTERNATIVE LANGUAGE VERIFICATION		
I verify that the area addressed by this permit application is subject to alternative language public notice requirements. <input type="checkbox"/> YES <input type="checkbox"/> NO		
I verify that 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		
I verify that no such newspaper or publication was found in any of the language(s) in which notice is required. <input type="checkbox"/> YES <input type="checkbox"/> NO		
I verify that the publishers of the newspapers listed below refused to publish the notice as requested, and no other newspaper or publication in the same language and of general circulation was 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:	
I verify that bilingual sign(s) required by the TCEQ were posted. (if applicable) <input type="checkbox"/> YES <input type="checkbox"/> NO		
I verify that original tear sheets 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		
Signed by:	Applicant:	
Title:	Date:	



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Public Notice Verification Form
Air Permit

OCC# _____
(TCEQ Use Only)

Applicant Name: West Fertilizer Co.

Site or Facility Name: West Fertilizer

TCEQ Account Number (if applicable): MB-0145-S

Permit Number: 79803

Regulated Entity Number: RN100985407

Customer Number: CN603095266

NEW SOURCE REVIEW PERMIT NOTICE VERIFICATION	
I verify that the required signs (for 1st notice) were posted in accordance with the regulations and instructions of the TCEQ. <input type="checkbox"/> YES <input type="checkbox"/> NO	
I verify that original tear sheets of the newspaper notices and the requested affidavits have been furnished in accordance with the regulations and instructions of the TCEQ. <input type="checkbox"/> YES <input type="checkbox"/> NO	
Notice of Receipt of Application and Intent to Obtain Permit (1st Notice): I verify that a copy of the complete air quality application, and any revisions, were available for review and copying at the public place indicated below throughout the duration of the public comment period. <input type="checkbox"/> YES <input type="checkbox"/> NO	
Notice of Application and Preliminary Decision (2nd Notice, if applicable): I verify that a copy of the complete air quality application and draft permit, and any revisions, are available for review and copying at the public place indicated below from the first day after newspaper publication; and I also verify that the air quality application and draft permit, and any revisions, will remain in the designated public place until either: 1) the TCEQ acts on the application; or 2) the application is referred to the State Office of Administrative Hearings (SOAH) for hearing <input type="checkbox"/> YES <input type="checkbox"/> NO	
Name and Address of Public Place:	
Signed by:	
Title:	Date:

FEDERAL OPERATING PERMIT (TITLE V) NOTICE VERIFICATION	
I verify that the required signs were posted in accordance with the regulations and instructions of the TCEQ. <input type="checkbox"/> YES <input type="checkbox"/> NO	
I verify that original tear sheets of the newspaper notices and the requested affidavits have been furnished in accordance with the regulations and instruction of the TCEQ. <input type="checkbox"/> YES <input type="checkbox"/> NO	
I verify that a copy of the complete air quality application and draft permit, and any revisions, were available for review and copying at the public place indicated below throughout the duration of the public comment period. <input type="checkbox"/> YES <input type="checkbox"/> NO	
Name and Address of Public Place:	
Signed by:	
Title:	Date:

NOTIFICATION LIST

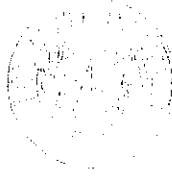
It is the responsibility of the applicant to furnish the following offices with copies of the notices published, the *Affidavits of Publication*, the *Alternative Language Affidavit of Publication (if applicable)*, and a completed copy of the *Public Notice Verification Form*. Originals should be sent to the TCEQ Office of the Chief Clerk, MC-105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. **Copies** should be sent to the following:

U.S. Environmental Protection Agency
Regional Administrator
Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

Texas Commission on Environmental Quality
Office of Permitting, Remediation, and
Registration
Air Permits Division (MC-163)
Ms. Stephanie Howell
P.O. Box 13087
Austin, Texas 78711-3087

Mr. Salal Tahiri, Section Manager
Air Program
TCEQ Region No. 9
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 27, 2006

The Honorable Kip Averitt
Texas Senate
P.O. Box 12068
Austin, Texas 78711-2068

Re: Small Business Stationary Source Application for an Air Quality Permit
Anhydrous Ammonia Plant

Dear Senator Averitt:

Pursuant to the requirements of Section 382.0516 of the Texas Clean Air Act, Texas Health and Safety Code, Chapter 382, this letter is to notify you of the recent receipt of an application for a permit for a small business stationary facility which is located in your district. As part of the air permitting process, this applicant will be required to publish a formal public notice in a newspaper of general circulation in the municipality nearest to the facility location. The notice will inform the public of their right to ask questions, make comments, request a public hearing, or request a public meeting. This letter is being sent to you for information only and no action is required. The status of all pending air quality applications may be viewed by visiting our agency web site at www2.tceq.state.tx.us/airperm.

West Fertilizer Co., P.O. Box 399, West, Texas 76691, has applied for authorization for continued operation of the Anhydrous Ammonia Fertilizer Plant located at 1471 Jerry Mashek Drive, West, McLennan County, Texas. The Air Quality Permit Number is 79803.

If you need further information or have any questions, please call Ms. Stephanie Howell at (512) 239-1560 or write her at the Texas Commission on Environmental Quality, Office of Permitting, Remediation, and Registration, Air Permits Division (MC-163), P.O. Box 13087, Austin, Texas 78711-3087.

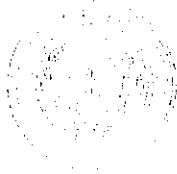
Sincerely,

A handwritten signature in black ink, appearing to read "Donald D. Nelon", is written over a horizontal line.

Donald D. Nelon, Team Leader
Air Permits Initial Review Team
Air Permits Division

DDN/SH/skh

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 27, 2006

The Honorable Charles "Doc" Anderson
Texas House of Representatives
P.O. Box 2910
Austin, Texas 78768-2910

Re: Small Business Stationary Source Application for an Air Quality Permit
Anhydrous Ammonia Plant

Dear Representative Anderson:

Pursuant to the requirements of Section 382.0516 of the Texas Clean Air Act, Texas Health and Safety Code, Chapter 382, this letter is to notify you of the recent receipt of an application for a permit small business stationary facility which is located in your district. As part of the air permitting process, this applicant will be required to publish a formal public notice in a newspaper of general circulation in the municipality nearest to the facility location. The notice will inform the public of their right to ask questions, make comments, request a public hearing, or request a public meeting. This letter is being sent to you for information only and no action is required. The status of all pending air quality applications may be viewed by visiting our agency web site at www2.tceq.state.tx.us/airperm.

West Fertilizer Co., P.O. Box 399, West, Texas 76691, has applied for authorization for continued operation of the Anhydrous Ammonia Fertilizer Plant located at 1471 Jerry Mashek Drive, West, McLennan County, Texas. The Air Quality Permit Number is 79803.

If you need further information or have any questions, please call Ms. Stephanie Howell at (512) 239-1560 or write her at the Texas Commission on Environmental Quality, Office of Permitting, Remediation, and Registration, Air Permits Division (MC-163), P.O. Box 13087, Austin, Texas 78711-3087.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald D. Nelon".

Donald D. Nelon, Team Leader
Air Initial Review Team
Air Permits Division

DDN/SH/skh

cc: Chief, New Source Review, Section (6PD-R), Environmental Protection Agency, Region 6,
Dallas

bcc: Ms. Charlene Smith, Notice Team, Office of Chief Clerk, Austin
Ms. Jodena Henneke, TCEQ Office of Public Assistance, Austin
Air Section Manager, Region 9 - Waco
Ms. Stephanie Howell, Air Permits Division, Austin

APPLICANT & CONTACT INFORMATION

This sheet should accompany all notices to be processed by the office of the chief clerk on the right side of the file folder.

APPLICANT'S MAIN CONTACT & ADDRESS TO BE SHOWN ON PERMIT:

NAME/TITLE: Ted J Uptmore, General Manager

COMPANY: West Fertilizer Co

STREET/ROAD: PO Box 399

CITY/STATE/ZIP: West, Texas 76691

TELEPHONE: (254) 826-5309

FAX: (254) 826-4325

APPLICANT'S TECHNICAL REPRESENTATIVE/ CONSULTANT:

NAME/TITLE: Ted J Uptmore, General Manager

COMPANY: West Fertilizer Co

STREET/ROAD: PO Box 399

CITY/STATE/ZIP: West, Texas 76691

PHONE: (254) 826-5309

FAX: (254) 826-4325

PERSON RESPONSIBLE FOR PUBLISHING NOTICE:

NAME/TITLE: Ted J Uptmore, General Manager

COMPANY: West Fertilizer Co

STREET/ROAD: PO Box 399

CITY/STATE/ZIP: West, Texas 76691

TELEPHONE: (254) 826-5309

FAX: (254) 826-4325

TRANSMISSION VERIFICATION REPORT

TIME : 09/21/2006 09:24
NAME : TCEQ APIRT
FAX : 512-239-2123
TEL :
SER. # : 000M5J283428

DATE, TIME 09/21 09:18
FAX NO./NAME 912548264325
DURATION 00:05:20
PAGE(S) 15
RESULT OK
MODE STANDARD
ECM

Dorothy at West Fertilizer
9/21/06 10:00 AM



Protecting Texas
by Reducing and
Preventing Pollution

FAX TRANSMITTAL

DATE: 9/21/06 NUMBER OF PAGES (including this cover sheet): 15

TO: Name Ted Uptmore
West Fertilizer Co.
254.826.4325

Organization _____

FAX Number _____

FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Name Sharon Hickman

Division/Region Air Permits Initial Review Team

Telephone Number 512/239-1544

FAX Number 512 239 - 4500

NOTES:

West Fertilizer Co.
Permit 79803

Administrative complete letter and public notice package. The hard copy will follow in the mail. Your application will now be transferred to a technical engineer. Thanks and please don't hesitate to call if you have any questions.



Protecting Texas
by Reducing and
Preventing Pollution

FAX TRANSMITTAL

DATE:

9/20/06

NUMBER OF PAGES (including this cover sheet):

4

TO:

Name

Ted Uptmore

Organization

West Fertilizer Co.

FAX Number

254.826.4325

FROM:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Name

Sharon Hickman

Division/Region

Air Permits Initial Review Team

Telephone Number

512 239-1844

FAX Number

512 239-4500

West Fertilizer Co
Permit 79803

We have attached a **DRAFT PORTION** of the Notice of Receipt of Application and Intent to Obtain a Permit, which contains information relevant to your application. Please review the information carefully and provide us with any corrections.

(If draft approval is not received within 2 working days, notice package will be filed with the Chief Clerks' office "As is"). The application will not be declared administratively complete or forwarded to a technical engineer until you confirm that the wording in the notice is acceptable.

Once your application is declared complete, we will file the original notice package with the Chief Clerk for mailing.

Please verify the contaminants, public viewing place, etc..

Please complete the portion below and fax this page back to us at the above number. Your prompt assistance is appreciated.

Wording of Notice Approved by:

Ted Uptmore

Date: 9-20-06

TRANSMISSION VERIFICATION REPORT

TIME : 09/20/2006 15:23
NAME : TCEQ APIRT
FAX : 512-239-2123
TEL :
SER.# : 000M5J283428

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

09/20 15:21
912548254325
00:01:36
04
OK
STANDARD
ECM

Ted Uptmore
9/20/06 4:00 pm



Protecting Texas
by Reducing and
Preventing Pollution

FAX TRANSMITTAL

DATE:

9/20/06

NUMBER OF PAGES (including this cover sheet):

4

TO:

Name

Ted Uptmore

Organization

West Fertilizer Co.

FAX Number

254.826.4325

FROM:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Name

Sharon Hickman

Division/Region

Air Permits Initial Review Team

Telephone Number

512 239-1544

FAX Number

512 239-4500

West Fertilizer Co
Permit 79803

We have attached a **DRAFT PORTION** of the Notice of Receipt of Application and Intent to Obtain a Permit, which contains information relevant to your application. Please review the information carefully and provide us with any corrections.

(If draft approval is not received within 2 working days, notice package will be filed with the Chief Clerks' office "As Is"). The application will not be declared administratively complete or forwarded to a technical engineer until you confirm that the wording in the notice is acceptable.

Once your application is declared complete, we will file the original notice package with the

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



gm

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 12, 2006

Mr. Ted J. Uptmore
General Manager
West Fertilizer Co.
P.O. Box 399
West, Texas 76691

Re: Permit Application
Permit Number: 79803
Anhydrous Ammonia Storage Facility
West, McLennan County
Regulated Entity Number: RN100985407
Customer Reference Number: CN603095266
Account Number: MB-0145-S

Dear Mr. Uptmore:

This is in response to your Form PI-1 (General Application for Air Preconstruction Permits and Amendments) concerning the above-referenced facility. Also, this will acknowledge that your application for the above-referenced permit is technically complete as of November 10, 2006.

A permit for your facility is enclosed. The permit contains several general and special conditions that define the level of operation and a maximum allowable emissions rates table. We appreciate your careful review of the special conditions of the permit and assuring that all requirements are consistently met. In addition, the operation of the facilities must be as represented in the application.

This permit will be in effect for ten years from the date of approval.

You may file a **motion to overturn** with the Chief Clerk. A motion to overturn is a request for the commission to review the Texas Commission on Environmental Quality (TCEQ) Executive Director's approval of the application. Any motion must explain why the commission should review the TCEQ Executive Director's action.

Mr. Ted J. Uptmore
Page 2
December 12, 2006

Re: Permit Number 79803

A motion to overturn must be received by the chief clerk within 23 days after the date of this letter. An original and 11 copies of a motion must be filed with the chief clerk in person or by mail. The Chief Clerk's mailing address is Office of the Chief Clerk (MC-105), Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087. On the same day the motion is transmitted to the chief clerk, please provide copies to Mr. Robert Martinez, Director, Environmental Law Division (MC-173), and Mr. Blas J. Coy, Jr., Public Interest Counsel (MC-103), both at the same TCEQ address above. If a motion is not acted on by the commission within 45 days after the date of this letter, then the motion shall be deemed overruled.

Thank you for your cooperation and interest in air pollution control. If you need further information or have any questions, please contact Ms. Heather Nixon at (512) 239-4716 or write to the Texas Commission on Environmental Quality, Office of Permitting, Remediation, and Registration, Air Permits Division (MC-163), P.O. Box 13087, Austin, Texas 78711-3087.

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

Sincerely,



Richard A. Hyde, P.E., Director
Air Permits Division
Office of Permitting, Remediation, and Registration
Texas Commission on Environmental Quality

RAH/HN/pl

Enclosures

cc: Air Section Manager, Region 9 - Waco

Project Number: 124559



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AIR QUALITY PERMIT



A PERMIT IS HEREBY ISSUED TO
West Fertilizer Co
AUTHORIZING THE CONSTRUCTION AND OPERATION OF
Anhydrous Ammonia Storage Facility
LOCATED AT West, McLennan County, Texas
LATITUDE 31° 83' 70.3" LONGITUDE -97° 09' 5732"

1. Facilities covered by this permit shall be constructed and operated as specified in the application for the permit. All representations regarding construction plans and operation procedures contained in the permit application shall be conditions upon which the permit is issued. Variations from these representations shall be unlawful unless the permit holder first makes application to the Texas Commission on Environmental Quality (commission) Executive Director to amend this permit in that regard and such amendment is approved. [Title 30 Texas Administrative Code § 116.116 (30 TAC § 116.116)]
2. **Voiding of Permit.** A permit or permit amendment is automatically void if the holder fails to begin construction within 18 months of the date of issuance, discontinues construction for more than 18 months prior to completion, or fails to complete construction within a reasonable time. Upon request, the executive director may grant an 18-month extension. Before the extension is granted the permit may be subject to revision based on best available control technology, lowest achievable emission rate, and netting or offsets as applicable. One additional extension of up to 18 months may be granted if the permit holder demonstrates that emissions from the facility will comply with all rules and regulations of the commission, the intent of the Texas Clean Air Act (TCAA), including protection of the public's health and physical property; and (b)(1) the permit holder is a party to litigation not of the permit holder's initiation regarding the issuance of the permit; or (b)(2) the permit holder has spent, or committed to spend, at least 10 percent of the estimated total cost of the project up to a maximum of \$5 million. A permit holder granted an extension under subsection (b)(1) of this section may receive one subsequent extension if the permit holder meets the conditions of subsection (b)(2) of this section. [30 TAC § 116.120(a), (b) and (c)]
3. **Construction Progress.** Start of construction, construction interruptions exceeding 45 days, and completion of construction shall be reported to the appropriate regional office of the commission not later than 15 working days after occurrence of the event. [30 TAC § 116.115(b)(2)(A)]
4. **Start-up Notification.** The appropriate air program regional office shall be notified prior to the commencement of operations of the facilities authorized by the permit in such a manner that a representative of the commission may be present. The permit holder shall provide a separate notification for the commencement of operations for each unit of phased construction; which may involve a series of units commencing operations at different times. Prior to operation of the facilities authorized by the permit, the permit holder shall identify to the Office of Permitting, Remediation, and Registration the source or sources of allowances to be utilized for compliance with Chapter 101, Subchapter H, Division 3 of this title (relating to Mass Emissions Cap and Trade Program). [30 TAC § 116.115(b)(2)(B)]
5. **Sampling Requirements.** If sampling is required, the permit holder shall contact the commission's Office of Compliance and Enforcement 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 permit holder is also responsible for providing sampling facilities and conducting the sampling operations or contracting with an independent sampling consultant. [30 TAC § 116.115(b)(2)(C)]
6. **Equivalency of Methods.** The permit holder must 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 permit. Alternative methods shall 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 permit. [30 TAC § 116.115(b)(2)(D)]
7. **Recordkeeping.** The permit holder shall maintain a copy of the permit along with records containing the information and data sufficient to demonstrate compliance with the permit, including production records and operating hours; keep all required records in a file at the plant site. If, however, the facility normally operates unattended, records shall be maintained at the nearest staffed location within Texas specified in the application; make the records available at the request of personnel from the commission or any air pollution control program having jurisdiction; comply with any additional recordkeeping requirements specified in special conditions attached to the permit; and retain information in the file for at least two years following the date that the information or data is obtained. [30 TAC § 116.115(b)(2)(E)]
8. **Maximum Allowable Emission Rates.** The total emissions of air contaminants from any of the sources of emissions must not exceed the values stated on the table attached to the permit entitled "Emission Sources--Maximum Allowable Emission Rates." [30 TAC § 116.115(b)(2)(F)]
9. **Maintenance of Emission Control.** The permitted facilities shall 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. The permit holder shall provide notification for upsets and maintenance in accordance with §§ 101.201, 101.211, and 101.221 of this title (relating to Emissions Event Reporting and Recordkeeping Requirements; Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements; and Operational Requirements). [30 TAC § 116.115(b)(2)(G)]
10. **Compliance with Rules.** Acceptance of a permit by an applicant constitutes an acknowledgment and agreement that the permit holder will comply with all rules, regulations, and orders of the commission issued in conformity with the TCAA and the conditions precedent to the granting of the permit. If more than one state or federal rule or regulation or permit condition is applicable, the most stringent limit or condition shall govern and be the standard by which compliance shall be demonstrated. Acceptance includes consent to the entrance of commission employees and agents into the permitted premises at reasonable times to investigate conditions relating to the emission or concentration of air contaminants, including compliance with the permit. [30 TAC § 116.115(b)(2)(H)]
11. This permit may be appealed pursuant to 30 TAC § 50.139.
12. This permit may not be transferred, assigned, or conveyed by the holder except as provided by rule. [30 TAC § 116.110(e)]
13. There may be additional special conditions attached to a permit upon issuance or modification of the permit. Such conditions in a permit may be more restrictive than the requirements of Title 30 of the Texas Administrative Code. [30 TAC § 116.115(c)]
14. Emissions from this facility must not cause or contribute to a condition of "air pollution" as defined in TCAA § 382.003(3) or violate TCAA § 382.085, as codified in the Texas Health and Safety Code. If the executive director determines that such a condition or violation occurs, the holder shall implement additional abatement measures as necessary to control or prevent the condition or violation.

PERMIT 79803

Date: December 12, 2006

For the Commission

SPECIAL CONDITIONS

Permit Number 79803

EMISSION LIMITATIONS

1. Total emissions from these facilities shall not exceed the values stated on the attached table entitled "Emission Sources - Maximum Allowable Emission Rates."

OPERATIONAL AND WORK PRACTICE REPRESENTATIONS

2. This permit allows for the operation of two 12,000-gallon permanent anhydrous ammonia (NH_3) storage tanks. No changes shall be made to the above capacities without prior approval by the Texas Commission on Environmental Quality (TCEQ).
3. As represented in the permit application, the following shall occur:
 - A. All valves, connectors and hoses associated with NH_3 handling shall be properly maintained in leak-proof condition at all times.
 - B. When transferring NH_3 , all vapors shall be vented back to the host tank and never to the atmosphere.
 - C. When relieving pressure from connectors and hoses associated with permanent storage tanks and any nurse tanks, all NH_3 vapors shall be bled into an adequate volume of water reserved for this purpose and never to the atmosphere.
 - D. Each permanent NH_3 storage tank and any nurse tanks stored on-site shall be equipped in such a manner that will prevent unauthorized operation.
 - E. A barrier shall be erected and maintained around the permanent NH_3 storage tanks to prevent accidental ruptures from vehicular traffic.
 - F. A water spray system shall be installed to minimize NH_3 emissions in the event of a release/rupture of one or both permanent storage tanks.
 - G. Tanks shall not be filled beyond 85 percent of capacity.
 - H. All in-plant roads, truck loading and unloading areas, parking areas, and other traffic areas shall be sprinkled with water, and/or be treated with effective dust suppressant(s), and/or be paved (with a cohesive hard surface) and cleaned as necessary to maintain compliance with all TCEQ rules and regulations.

SPECIAL CONDITIONS

Permit Number 79803

Page 2

- I. Audio, olfactory, and visual checks for NH_3 leaks within the operating area and within the nurse tank storage area shall be made once per day during normal business hours.
- J. Immediately, but no later than five hours upon detection of a leak, plant personnel shall take the following actions:
 - (1) Isolate the leak.
 - (2) Commence repair or replacement of the leaking component.
 - (3) If immediate repair is not possible, a leak collection/containment system shall be used to prevent the leak until repair or replacement can be made.

RECORDKEEPING REQUIREMENTS

- 4. Records shall be maintained at the plant site and made available at the request of personnel from the TCEQ or any other air pollution control program having jurisdiction. These records shall be retained for a rolling 24-month period and include the following:
 - A. All repairs and replacements made to equipment associated with handling of NH_3 ; and
 - B. All audio, olfactory, and visual checks for NH_3 . These records shall include dates and times that checks are performed and the results of these checks.

Dated December 12, 2006

EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

Permit Number 79803

This table lists the maximum allowable emission rates and all sources of air contaminants on the applicant's property covered by this permit. The emission rates shown are those derived from information submitted as part of the application for permit and are the maximum rates allowed for these facilities. Any proposed increase in emission rates may require an application for a modification of the facilities covered by this permit.

AIR CONTAMINANTS DATA

Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	<u>Emission Rates</u>	
			lb/hr	TPY
1	Anhydrous Ammonia Storage Tanks	NH ₃	0.21	0.92

- (1) Emission point identification - either specific equipment designation or emission point number from a plot plan.
- (2) Specific point source names. For fugitive sources, use an area name or fugitive source name.
- (3) NH₃ - anhydrous ammonia

Dated December 12, 2006

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Permit Number 79803

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Dated December 12, 2006

Construction Permit Review Analysis & Technical Review

Company:	West Fertilizer Co.	Permit No.:	79803
City:	West	Record No.:	124559
County:	McLennan	Account No.:	MB-0145-S
Project Type:	CRVW	Regulated Entity No.:	RN100985407
Project Reviewer:	Ms. Heather Nixon	Customer Reference No.:	CN603095266
Facility Name:	Anhydrous Ammonia Storage Facility		

Authorization Checklist

Will a new policy/precedent be established?	No
Is a state or local official opposed to the permit?	No
Is waste or tire derived fuel involved?	No
Are waste management facilities involved?	No
Will action on this application be posted on the Executive Director's agenda?	Yes
Have any changes to the application or subsequent proposals been required to increase protection of public health and the environment during the review?	Yes

Project Overview

West Fertilizer Co. is applying for a permit to authorize the operation of two existing permanent anhydrous ammonia (NH₃) storage tanks. This facility is located at 1471 Jerry Mashek Drive in West, McLennan County. The ammonia storage facility will receive, store, and loadout ammonia.

The company was informed that they would be required to construct a cemented structure to create a protective barrier between the storage tanks and vehicular traffic in order to meet best available control technology (BACT) requirements. The company represents that protective barriers have been erected.

Proposed Emissions (tpy)

NH ₃	0.92
-----------------	------

Compliance History

In compliance with 30 TAC Chapter 60, a compliance history report was prepared on:	10/04/2006
Was the application received after September 1, 2002?	Yes
If yes, what was the site rating? Average, 3 Company rating? Average, 3	
Is the permit recommended to be denied or has the permit changed on the basis of compliance history or rating?	No

Public Notice Information

§39.403	Public notification required?	Yes
	A. Date application received: September 01, 2006 Date Administrative Complete:	09/21/2006
	B. Small Business source?	Yes
§39.418	C. Date 1st Public Notice /Admin Complete/Legislators letters mailed:	09/21/2006
§39.603	D. Pollutants: NH₃	
	E. Date Published: 09/28/2006 in The West News	
	Date Affidavits/Copies received: 10/06/2006	
	F. Bilingual notice required?	No*
	*Applicant certifies that the local school district is not required to have a bilingual program.	
§39.604	G. Certification of Sign Posting / Application availability	10/06/2006
	H. Public Comments Received? No	
§39.419	2nd Public Notification required?	No
	If no, give reason: No public comments received.	
	Final action: Issue Letters enclosed?	N/A

Review Analysis & Technical Review

Permit No. 79803
Page 2

Regulated Entity No. RN100985407

Emission Controls

§116.111(a)(2)(G) Is the facility expected to perform as represented in the application? Yes
§116.140 Permit Fee: \$900.00 Fee certification provided? Yes, R700697

Sampling and Testing

§116.111(a)(2)(A)(i) Are the emissions expected to comply with all TCEQ air quality rules and regulations, and the intent of the Texas Clean Air Act? Yes
§116.111(a)(2)(B) Will emissions be measured? Yes
Method: **Recordkeeping**

Federal Program Applicability

§116.111(a)(2)(D) Compliance with applicable NSPS expected? N/A
§116.111(a)(2)(E) Compliance with applicable NESHAP expected? N/A
§116.111(a)(2)(F) Compliance with applicable MACT expected? N/A
§116.111(a)(2)(H) Is nonattainment review required? No
A. Is the site located in a nonattainment area? No
116.111(a)(2)(I) Is PSD applicable? No
A. Is the site a federal major source (100/250 tons/yr)? No
B. Is the project a federal major source by itself? No
C. Is the project a federal major modification? No

Mass Cap and Trade Applicability

§116.111(a)(2)(L) Is Mass Cap and Trade applicable? N/A
Did the proposed facility, group of facilities, or account obtain allowances to operate? N/A

Title V Applicability

§122.10(13)(A) Is the site a major source under FCAA Section 112(b)? No
(i). The site emits 10 tons or more of any single HAP? No
(ii). The site emits 25 tons or more of a combination No
§122.10(13)(C) Does the site emit 100 tons or more of any air pollutant? No
§122.10(13)(D) Is the site a non-attainment major source? No
Note: Fugitive emissions are not included in total emissions unless the site is named in 30 TAC 122.10(13)(C).

Request for Comments

Region: 9 Reviewed by: Mr. Jack Bailey, 11/02/2006
No objections.

Process Description

Anhydrous ammonia (NH₃) is stored in two 12,000 gallon permanent storage tanks. All of the anhydrous ammonia is received by truck. The NH₃ is later transferred for distribution.

Sources, Controls, Source Reduction and BACT [§116.111(a)(2)(C)]

The ammonia storage facility will have everyday working losses through valves, flanges, pumps, and open-ended lines. The emissions are derived from both vapors and light liquid as the product is stored or transferred. The applicant will use the following controls and best available control technology (BACT) to ensure minimal amounts of NH₃ will escape to the atmosphere. All permanent NH₃ storage tanks will be inspected once a day during normal business hours to ensure there are no NH₃ leaks. These inspections will also ensure that all valves, connectors, and hoses will be maintained in a leak-proof condition. The storage tanks will have a physical barrier to protect them in the event of a vehicular collision. The storage tanks and nurse tanks will be equipped in such a way to prevent unauthorized operation. All tanks will contain a device to ensure excess NH₃ will be vented to the host tank and not to the atmosphere. Excess NH₃ will be bled to an adequate amount of water and not to the atmosphere. The facility shall also be equipped with a water spray system in the event of accidental release of NH₃ as an added precaution considering its proximity to populated areas. West Fertilizer Co. will comply with all safety rules and regulations established by OSHA to ensure employee safety when dealing with NH₃. NH₃ will only be handled by qualified employees. Tanks will only be filled to 85% capacity to ensure maintainable vapor pressures. Parts and contact surfaces shall be designed

Review Analysis & Technical Review

Permit No. 79803

Regulated Entity No. RN100985407

Page 3

to withstand a minimum working pressure of 250 psi. The company will utilize baseline, level 1 and level 2 control requirements as mentioned in the E.P.A. reference manual, Prevention Reference Manual: Chemical Specific, Volume 11. Control of Accidental Release of Ammonia. The special conditions address housekeeping procedures which concern the maintenance of roads and parking areas to minimize road dust emissions.

The housekeeping requirements, protective barriers, daily inspections, handling requirements, and items relating to the physical condition and security of the storage tanks represent current BACT requirements. This facility shall meet all BACT requirements expected for anhydrous ammonia storage tanks.

Impacts Evaluation

1. Was modeling done? Yes Type? Screen3 ver 5
2. Will GLC of any air contaminant cause violation of NAAQS? No
3. Is this a sensitive location with respect to nuisance? Moderate
4. Is the site within 3000 feet of any school? Yes
5. Toxics Evaluation: The maximum 1-hr concentration of ammonia emissions was predicted to be 64.23 ug/m³ while the ESL limit for ammonia is 170 ug/m³. The maximum annual concentration of ammonia was predicted to be 5.14 ug/m³ versus 17 ug/m³ for the ESL limit.

Miscellaneous

1. Is applicant in agreement with special conditions? Yes (11/10/2006)
Company representative? Mr. Ted J. Uptmore, General Manager
2. Emission reductions from source reduction or pollution prevention N/A
3. Emissions reductions resulting from the application of BACT required by state rules, avoidance of potential impacts problems, and voluntary reductions N/A
4. Other permit(s) affected by this action? No

 Heather Nixon
Project Reviewer

11/20/06
Date

 Stephanie L. Howell
Team Leader/Section Manager/Backup

12/7/06
Date

AUE PA
MB0145S
79803

11/28/2006 ----- NSR PERMITS IMS- PROJECT RECORD

PROJECT#: 124559 PERMIT#: 79803
RECEIVED: 09/01/2006 PROJTYPE: CRVWSTATUS: P12/12/06
RENEWAL: DISP CODE: I

FEE DATE: 09/11/2006 FEE AMT: \$ 900

PROJ-ISSUE DATE:

21/12/106

STDX,PBR#,STDP: 0000 CHECK NUMBER:
3042, 3100

PROJECT NAME: ANHYDROUS AMMONIA FERTILIZER PLANT

GROUP: PAR

PARSTAFF1 : BOWERS, JOHNNY

PARSTAFF2 : HICKMAN, SHARON

GROUP: M/A

TECHENGR : MARTIN, JONATHAN

ADMIN REVIEW

A - PAR RECEIVED : 09/01/2006 A - ADMIN DEF CYCLE : 09/15/2006 09/20/2006 A - CN/RN REC FROM CENTRAL REG : 09/18/2006

A - CN/RN REQ FROM CENTRAL REG : 09/18/2006 A - SITE REVIEW RFC : 09/19/2006 A - PN DRAFT SENT TO COMPANY : 09/20/2006

A - PN DRAFT APPROVED : 09/20/2006 A - ADMINCOMP : 09/21/2006 A - PAR TRANSFER TO APD : 09/21/2006

A - LEGISLATOR LTR : 09/21/2006 A - 1ST PUBLIC NOTICE : 09/21/2006

ISSUED TO: WEST FERTILIZER CO

COMPANY NAME: WEST FERTILIZER CO

CUSTOMER REGISTRY ID: CN603095266

PRIMARY CONTACT INFORMATION

CONTACT TYPE: RESPONSIBLE OFFICIAL

NAME: MR TED J UPTMORE

TITLE: GENERAL MANAGER

EMPLOYER NAME: WEST FERTILIZER CO

PHONE: 254-826-5309 ext

FAX: 254-826-4325 ext

STREET: PO BOX 399

CITY/STATE, ZIP: WEST, TX, 76691-

RECEIVED**PROJECT INFORMATION**

UNIT: ANHYDROUS AMMONIA STORAGE FACILITY

SIC: 5153 REGION: 9 ACCOUNT: MB0145S

REG ENTITY ID:
RN100985407

SITE NAME: WEST FERTILIZER

SEP 25 2007

TCEQ
CENTRAL FILE ROOM

COUNTY: MCLENNAN CAPUNITS: UNITTYPE: AGNH3
CAPACITY: CITY: WEST
LOCATION: 1471 JERRY MASHEK DRIVE

PUBLIC NOTICE

PUBLIC NOTICE REQUIRED?: PN1 ALT LANGUAGE: NO PN2 ALT LANGUAGE: NO
Y

PN - CMMNT PERIOD 09/28/2006 10/28/2006 PN - ED AGENDA 11/28/2006
(NSR #1): POST :

**EMISSION
RATES**

TONS/YR REDUCTION	NOX	CO	VOC	PM	SO2	OTHER	TOTAL
ACTUAL REDUCTIONS:	0	0	0	0	0	0	0
CONVERTED REDUCTIONS:	0	0	0	0	0	0	0
NSRP REDUCTIONS:	0	0	0	0	0	0	0

PROJECT NOTES - -

COM.TECH: TRANSFERRED FROM HMN TO JQM 11/17/06.

ADMINISTRATIVE: CHECK 3100 RECEIVED IN APIRT ON 9/20/06

TECHNICAL ACTIVITY HISTORY - -

TR - FINAL PKG TO SECTION MGR :	SUP - RECEIVED FROM PAR :	09/25/2006	TR - ENGINEER RECEIVE PROJECT :	09/28/2006
TR - DEFICIENCY CYCLE :	10/04/2006 11/01/2006			
TR - DRAFT PERMIT REVIEW CYCLE :	11/01/2006 11/10/2006			
TR - MODELING CYCLE INTERNAL :	11/01/2006 11/01/2006			
TR - WPO FINAL PACKAGE CYCLE :	11/13/2006 11/17/2006	TR - FINAL PKG TO TEAM LEADER :	11/20/2006	
TR - FINAL PKG REWORK CYCLE :	11/21/2006 11/28/2006			

PROJECT ATTRIBUTES - -

FEE RECEIPT NUMBER : R700697

PROJECT LINK

PROJECTS/PERMITS VOIDANCE

Permit Number 79803 CRVW Status

History: The company was given an NOV by region for operating without a permit. The company (Mr. Uptmore, Manager) has been very cooperative in getting as much information as they could for the technical review of their application.

1) The company and region have been sent a profiled draft for this application. Neither Region nor the company had any objections. (Joe Henry Hanus also worked on this one some.) A technical review has also been profiled for this one; it just needs the company's approval date. The manager is sending an explanation for the spray water system they will use to contain any leaks.

2) The calculation spreadsheet is in J:/everyone/hnixon.

3) Sent to WPO 11/13 7:30am

11-11-06

Heather Nixon
Air Permit Division
Texas Commission on Environmental Quality
Fax # 512-239-1300

Dear Heather Nixon:

In regard to West Fertilizer Co.'s TCEQ application for Permit Number 79803, We are in compliance with the "special conditions" in your correspondence dated 11-1-06.

Further explanation of our water spray system, to control NH3 emissions is as follows: We maintain a 6000-gallon water tank with a 3 hp X 2" centrifugal pump (160 gpm) manifold plumbed to our 2" water load out. From the valve manifold, we have 100ft. 1.5" hose with a 60gpm adjustable (fire department type) spray nozzle. For better coverage and accessibility, we are installing an additional 80ft. 1" hose on a dedicated 1" valve (Cottonwood Water Supply) with a 22gpm spray nozzle.

Hopefully, this system will be needed only for occasional dust control and equipment wash down.

Sincerely,



Ted J. Uptmore



Protecting Texas
by Reducing and
Preventing Pollution

FAX TRANSMITTAL

DATE: November 2, 2006

NUMBER OF PAGES (including this cover sheet): 3

TO: Name Ms. Heather Nixon
Organization TCEQ Air Permits
FAX Number 512-239-1300

FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Name Jack Bailey
Division/Region Region 09
Telephone Number 254-761-3028
FAX Number 254-772-9241

NOTES:

Request for Comment - Draft Conditions - for West Fertilizer Co (Permit # 79803)

PMPR

Jack B

Request for Comments -- Draft Conditions**TCEQ -- Air Permits Division****Phone: (512)239-1250****Fax: (512)239-1300****Mailing Address: TCEQ, Air Permits, P.O. Box 13087, Austin, TX 78711-3087****TO: Region: 9 City: West County: McLennan Account No.: MB-0145-S****Submitted by: Ms. Heather Nixon E-Mail ID: hnixon Phone: (512) 239-4716****Date Request Submitted: 11/01/2006****Comments Deadline: 12/01/2006****For deadlines less than 21 days Section Manager approval is required.****Date Application Received by TCEQ in Austin: September 01, 2006**

REGIONAL OFFICES: Please return comments ASAP, but no later than the comments deadline which is 21 days from the submittal date. Permit disposition will proceed after comments are received or after the comments deadline has passed. Permit Reviewer may request faster response if needed.

LOCAL PROGRAMS: The company below has submitted an application for the project referenced below in accordance with regulations of the TCEQ. Please return comments ASAP, but no later than the comments deadline which is 21 days from the submittal date. Permit disposition will proceed after comments are received or after the comments deadline has passed. Permit Reviewer may request faster response if needed. If no comments are received within this time frame, we will assume you have no comments or objections to the project as proposed. Please return a complete copy of the form (both sides) with your comments.

PROJECT TYPE: New Permit**PROJECT NO.: 124559****REGULATED ENTITY NO.: RN100985407****PERMIT NO.: 79803****COMPANY NAME: West Fertilizer Co.****CUSTOMER REFERENCE NO.: CN603095266****PLANT NAME: West Fertilizer****LOCATION: 1471 Jerry Mashek Drive****UNIT NAME: Anhydrous Ammonia Fertilizer Storage Facility****COUNTY: McLennan****TECHNICAL CONTACT: Ted J. Uptmore****PHONE: (254) 826-5309****OPERATING SCHEDULE: Continuous? ____****Hours/Day ____ Days/Week ____ Weeks/Year ____ Night Operation? ____****Engineer's Comments:****Attachments: MAERT, Draft Conditions**

**Request for Comments -- Draft Permit
RESPONSE**

TO: Ms. Heather Nixon, Austin

FROM: Region: 9

City: West

County: McLennan

Account No.: MB-0145-S

Copy of Application Received by your Office: ☒ YES ☐ NODate Received: 9/1/06

COMPANY NAME: West Fertilizer Co.

PERMIT NO.: 79803

REGULATED ENTITY NO: RN100985407

PROJECT NO.: 124559

Investigator's/Compliance Officer's Name (Please Print): JACK BAILEYPhone: 254 761 3028Comments Deadline (from pg. 1): 12/01/2006Date of Last Site Visit: 9/20/06**COMMENTS ON CONDITIONS:** (Please mark up draft special conditions with your comments. Please address applicability and enforceability. List any additional conditions below):Compliance Determination Conditions: GoodOperational Limitations: GoodGENERAL COMMENTS: None**PERMIT ISSUANCE:**

If you have any objections to issuance, please note them here:

NO OBJECTIONS

TRANSMISSION VERIFICATION REPORT

TIME : 11/01/2006 15:20
NAME :
FAX : 1300
TEL : 1300
SER.# : BROM4J173761

DATE, TIME	11/01 15:19
FAX NO./NAME	912548264325
DURATION	00:01:23
PAGE(S)	05
RESULT	OK
MODE	STANDARD
	ECM



FAX TRANSMITTAL

DATE: **November 1, 2006**NUMBER OF PAGES (including this
cover sheet):**5**

TO: Name Mr. Ted J. Uptmore
Organization West Fertilizer Co.
FAX Number 254-826-4325

FROM: **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

Name Ms. Heather Nixon
Division/Region Office of Permitting, Remediation, and
Registration, Air Permits Division
Telephone Number (512) 239-4716
FAX Number 512-239-1300

NOTES:

This fax contains the draft permit number 79803 for West Fertilizer Co. The company has 30 days to review the draft and respond with any questions or comments.

Thank you,
Heather Nixon

hnixon@tceq.state.tx.us



Protecting Texas
by Reducing and
Preventing Pollution

FAX TRANSMITTAL

DATE: **November 1, 2006**

NUMBER OF PAGES (including this
cover sheet):

5

TO: Name **Mr. Ted J. Uptmore**

Organization **West Fertilizer Co.**

FAX Number **254-826-4325**

FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Name **Ms. Heather Nixon**

Division/Region **Office of Permitting, Remediation, and
Registration, Air Permits Division**

Telephone Number **(512) 239-4716**

FAX Number **512-239-1300**

NOTES:

This fax contains the draft permit number 79803 for West Fertilizer Co. The company has 30 days to review the draft and respond with any questions or comments.

Thank you,
Heather Nixon

hnixon@tceq.state.tx.us

November 1, 2006

Mr. Ted J. Uptmore
General Manager
West Fertilizer Co.
P.O. Box 399
West, Texas 76691

Re: Permit CRVW
Permit Number: 79803
Anhydrous Ammonia Storage Facility
West, McLennan County
Regulated Entity Number: RN100985407
Customer Reference Number: CN603095266

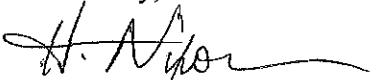
Dear Mr. Uptmore:

I expect to recommend the issuance of the above-referenced permit in the near future. When issued, the permit will contain conditions and a maximum allowable emission rates table. A draft copy of the proposed conditions and maximum allowable emission rates table is enclosed for your review.

If you have comments or questions concerning the conditions, please let me know as soon as practicable to avoid delay. If I do not receive comments from you within 30 days from the date of this notification your application may be voided.

Thank you for your cooperation in this matter. If you have any questions, please call me at (512) 239-4716, or write to the Texas Commission on Environmental Quality, Office of Permitting, Remediation, and Registration, Air Permits Division (MC-163), P.O. Box 13087, Austin TX 78711-3087.

Sincerely,



Heather Nixon
Air Permits Division
Texas Commission on Environmental Quality

HN

Enclosure

cc: Air Section Manager, Region 9 - Waco

Project Number: 124559

SPECIAL CONDITIONS

Permit Number 79803

EMISSION LIMITATIONS

1. Total emissions from these facilities shall not exceed the values stated on the attached table entitled "Emission Sources - Maximum Allowable Emission Rates."

OPERATIONAL AND WORK PRACTICE REPRESENTATIONS

2. This permit allows for the operation of two 12,000-gallon permanent anhydrous ammonia (NH_3) storage tanks. No changes shall be made to the above capacities without prior approval by the Texas Commission on Environmental Quality (TCEQ).
3. As represented in the permit application, the following shall occur:
 - A. All valves, connectors and hoses associated with NH_3 handling shall be properly maintained in leak-proof condition at all times.
 - B. When transferring NH_3 , all vapors shall be vented back to the host tank and never to the atmosphere.
 - C. When relieving pressure from connectors and hoses associated with permanent storage tanks and any nurse tanks, all NH_3 vapors shall be bled into an adequate volume of water reserved for this purpose and never to the atmosphere.
 - D. Each permanent NH_3 storage tank and any nurse tanks stored on-site shall be equipped in such a manner that will prevent unauthorized operation.
 - E. A barrier shall be erected and maintained around the permanent NH_3 storage tanks to prevent accidental ruptures from vehicular traffic.
 - F. A water spray system shall be installed to minimize NH_3 emissions in the event of a release/rupture of one or both permanent storage tanks.
 - G. Tanks shall not be filled beyond 85 percent of capacity.
 - H. All in-plant roads, truck loading and unloading areas, parking areas, and other traffic areas shall be sprinkled with water, and/or be treated with effective dust suppressant(s), and/or be paved (with a cohesive hard surface) and cleaned as necessary to maintain compliance with all TCEQ rules and regulations.

SPECIAL CONDITIONS

Permit Number 79803

Page 2

PIPING, VALVES, PUMPS, AND COMPRESSORS IN NH₃ SERVICE

4. As represented in the permit application, the following shall occur to maintain compliance with all TCEQ rules and regulations:
 - A. Audio, olfactory, and visual checks for NH₃ leaks within the operating area and within the nurse tank storage area shall be made once per day during normal business hours.
 - B. Immediately, but no later than five hours upon detection of a leak, plant personnel shall take the following actions:
 - (1) Isolate the leak.
 - (2) Commence repair or replacement of the leaking component.
 - (3) If immediate repair is not possible, a leak collection/containment system shall be used to prevent the leak until repair or replacement can be made.

RECORDKEEPING REQUIREMENTS

5. Records shall be maintained at the plant site of all repairs and replacements made to equipment associated with the handling of NH₃. These records shall be retained for a rolling 24-month period and made available at the request of personnel from the TCEQ or any other air pollution control program having jurisdiction.
6. Records shall be maintained at the plant site of all audio, olfactory, and visual checks for NH₃. These records shall include dates and times checks are performed and the results of these checks. Records shall be retained for a rolling 24-month period and made available at the request of personnel from the TCEQ or any other air pollution control program having jurisdiction to demonstrate compliance with Special Condition No. 4.

EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

Permit Number 79803

This table lists the maximum allowable emission rates and all sources of air contaminants on the applicant's property covered by this permit. The emission rates shown are those derived from information submitted as part of the application for permit and are the maximum rates allowed for these facilities. Any proposed increase in emission rates may require an application for a modification of the facilities covered by this permit.

AIR CONTAMINANTS DATA

Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates *	
			lb/hr	TPY
1	Anhydrous Ammonia Storage Tanks	NH ₃	0.21	0.92

(1) Emission point identification - either specific equipment designation or emission point number from a plot plan.

(2) Specific point source names. For fugitive sources, use an area name or fugitive source name.

(3) NH₃ - anhydrous ammonia

* Emission rates are based on an operating schedule of 8,760 hours per year.

Heather Nixon - RFC - Permit # 79803

From: Heather Nixon
To: RFCAIR9
Date: 11/1/2006 3:01 PM
Subject: RFC - Permit # 79803

Hello Region 9,

Attached is a draft permit for West Fertilizer Co. Please let me know if there is any other information you need.

Thank you,

Heather Nixon
Air Permits Division
254E C22
TCEQ
(512) 239-4716
HNixon@tceq.state.tx.us

Request for Comments -- Draft Conditions

TCEQ -- Air Permits Division

Phone: (512)239-1250

Fax: (512)239-1300

Mailing Address: TCEQ, Air Permits, P.O. Box 13087, Austin, TX 78711-3087

TO: Region: 9 City: West County: McLennan Account No.: MB-0145-S

Submitted by: Ms. Heather Nixon E-Mail ID: hnixon Phone: (512) 239-4716

Date Request Submitted: 11/01/2006

Comments Deadline: 12/01/2006

For deadlines less than 21 days Section Manager approval is required.

Date Application Received by TCEQ in Austin: September 01, 2006

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PROJECT TYPE: New Permit

PROJECT NO.: 124559

REGULATED ENTITY NO.: RN100985407

PERMIT NO.: 79803

COMPANY NAME: West Fertilizer Co.

CUSTOMER REFERENCE NO.: CN603095266

PLANT NAME: West Fertilizer

LOCATION: 1471 Jerry Mashek Drive

UNIT NAME: Anhydrous Ammonia Fertilizer Storage Facility

COUNTY: McLennan

TECHNICAL CONTACT: Ted J. Uptmore

PHONE: (254) 826-5309

OPERATING SCHEDULE: Continuous? ____

Hours/Day ____ Days/Week ____ Weeks/Year ____ Night Operation? ____

Engineer's Comments:

Attachments: MAERT, Draft Conditions

**Request for Comments -- Draft Permit
RESPONSE**

TO: Ms. Heather Nixon, Austin

FROM: Region: 9 City: West County: McLennan Account No.: MB-0145-S

Copy of Application Received by your Office: YES NO Date Received: _____

COMPANY NAME: West Fertilizer Co.

PERMIT NO.: 79803

REGULATED ENTITY NO: RN100985407

PROJECT NO.: 124559

Investigator's/Compliance Officer's Name (Please Print): _____

Phone: _____

Comments Deadline (from pg. 1): 12/01/2006

Date of Last Site Visit: _____

COMMENTS ON CONDITIONS: (Please mark up draft special conditions with your comments. Please address applicability and enforceability. List any additional conditions below):

Compliance Determination Conditions: _____

Operational Limitations: _____

GENERAL COMMENTS: _____

PERMIT ISSUANCE:

If you have any objections to issuance, please note them here:

11/01/06
14:03:29

*** SCREEN3 MODEL RUN ***
*** VERSION DATED 96043 ***

Max Ann. Conc. = 5.14 mg/m³
Max Hr. Conc. = 64.23 mg/m³

West Fertilizer Co. NH3 Emissions

SIMPLE TERRAIN INPUTS:

SOURCE TYPE	=	VOLUME	
EMISSION RATE (G/S)	=	0.265000E-01	0.21 #/hr
SOURCE HEIGHT (M)	=	1.4478	4.75 ft
INIT. LATERAL DIMEN (M)	=	38.5816	125.58 ft
INIT. VERTICAL DIMEN (M)	=	1.1339	3.72 ft
RECEPTOR HEIGHT (M)	=	0.0000	
URBAN/RURAL OPTION	=	RURAL	

THE REGULATORY (DEFAULT) MIXING HEIGHT OPTION WAS SELECTED.
THE REGULATORY (DEFAULT) ANEMOMETER HEIGHT OF 10.0 METERS
WAS ENTERED.

BUOY. FLUX = 0.000 M**4/S**3; MOM. FLUX = 0.000 M**4/S**2.

*** FULL METEOROLOGY ***

*** SCREEN AUTOMATED DISTANCES ***

*** TERRAIN HEIGHT OF 0. M ABOVE STACK BASE USED FOR
FOLLOWING DISTANCES ***

DIST (M)	CONC (UG/M**3)	U10M STAB	USTK (M/S)	MIX HT (M)	PLUME HT (M)	SIGMA Y (M)	SIGMA Z (M)	DWASH
37.	0.000	0	0.0	0.0	0.00	0.00	0.00	
100.	58.94	6	1.0	1.0	10000.0	1.45	41.54	3.09 NO
200.	38.37	6	1.0	1.0	10000.0	1.45	44.56	4.71 NO
300.	27.89	6	1.0	1.0	10000.0	1.45	47.55	6.19 NO
400.	21.63	6	1.0	1.0	10000.0	1.45	50.53	7.58 NO
500.	17.48	6	1.0	1.0	10000.0	1.45	53.48	8.90 NO
600.	14.55	6	1.0	1.0	10000.0	1.45	56.42	10.17 NO
700.	12.59	6	1.0	1.0	10000.0	1.45	59.34	11.20 NO
800.	11.00	6	1.0	1.0	10000.0	1.45	62.24	12.24 NO

900.	9.729	6	1.0	1.0	10000.0	1.45	65.13	13.23	NO
1000.	8.739	6	1.0	1.0	10000.0	1.45	68.00	14.12	NO
1100.	7.909	6	1.0	1.0	10000.0	1.45	70.86	14.98	NO
1200.	7.206	6	1.0	1.0	10000.0	1.45	73.71	15.81	NO
1300.	6.605	6	1.0	1.0	10000.0	1.45	76.55	16.62	NO
1400.	6.084	6	1.0	1.0	10000.0	1.45	79.37	17.41	NO
1500.	5.630	6	1.0	1.0	10000.0	1.45	82.18	18.17	NO
1600.	5.231	6	1.0	1.0	10000.0	1.45	84.98	18.92	NO
1700.	4.877	6	1.0	1.0	10000.0	1.45	87.77	19.65	NO
1800.	4.562	6	1.0	1.0	10000.0	1.45	90.55	20.37	NO
1900.	4.280	6	1.0	1.0	10000.0	1.45	93.32	21.07	NO
2000.	4.041	6	1.0	1.0	10000.0	1.45	96.08	21.68	NO
2100.	3.826	6	1.0	1.0	10000.0	1.45	98.83	22.26	NO
2200.	3.630	6	1.0	1.0	10000.0	1.45	101.57	22.83	NO
2300.	3.451	6	1.0	1.0	10000.0	1.45	104.30	23.39	NO
2400.	3.287	6	1.0	1.0	10000.0	1.45	107.02	23.94	NO
2500.	3.135	6	1.0	1.0	10000.0	1.45	109.74	24.47	NO
2600.	2.996	6	1.0	1.0	10000.0	1.45	112.45	25.00	NO
2700.	2.866	6	1.0	1.0	10000.0	1.45	115.15	25.52	NO
2800.	2.746	6	1.0	1.0	10000.0	1.45	117.84	26.03	NO
2900.	2.635	6	1.0	1.0	10000.0	1.45	120.52	26.53	NO
3000.	2.533	6	1.0	1.0	10000.0	1.45	123.20	26.99	NO
3500.	2.129	6	1.0	1.0	10000.0	1.45	136.48	28.99	NO
4000.	1.826	6	1.0	1.0	10000.0	1.45	149.60	30.85	NO
4500.	1.591	6	1.0	1.0	10000.0	1.45	162.58	32.58	NO
5000.	1.404	6	1.0	1.0	10000.0	1.45	175.43	34.22	NO
5500.	1.252	6	1.0	1.0	10000.0	1.45	188.16	35.77	NO
6000.	1.127	6	1.0	1.0	10000.0	1.45	200.78	37.24	NO
6500.	1.022	6	1.0	1.0	10000.0	1.45	213.29	38.65	NO
7000.	0.9336	6	1.0	1.0	10000.0	1.45	225.71	40.00	NO
7500.	0.8603	6	1.0	1.0	10000.0	1.45	238.04	41.17	NO
8000.	0.7966	6	1.0	1.0	10000.0	1.45	250.28	42.28	NO
8500.	0.7408	6	1.0	1.0	10000.0	1.45	262.44	43.36	NO
9000.	0.6916	6	1.0	1.0	10000.0	1.45	274.53	44.40	NO
9500.	0.6479	6	1.0	1.0	10000.0	1.45	286.54	45.41	NO
10000.	0.6089	6	1.0	1.0	10000.0	1.45	298.49	46.39	NO
15000.	0.3705	6	1.0	1.0	10000.0	1.45	414.70	54.88	NO
20000.	0.2658	6	1.0	1.0	10000.0	1.45	526.28	60.29	NO
25000.	0.2050	6	1.0	1.0	10000.0	1.45	634.34	64.86	NO
30000.	0.1657	6	1.0	1.0	10000.0	1.45	739.58	68.84	NO
40000.	0.1200	6	1.0	1.0	10000.0	1.45	943.25	74.49	NO
50000.	0.9344E-01	6	1.0	1.0	10000.0	1.45	1139.71	79.19	NO

MAXIMUM 1-HR CONCENTRATION AT OR BEYOND 37. M:

84. 64.23 6 1.0 1.0 10000.0 1.45 41.09 2.82 NO

DWASH= MEANS NO CALC MADE (CONC = 0.0)

DWASH=NO MEANS NO BUILDING DOWNWASH USED

DWASH=HS MEANS HUBER-SNYDER DOWNWASH USED

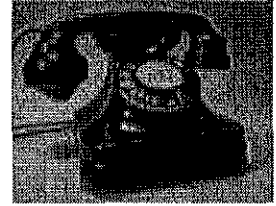
DWASH=SS MEANS SCHULMAN-SCIRE DOWNWASH USED

DWASH=NA MEANS DOWNWASH NOT APPLICABLE, $X < 3 \cdot LB$

*** SUMMARY OF SCREEN MODEL RESULTS ***

CALCULATION PROCEDURE	MAX CONC (UG/M**3)	DIST TO MAX (M)	TERRAIN HT (M)
--------------------------	-----------------------	--------------------	-------------------

SIMPLE TERRAIN	64.23	84.	0.
----------------	-------	-----	----



RECORD OF TELEPHONE CALL

DATE: 11/01/2006

TIME: 2:00 PM

Staff Contact: **Ms. Heather Nixon**

Phone: **(512) 239-4716**

Division: **Air Permits Division**

City: **Austin**

Company Contact: **Mr. Ted J. Uptmore**

Phone: **(254) 826-5309**

Company: **West Fertilizer Co.**

City: **West, TX**

SUBJECT: I called Mr. Uptmore to find out the height of the load and loadout point for the anhydrous ammonia in order to run the screen model.

SUMMARY: Mr. Uptmore said the tank load and loadout point is about 4 and three quarters from the ground.

DATE

11/1/06

TO

Texas Commission on Environmental Quality
Air Permit Division

ATTN:

Heather Nixon

FROM: WEST FERTILIZER CO.
P.O. BOX 399
WEST, TX 76691

FAX # (254) 826-4325
PHONE # (254) 826-5309

COMMENTS:

Data for Air Permit Application

THIS TRANSMISSION OF 12 PAGES INCLUDING THIS COVER
SHEET. PLEASE CALL (254) 826-5309 IF THERE IS A PROBLEM.

Heather Nixon
Texas Commission on Environmental Quality
Office of Permitting, Remediation, and Registration
Air Permits Division (MC - 163)
P. O. Box 13087
Austin, Texas 78711-3087

Re: Permit Application
Permit Number 79803
Anhydrous Ammonia Fertilizer Plant
West, McLennan County
Regulated Entity Number: RN 100985407
Customer Reference Number: CN603095266
Account Number: MB-0145-S

Dear Heather Nixon:

In relation to the West Fertilizer Co. Permit Application for Permit Number 79803, we are respectfully submitting the enclosed additional information.

Pages:

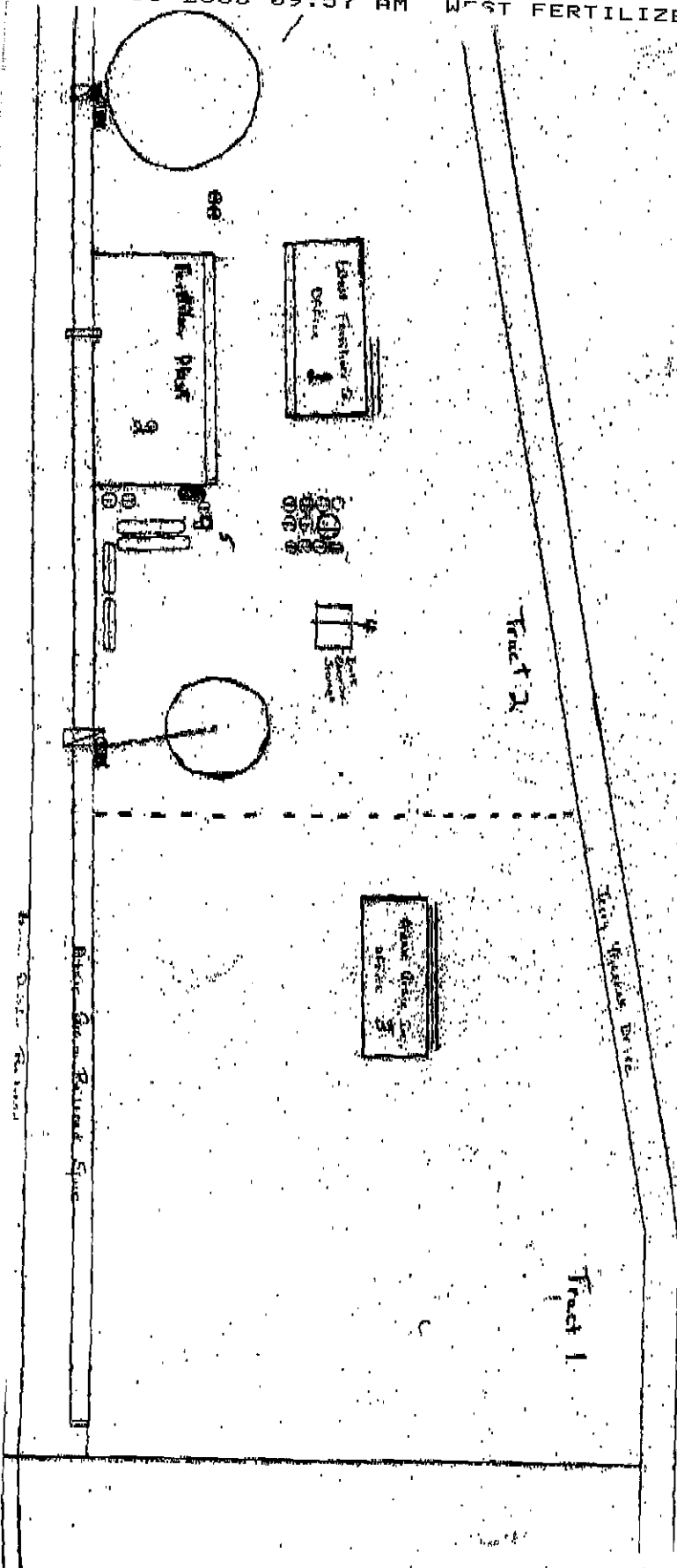
- 1 - Map of West Fertilizer Co. Facility
- 2 - History of West Fertilizer Co.
- 3 - Picture - Spreader from 1962
- 4 - Barriers
- 5 - Barrier Sketch
- 6 - Nurse Tank Maintenance
- 7 - Block Flow Diagram
- 8 - Description of Operation
- 9 - Control of Emissions
- 10 - Maintenance and Housekeeping

Sincerely,



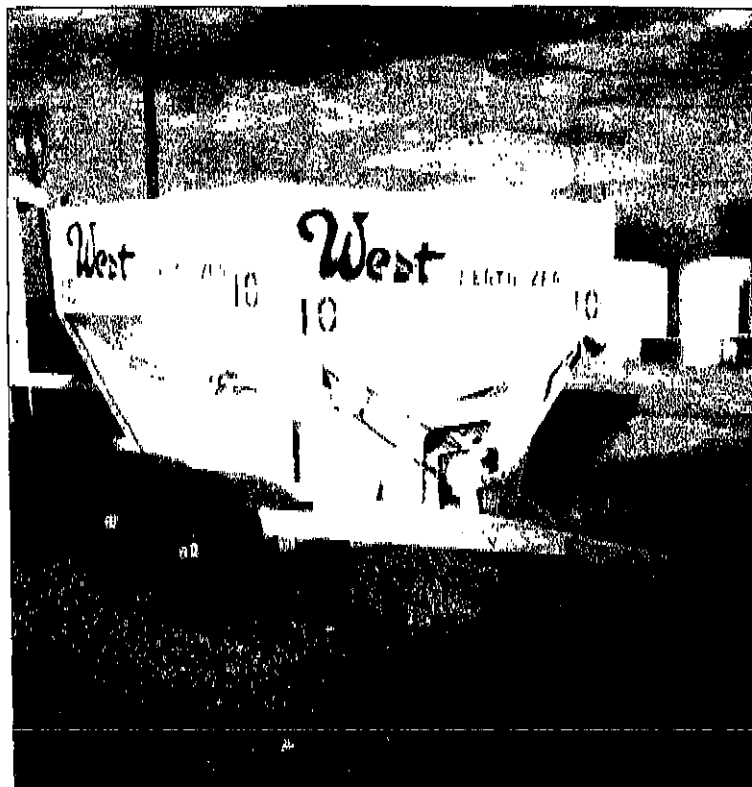
Ted J. Uptmore
West Fertilizer Co.

Scale 1-100/35



- 1962 West Chemical & Fertilizer Co. established as a Division of Texas Grain Storage, Inc. by owner E.W. Plasek, Sr. A continental company dry fertilizer plant was built with Bill Evertt as Manager – Primarily a bagging facility with bulk loading capability and one bulk spreader. (picture enclosed)
- 1963 Monsanto Co. provided and installed 12,000 gal. Anhydrous Storage Tank (rail & truck unloading) with 8 nurse tanks and 8 knife type applicators for customer use. Steve R. Lovecky was Manager to September 1, 1964.
- 1964 to 2004 This facility was under the same ownership and the Manager was Ted J. Uptmore. In 1965 – liquid fertilizer (no pressure) was added. In the late 60's a second 12,000 gal. NH3 storage was added with a continuous expansion of equipment, custom application services, farm chemicals and farm hardware, pasture and field seed sales addition.
- 2004 to present – Ownership changed to Adair Grain, Inc. with Donald Adair and Wanda Adair as owners. Ted J. Uptmore, manager, Jerry Sinkule and Cody Dragoo well trained and safety – minded ammonia handlers. On June 1, 2004 the business name was changed to West Fertilizer Co.

Thru out the years, this business has been blessed with employees dedicated to service and safety and to being a “good neighbor” in our Agricultural Community. To provide the essential plant food, technology, service at an economical price to the good farmers and ranchers of this area is our mission for the future. To continue our small contribution to the Nation's food and fiber supply, and to continue our EPA NH3 Risk Management Program (Since 1995) we respectfully seek TCEQ Air Permit #78803.



1st Spreader from 1962

3.

To fully describe the barriers for the West Fertilizer Co. Anhydrous Ammonia facility, we are enclosing a sketch.

The barrier post are 4.5" in diameter, heavy wall steel, filled with concrete, packed in holes that were bored into solid white rock. The spacing from post to valves is adequate for hose, valve, and pump protection.

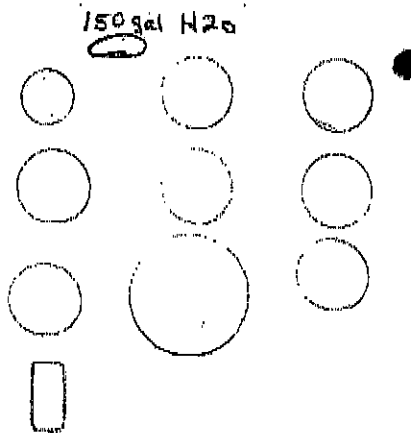
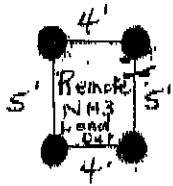
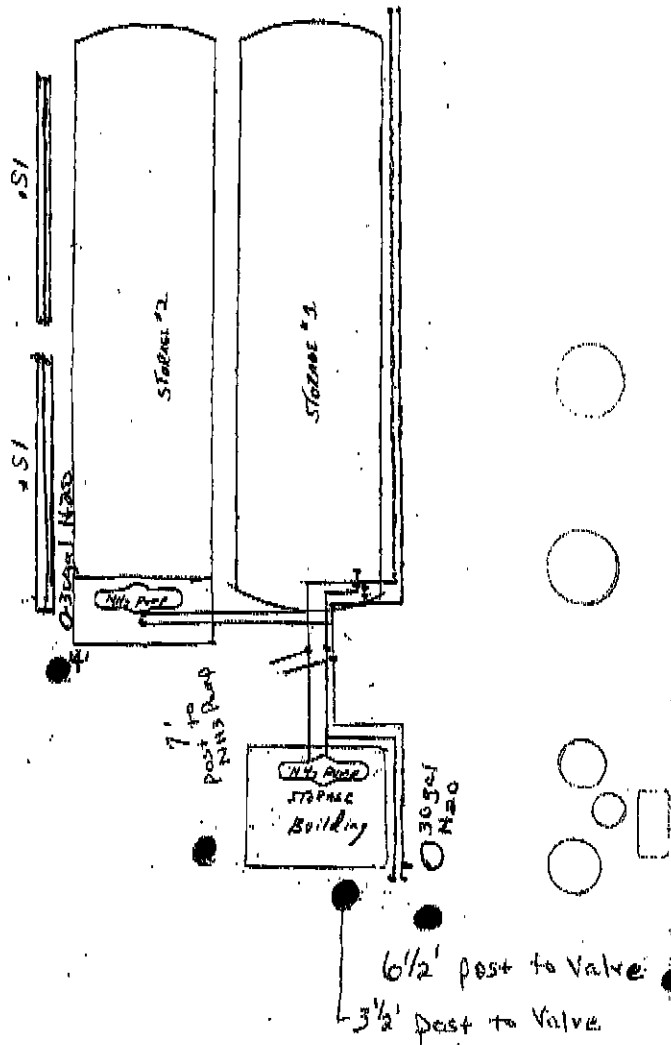
The barrier for the South NH3 storage tank, valves, and hoses consist of two concrete beams that are 15' long, weigh 5 ton, are 3' wide at the base and are 3' high.

The beams are located 5.5' from the valves and 4.5' from the tank. A 4' spacing between the beams allows operator access.

The North NH3 storage tank is protected by the fertilizer plant bulk storage building. The NH3 facility is protected on the east by liquid storage tanks.

The remote load out risers are protected by a 4'x 5' four post frame with two 8' orange painted warning pipes.

- NH₃ VALVE
- NH₃ TRUCK UNLOAD VALVE
- NH₃ VAPOR LINES
- NH₃ LIQUID LINES
- SECURITY POSTS
- SECURITY BARRIER



Barrier Sketch

WEST FERTILIZER CO. is very committed to NH₃ nurse tank maintenance. A daily inspection of all NH₃ tanks is the start of our maintenance program. If a leaking NH₃ valve is spotted, it is tightened until it stops leaking or capped with a steel NH₃ cap or if needed the NH₃ valve is replaced.

All major steel cracks, breaks, or bends on the NH₃ nurse tank trailers are welded and repaired so that the NH₃ trailer can be safely used on the public roads. Bad or worn tires on the NH₃ trailers are replaced as needed.

The off-season summer months are our largest NH₃ maintenance period. At this time NH₃ tanks are given a very thorough inspection. All bad or worn NH₃ valves, pressure gauges, volume gauges, volume gauge gaskets, and NH₃ relief valves are replaced. NH₃ tanks with a large amount of rust, peeling paint or worn paint are repainted with two coats of quality white paint. After painting, all NH₃ signs and decals are replaced. The NH₃ trailer is inspected, bad or loose bolts are replaced, all necessary welding is done. Bad axles and bad or worn wheel hubs, hub bearings, and bearing erases and seals are replaced. After all work on the frame is completed, two fresh coats of paint are applied to the NH₃ trailer. All bad or worn tires are replaced so that WEST FERTILIZER CO. can safely start the fall ammonia season.

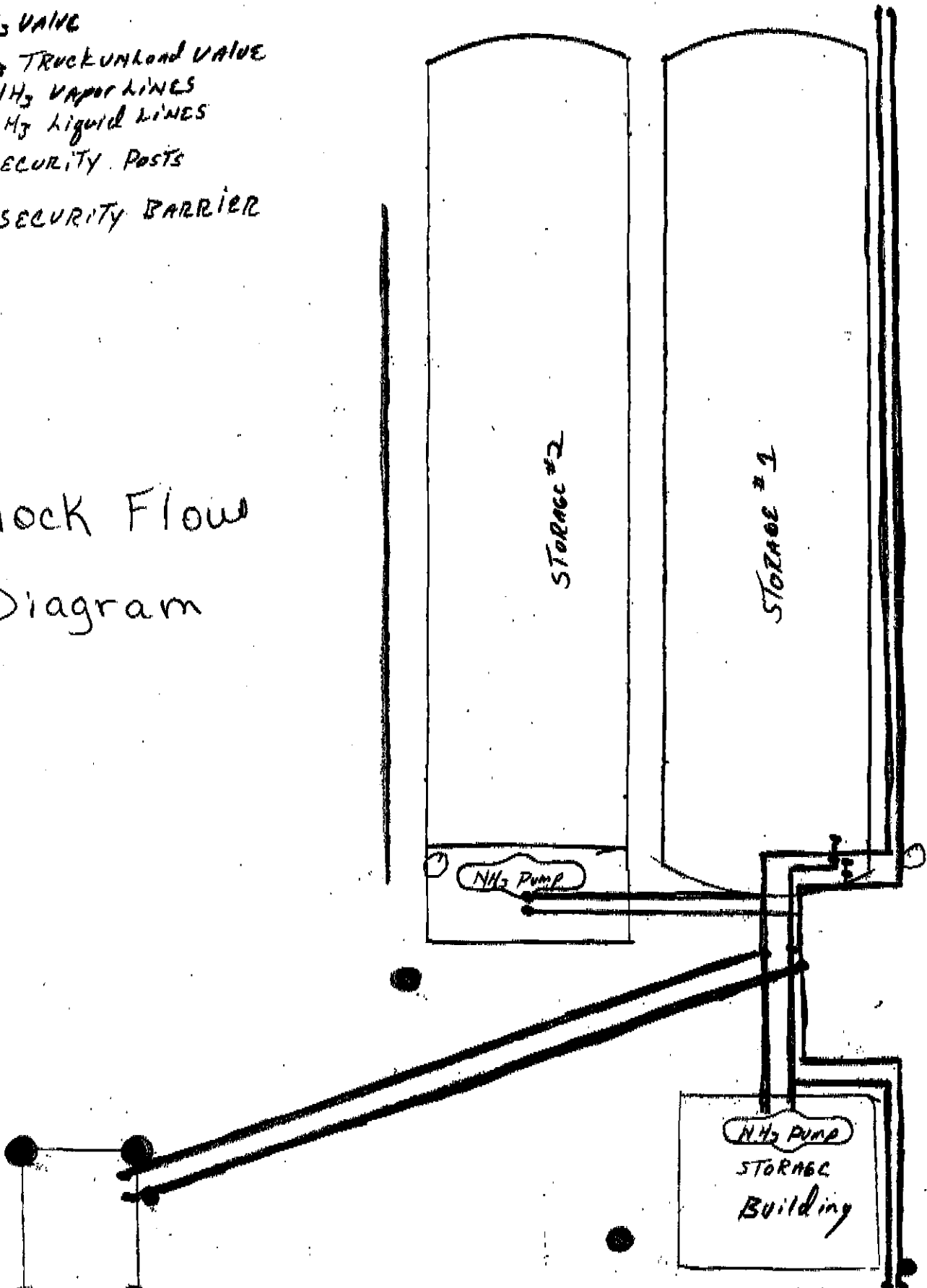
Each workday starts with a visual check on all NH₃ nurse tanks and storages on the property for any leaks or any other problems. This is recorded in a record manual as part of our EPA Risk Management Program.

At present West Fertilizer Co. have 101 NH₃ nurse tanks. 91 are 1000 gallon, 10 are 1500 gallon on a variation of trailers. We store no customer nurse tanks. During off-season (summer) 95% of our tanks are empty. NH₃ theft has dropped 100% over the last 20 months due to a new recipe (internet) for METH using Ammonium Sulfate NH₄ SO₄ which can be bought at nurseries or Wal-Mart. We keep an orderly arrangement of loaded and empty nurse tanks for good housekeeping and easier inspection by our staff and local police.

R.R. TRACKS

- NH₃ VALVE
- NH₃ TRUCK UNLOAD VALVE
- NH₃ VAPOR LINES
- NH₃ LIQUID LINES
- SECURITY POSTS
- SECURITY BARRIER

Block Flow Diagram



West Fertilizer Company receives rail by rail. received by rail, the railcar is spotted at the rear of our storage, car is chocked and brake is set. Also a sign stating railcar being unloaded is attached to railcar. Our NH3 lines are attached to railcar, all valves are opened and pump is turned on. While car is being unloaded one of our staff is always watching and inspecting car, hoses, and pump until car is empty. When car is empty, valves are closed, hoses unhooked, and car is released.

When NH3 is received by truckload, the truck is spotted at either of our two unloading valves, truck is chocked, and driver hooks up his hoses to our valve. The truck driver and one of our staff are in attendance, inspecting truck, hoses, and pump until truck is empty. At that time the truck driver closes valves and unhooks hoses.

Attendants wear NH3 gloves and eye protection. If hose bleeding is necessary it is done into fresh stored water container. A 150-gallon open top water tank is accessible to attendants.

Our emergency phone number is 911 which dispatches the West Volunteer Fire Department should an upset occur.

At West Fertilizer our way to control bleeding emissions from disconnection of NH3 hoses from nurse tanks is as follows, at the time a nurse tank is full our staff always turns off the liquid valve on the supply line first, leaving the tank valve open, then the valve on the vapor return line is turned off. This method allows any liquid in the supply liquid valve to drain down into the NH3 nurse tank, at that point both valves on the nurse tank are closed. Then the small bleeder valve is opened to remove pressure so hoses can be disconnected.

Disconnection of NH3 hose from a railcar, at the point that the railcar is empty our staff closes both liquid valves on our unloading hoses and vapor lines. This allows any liquid to drain from our lines into railcar, and then the railcar valves are closed. Then the small bleeder valve is opened to remove pressure so hoses can be disconnected.

If bleeding or depressurizing of hoses is necessary, it is discharged into the 30 gallon containers of water that are always in place.

Maintenance and housekeeping procedures are documented in our EPA Risk Management Program.

We try every day to maintain an orderly arrangement of materials and equipment to prevent accidents.

COVER SHEET
JOE HENRY HANUS
TRIANGLE INSURANCE
OFFICE #: 1-800-894-5020
CELL PHONE #: 361-319-5378

TO: HEATHER NIXON

SUBJECT: WEST FERTILIZER

PAGES: 2

COMMENTS:

OCTOBER 19, 2006

Information to Joe Henry Hannus concerning the TCEQ AIR PERMIT APPLICATION #79803

LENGTH OF TANK NO. 1 NORTH TANK.....	540"
LENGTH OF TANK NO. 2 SOUTH TANK.....	540"
DIAMETER OF TANK NO.1 NORTH TANK.....	84"
DIAMETER OF TANK NO.2 SOUTH TANK.....	84"
NORMAL CAPACITY-WORKING VOLUME GALLONS PER HOUR/RAIL.....	2182 GLS.
NORMAL CAPACITY-WORKING VOLUME GALLONS PER/HOUR/TRUCK.....	2182 GLS.
TOTAL PUT THRU IN GALLONS (January 1,2005 thru December 31,2005).....	873,123 GLS.
MAXIMUM FILLING RATE FROM TRUCK.....	6345 GLS.
MAXIMUM FILLING RATE FROM RAILCAR.....	3636 GLS.



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Public Notice Verification Form

Air Permit

OCC #

32846

(TCEQ use only)

COMMISSION
ON ENVIRONMENTAL
QUALITY

RECEIVED

OCT 23 AM 10:29

FEB 7 2007

CHIEF CLERK'S OFFICE

TCEQ
CENTRAL FILE ROOMApplicant Name: West Fertilizer CoSite or Facility Name: West Fertilizer WEST, TEXASTCEQ Account Number (if applicable): MB-0145-S Permit Number: 79803Regulated Entity Number: RN100985407Customer Number: CN603095266

All applicants must complete all applicable portions of this form. The completed form should be sent to the TCEQ to the attention of the Office of the Chief Clerk. 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.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
A bilingual education program is required by the Texas Education Code in the district.	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
School District: <u>WEST INDEPENDENT SCHOOL DIST.</u>	Phone: <u>1-254-826-7500</u>
Person Contacted: <u>JAN HUNGATE</u>	Date: <u>9-26-06</u>
The name of the elementary school nearest to the proposed or existing facility is: <u>WEST ELEMENTARY</u>	
The name of the middle school nearest to the proposed or existing facility is: <u>WEST MIDDLE</u>	
Students who attend one of the schools above are eligible to be enrolled in a bilingual program provided by the district. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
The following language(s) is/are utilized in the bilingual program:	<u>SPANISH</u>
If an applicable bilingual program exists, then applicants must publish a notice and/or post signs, as outlined in the Instructions for Public Notice and certify as applicable on this form.	

ALTERNATIVE LANGUAGE VERIFICATION	
I verify that the area addressed by this permit application is subject to alternative language public notice requirements. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
I verify that 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 checked="" type="checkbox"/> NO	
I verify that no such newspaper or publication was found in any of the language(s) in which notice is required. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
I verify that the publishers of the newspapers listed below refused to publish the notice as requested, and no other newspaper or publication in the same language and of general circulation was 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 checked="" type="checkbox"/> N/A	
Newspaper:	Language:
I verify that bilingual sign(s) required by the TCEQ were posted. (if applicable) <input type="checkbox"/> YES <input type="checkbox"/> NO	
I verify that original tear sheets 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	
Signed by: <u>Ed J. Peterson</u>	Applicant: <u>WEST FER</u>
Title: <u>GEN. MANAGER</u>	Date: <u>10-20-06</u>

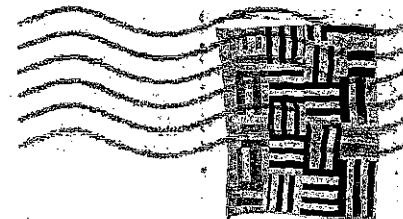
WEST FERTILIZER CO.

P. O. BOX 399

WEST, TEXAS 76691

WACO TX 767

20 OCT 2006 PM 2 T



GET'S BEND ONLY 39 USA
2006

TCEQ

Office of the Chief Clerk, MC 105

Attn: Notice Team

P.O. Box 13087

Austin, Texas 78711-5087

RECEIVED

OCT 23 2006

TCEQ MAIL CENTER
RB

51TR
WA

AIR/MB0145S/RN100985407/CO

Texas Commission on Environmental Quality
Investigation Report
WEST CHEMICAL AND FERTILIZER CO
CN600508238

WEST FERTILIZER
RN100985407

Investigation # 534828

Incident #

Investigator: JACK BAILEY JR.

Site Classification

MIN 0-15 FINS

Conducted: 12/20/2006 -- 12/20/2006

SIC Code: 5153

Program(s): AIR NEW SOURCE PERMITS

Investigation Type : Compliance Invest File Review

Location : 1471 JERRY MACHEK DR WEST
TX 76691

Additional ID(s) : 79803
MB0145S
80404

Address: ; ,

Activity Type: REGION 09 - WACO
AIRFI - Follow-up Compliance Investigation

Principal(s) :

Role

Name

RESPONDENT

WEST CHEMICAL AND FERTILIZER CO

Contact(s) :

Role

Title

Name

Phone

Regulated Entity Contact

OWNER

MR TED UPTMORE

Fax (254) 826-5309

Work (254) 826-5309

Other Staff Member(s) :

Role

Name

QA Reviewer

WILLIAM PETERSEN

Supervisor

SALAL TAHIRI

RECEIVED
JAN 04 2007

Associated Check List

Checklist Name

Unit Name

COMPLAINT INVESTIGATION - AIR

WEST CHEMICAL FERTILIZER

TCEQ
CENTRAL FILE ROOM

Investigation Comments :

INTRODUCTION:

This investigation was conducted as a follow up investigation for a Notice of Violation issued to West Fertilizer Company in McLennan County.

GENERAL FACILITY AND PROCESS INFORMATION:

The alleged source is the West Fertilizer facility at 1307 Jerry Machek Drive, West, McLennan County. The emissions are those typically associated with the operation of a feed and fertilizer blending facility. There were no air emission controls at this location.

BACKGROUND:

On June 21, 2006, an investigation was conducted at the West Fertilizer Company. A Notice of Violation (NOV) was issued on June 26, 2006 for operating without proper authorization.

Findings

On July 17, 2006 the TCEQ Waco Regional Office received a letter from the West Fertilizer Company

stating that a permit application had been submitted. On December 19, 2006, TCEQ Waco Regional Office received confirmation from TCEQ Air Permits Division that Permit No. 79803 was technically complete. This correspondence documented compliance and corrective actions requested in the violation directives. Therefore, this NOV will be resolved.

Conclusion

Review of the received permit indicates that the entity has demonstrated the compliance requested in the violation directives. Therefore, this violation will be resolved at this time. No further communications are required regarding this alleged violation.

ADDITIONAL INFORMATION:

N/A

ALLEGED VIOLATIONS NOTED AND RESOLVED**Track No:** 242134**Resolution Date:** 12/21/2006**30 TAC Chapter 116.110(a)****Alleged Violation:**

Investigation: 483529

Comment Date: 06/26/2006

Failure to obtain a permit or qualify for a permit by rule.

Investigation: 534828

Comment Date: 12/21/2006

On June 26, 2006, West Fertilizer was issued a Notice of Violation for failure to obtain a permit or qualify for a permit by rule. This is a violation for failure to pursue 30 TAC Chapter 116, Rule 116.110 (a).

Recommended Corrective Action: Obtain a permit or qualify for a permit by rule. Submit written documentation to the Waco Regional Office with a description of corrective action taken and required documentation demonstrating that compliance has been achieved for the alleged violation.

Resolution: On December 19, 2006, TCEQ Waco Regional Office received confirmation from the TCEQ Air Permits Division that Permit No. 79803 was technically complete. This correspondence documented compliance and corrective actions requested in the violation directives. Therefore, this NOV will be resolved.

Signed


Environmental Investigator

Date

12/21/06

Signed


Supervisor

Date

12/22/06

Attachments: (in order of final report submittal)

☐ Enforcement Action Request (EAR)

☒ Letter to Facility (specify type) : Complaint

☐ Investigation Report

☐ Sample Analysis Results

☐ Manifests

☐ NOR

☐ Maps, Plans, Sketches

☐ Photographs

☒ Correspondence from the facility

☐ Other (specify) :

Attachments

August 21, 2006

West Fertilizer Company

PO Box 399

West, Tex ~~Texas~~ OK 76691

254-826-5309

West Fertilizer Company.- Ammonia Plant

- ✓ 1. Cover Letter
- 2. Attachment Sheet
- 3. Form PI-1 ✓
- 4. Core Data Form
- 5. TCEQ Recommendations
- 6. State Regulatory Requirements
- 7. Summary of Valves, Flanges and Open Ended Lines
- 8. Table 1(a) Emission Point Summary
- 9. Facility Maps
- 10. Safety Information and Mitigation
- 11. Area Maps

ADAM RAIN, INC.
DBA WEST FERTILIZER

PH. 254-826-5309
P.O. BOX 399
WEST, TX 76691

3042

DATE August 30, 2006

88-515/1119

PAY
TO THE
ORDER OF

Revenue Section, TCEQ

\$600⁰⁰/_{xx}

THE SUM 600.00 DOLLARS

DOLLARS



Security Features
Included.
Details on Back.



The State National Bank

IN WEST
WEST, TEXAS 76691

FOR

Jeff Aptmore

⑈003042⑈ ⑆111905159⑆

00 0294 9⑈

August 21, 2006

West Fertilizer Company
PO Box 399
West, Tx 76691
254-826-5309

West Fertilizer Company-Ammonia Plant
1471 Jerry Mashek Drive
West, TX 76691
254-826-5309

State Regulatory Requirements

A. Compliance With All Rules and Regulations

1. 30 TAC Chapter 101 General Rules
 - a. All rules have been followed for this facility with no complaints with citations issued.
2. 30 TAC Chapter 111 Visible Emissions and Particulate Matter
 - a. There have been no visible emissions from Ammonia Plant
3. 30 TAC Chapter 112 Sulfur Compounds
 - a. Non-Applicable-there are no sulfur emissions involved with Anhydrous Ammonia.
4. 30 TAC Chapter 113 Toxic Materials
 - a. Toxic emissions are negligible with anhydrous ammonia plant.
5. 30 TAC Chapter 115 Volatile Organic Compounds
 - a. Non-Applicable-there are no volatile Organic Compounds involved with Anhydrous Ammonia plant.

6. 30 TAC Chapter 117 Nitrogen Compounds

- a. Non-Applicable-there are no Nitrogen Compounds involved with grain elevator.

7. 30 TAC Chapter 122 Federal Operating Permits

- a. Non-Applicable -Emissions for this plant is not over 100 TPY.

B. Measurement of Air Contaminants

1. Will be done through observation and record keeping.

C. Pipeline Facility Control

1. Non-Applicable-this not a pipeline facility.

D. Existing Facility Permit and Emissions Control Analysis

1. BACT for this facility is done through the use of pop off valves, closed system when loading nurse tanks, excess flow valves and back flow check valves.

E. Achieve Performance and Compliance Demonstration

1. Observation of emissions and record keeping. Equipment maintenance will be done in accordance with manufactures recommendations. ANSI, ASME and OSHA 29 CFR 1910.111 standards will be followed.

F. Emissions Cap and Trade

1. Non-Applicable- Anhydrous Ammonia plant is not located in eight county area mention in application.

SUMMARY OF VALVES, FLANGES AND LINES FOR STORAGE FACILITY

[illegible]



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Table 1(a) Emission Point Summary

Permit Number:	RPN Number:		Date:
Company Name:	West Fertilizer Company-Ammonia Plant		8-21-06

Review of applications and issuance of permits will be expedited by supplying all necessary information requested on this Table.

1. Emission Point			2. Component or Air Contaminant Name		3. Air Contaminant Emission Rate	
EPN (A)	FIN (B)	NAME (C)			Pounds per Hour (A)	TPY (B)
1	West	Valves-Light Liquid	NH3		0.0035	0.0082782
2	West	Open Ended Lines-Light Liquid	NH3		0.004	0.0036792
3	West	Flanges and Pipe Connections-Light Liquid	NH3		0.0005	0.0013797
4	West	Valves-Vapor	NH3		0.0089	0.01637244
5	West	Compressor Seals-Vapor	NH3		0.5027	0.8807304
6	West	Pressure Relief Valves-Vapor	NH3		0.2293	0
7	West	Open Ended Valves-Vapor	NH3		0.004	0.0047304
8	West	Flanges & Pipe Connections-Vapor	NH3		0.0029	0.00876438

EPN = Emission Point Number
FIN = Facility Identification Number



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Table 1(a) Emission Point Summary

Permit Number:		RN Number:		Date:	8-21-06
Company Name:	West Fertilizer Company-Ammonia Plant				

Review of applications and issuance of permits will be expedited by supplying all necessary information requested on this Table.

[illegible]

EPN = Emission Point Number
FIN = Facility Identification Number

SAFETY INFORMATION

1. The following codes and standards have been referenced to help determine the proper construction and operation of this facility: OSHA 1910.111, ANSI K61.1, and ASME VIII.
2. The maximum inventory storage capacity of this facility is 105,060 pounds in 2-12,000 gallon tanks.
 - a. In order to prevent over pressurization of the storage tanks and the nurse tanks, the company's policy states that the tanks shall not be filled more than 85% of the total capacity. Therefore, the total capacity of the storage tanks shall not exceed 52,530 pounds in each of the 12,000 gallon tanks.
 - b. During the off-season, the company maintains a minimum inventory of anhydrous ammonia for economic and safety reasons.
 - (1) The company strives to keep the inventory of ammonia at 20% of the total capacity of the storage tanks.
4. The upper pressure for the design of the tanks, pipes and hoses is 250 psi. The facility has a series of pressure relief valves installed on the tanks and on the piping, which are designed to relieve excess pressure build-up.
5. The plant has excess flow valves built into the system, which are designed to automatically shut off the flow of product in the event of hose or pipe rupture or breakage.
6. The general manager shall update the safety information if a major change occurs that makes the information listed above inaccurate.

NH3 HAZARD REVIEW

“What If”

WHAT IF	EVENT SEQUENCES AND CONSEQUENCES	PREVENTION	POTENTIAL MITIGATING ACTION
Tank Failure	Complete loss of NH3	Comply with ANSI K-61 & OSHA requirements in order to minimize risk.	Use water curtain to capture and contain vapor cloud.
Hose Rupture (partial)	Release rate is below excess flow valve set point. Results in continuous release.	Protect hoses from damage. Clean hoses when necessary. Replace hoses when necessary and/or required. Install shut-off valves and/or cable release quick shut-off valves.	Approach the supply valve from upwind and close the valve. Use water curtain for protection if necessary. Water curtain can also be used to capture and contain vapor cloud.
Hose Rupture (complete)	Release rate exceeds excess flow valve setting. Results in short high quantity release.	Protect hoses from damage. Clean when necessary. Replace hoses when necessary and/or required. Install shut-off valves and/or cable release quick shut-off valves.	Approach the supply valve from upwind and close the valve. Use water curtain for protection if necessary. Water curtain can also be used to capture and contain vapor cloud.
Valve Failure (partial)	Continuous release of NH3 from failed valve resulting from valve seat or packing gland failure.	Ensure only NH3 valves are installed. Perform preventive maintenance. Maintain spare valve and parts inventory.	Approach the supply valve from upwind and close the valve. Use water curtain for protection if necessary. Water curtain can also be used to capture and contain vapor cloud.
Valve Failure (complete)	Continuous release of NH3 resulting from complete failure of a valve or a pressure relief valve (PRV).	Ensure only NH3 valves are installed. Install PRV manifold allowing PRV's to be replaced without emptying NH3 tank.	Approach the supply valve from upwind and close the valve. Use water curtain for protection if necessary. Water curtain can also be used to capture and contain vapor cloud.
Overfill Tank (PRV Release)	Continuous release of NH3 vapor.	Use 85% fixed liquid level gauge when filling tank. Train employees not to overfill tanks.	Use water curtain to capture and contain released vapor cloud until the pressure on the tank drops low enough for the PRV to reset.

WHAT IF	EVENT SEQUENCES AND CONSEQUENCES	PREVENTION	POTENTIAL MITIGATING ACTION
Overfill Tank (Tank Rupture)	Complete loss of NH ₃ resulting from over pressurization and/or damaged tank.	Use 85% fixed liquid level gauge when filling tanks. Train employees not to overfill tanks. Train employees not to fill tanks that have been damaged.	Use water curtain to capture and contain released vapor cloud.
Tanker Pulls Away Before Hoses Are Disconnected	Hose rupture and/or valves are damaged. Excess flow valve will activate and stop the flow of NH ₃ . If excess flow valve does not function, product will continue to release; and the flow rate will decrease as the tank pressure drops.	A facility employee should monitor the NH ₃ transfer process. Tanker wheels should be chocked before transfer operations begin and removed only after all hoses have been disconnected.	Close storage tank belly valve and activate the emergency shutdown valve on the transport truck. Use water curtain for protection if necessary. Water curtain can also be used to capture and contain vapor cloud.
Nurse Tank Pulled Away Before Hoses Are Disconnected	Hose rupture and/or valves are damaged. Excess flow valve will activate and stop the flow of NH ₃ . If excess flow valve does not function, product will continue to release; and the flow rate will decrease as the tank pressure drops.	A facility employee should monitor the NH ₃ transfer process. The nurse tank wheels should be chocked, the hitch safety chain disconnected, and the hitch pin pulled before transfer operations begin. Once the hoses have been disconnected the hitch pin can be replaced, the safety chain re-attached, and the chocks removed.	Close storage tank liquid and vapor belly valves and close the liquid and vapor valves on the nurse tank. Use water curtain for protection if necessary. Water curtain can also be used to capture and contain vapor cloud.
Physical Damage To Valves, Hoses, and Piping	Continuous release of vapor or liquid from damaged equipment.	Install safety barriers (bumper poles) to protect equipment from damage.	Approach the supply valve from upwind and close the valve. Use water curtain for protection if necessary. Water curtain can also be used to capture and contain vapor cloud.
Valve Not Properly Closed	Continuous low quantity release from valve that is not properly closed (i.e. ice on valve seat).	Shut valves with sufficient torque to seat properly.	Approach the supply valve from upwind and close the valve. Use water curtain for protection if necessary. Water curtain can also be used to capture and contain vapor cloud.

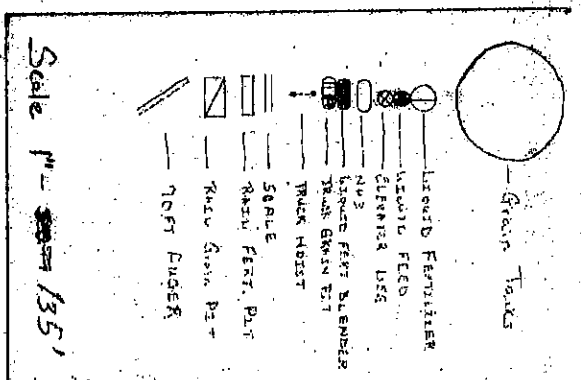
WHAT IF	EVENT SEQUENCES AND CONSEQUENCES	PREVENTION	POTENTIAL MITIGATING ACTION
Corrosion Of Piping	Continuous low quantity release from pinhole in piping.	Include piping system in preventive maintenance program.	Approach the supply valve from upwind and close the valve. Use water curtain for protection if necessary. Water curtain can also be used to capture and contain vapor cloud.
Process piping releases from failures at flanges, joints, welds, valves and valve seals, and drains or bleeds	Release of NH ₃ as a result of failures at flanges, joints, welds, valves and valve seals, and drains or bleeds	Inspection of process equipment and the replacement of faulty equipment with equipment designed for NH ₃ .	Approach the supply valve from upwind and close the valve. Use water curtain for protection if necessary. Water curtain can also be used to capture and contain vapor cloud.
Process vessel or pump releases due to cracks, seal failure, or drain, bleed, or plug failure	Release of NH ₃ due to cracks, seal failure, or drain, bleed, or plug failure	Inspection of the process vessels and pumps, and the replacement of faulty equipment with equipment designed for NH ₃ .	Approach the supply valve from upwind and close the valve. Use water curtain for protection if necessary. Water curtain can also be used to capture and contain vapor cloud.
Shipping container mishandling and breakage or puncturing	Release of NH ₃ due to breakage or puncturing as a result of mishandling.	Train employees proper ways to move and transport NH ₃ nurse tanks.	Use water curtain to capture and contain vapor cloud.
Vandalism	Release of NH ₃ from valve opened by vandal.	Ensure that valves are in the off position and locked.	Approach the supply valve from upwind and close the valve. Use water curtain for protection if necessary. Water curtain can also be used to capture and contain vapor cloud.
Earthquake Or Tornado	Damage to valves, piping, and tank.	Ensure that all valves are in the off positions and locked when the plant is not in use. Make improvements as necessary to reduce the risk of damage. Inspect for damage and repair before operating.	

WHAT IF	EVENT SEQUENCES AND CONSEQUENCES	REVENTION	POTENTIAL MITAGATING ACTION
Flooding	Floodwater could damage compressor and hydrostatic pressure relief valves.	Ensure that all valves are in the off position and locked when the plant is not in use. Inspect the entire system after floodwaters have receded. Ensure that entire system is functional and free of water.	
Traffic Accident	Damage to piping or valves from vehicle impact.	Install safety barriers (bumper poles) to protect equipment from damage.	Approach the supply valve from upwind and close the valve. Use water curtain for protection if necessary. Water curtain can also be used to capture and contain vapor cloud.

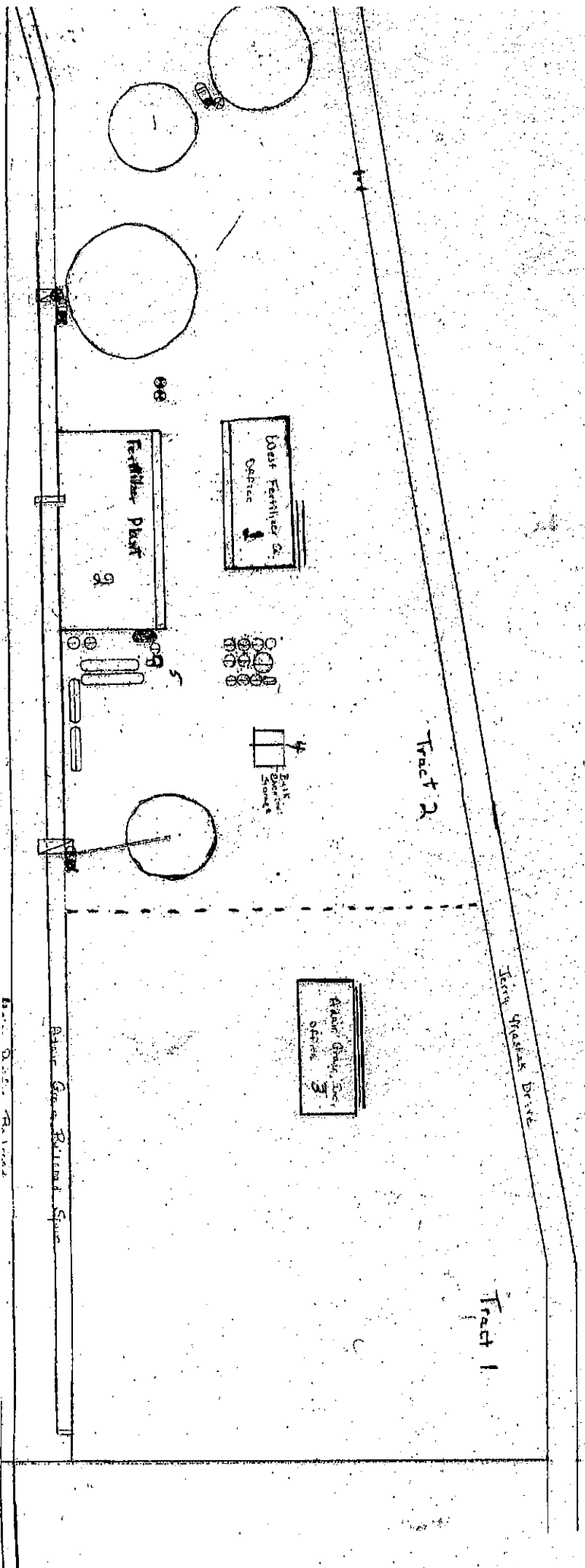
CAUTION: Mitigating actions shall only be performed by personnel who are properly equipped with personal protective equipment (PPE), who have been trained how to use the PPE, and who have knowledge of the proper mitigation procedures.

2

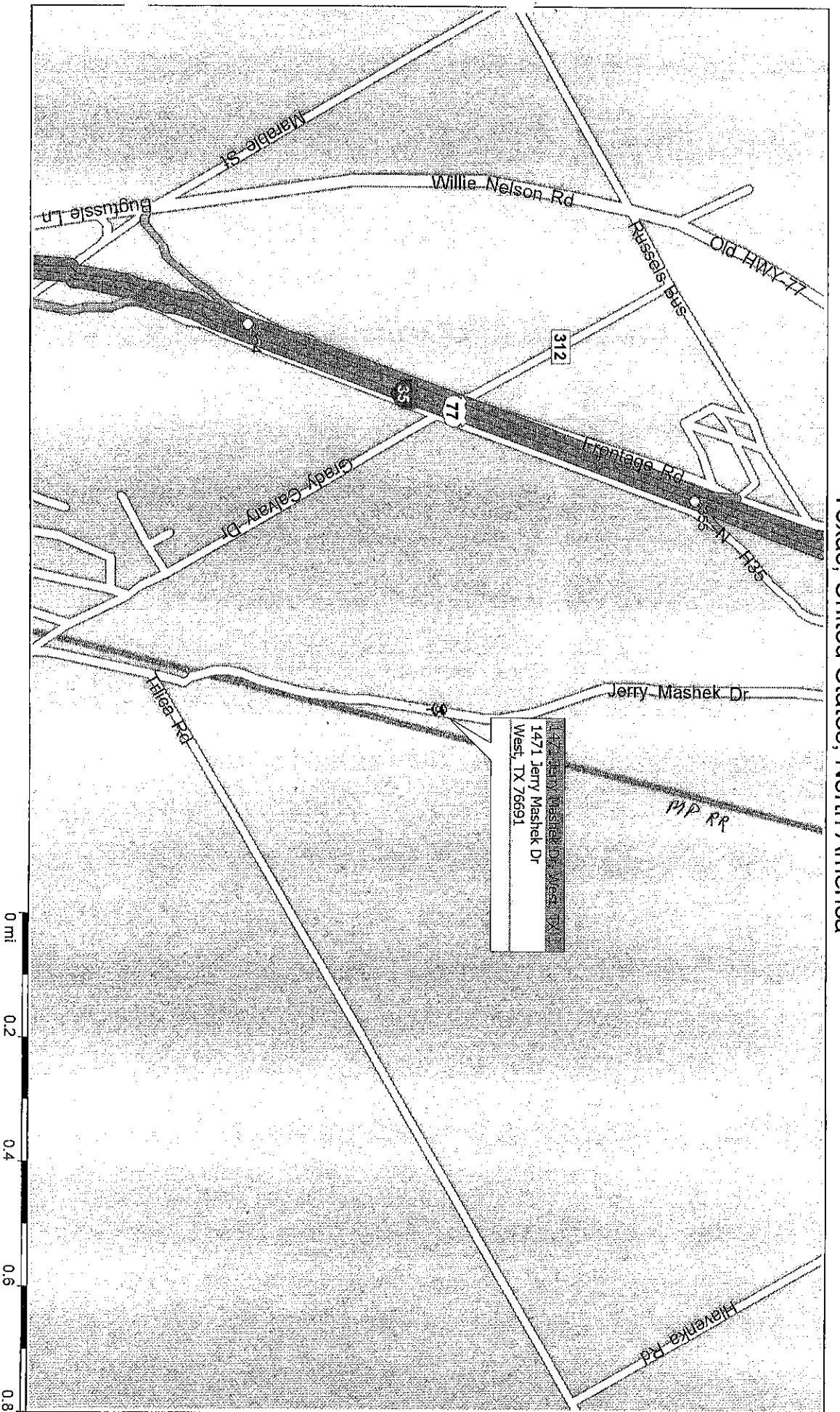
ADAIR GRAIN INC dba WEST FERTILIZER CO.



Scale 1" = 135'



Texas, United States, North America



TED J. UPTMORE
Manager

Response Letter

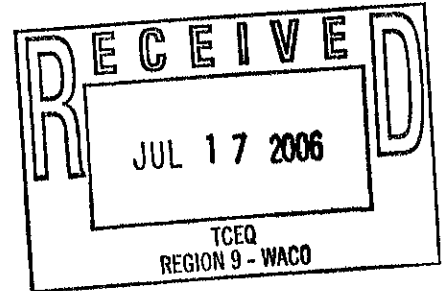
West

Fertilizer Company

P.O. BOX 399
WEST, TEXAS 76691

Jack B

254-826-5309
800-310-0222
FAX 254-826-4325



July 14, 2006

Mr. Salal A. Tahiri
Air Section Manager
Waco Regional Office

Dear Mr. Tahiri,

I am writing in response to your certified letter of June 26, 2006 concerning investigation # 483529 our Outstanding Alleged Violation. As a result of this investigation, we learned from Mr. Jack Bailey from your office that our "Grandfather's Permit" had expired in September '04. We also learned from Mr. Ross Muir of Small Business Assistance with TCEQ that we would not qualify for a Permit By Rule (PBR).

In 1999 we filed our Risk Management Plan with the Environmental Protection Agency. In March 2006, West Fertilizer Co. was audited by Mr. Roger L. Cadenhead of EPA. During the audit interview he specially stated that he assumed we were covered by a "Grandfather's Permit." West Fertilizer Co. has contracted with Triangle Agency of Texas, Inc. - Insurance (Mr. Donnie Wood @ 1-580-231-0308) and at this time is actively engaged in preparing an application for an air permit with TCEQ.

We fully intend to be in compliance with applicable air quality requirements. Our updated NH3 Risk Management Plan was submitted to EPA on July 6, 2006.

Please keep us informed of any actions that need to be addressed in the future.

Sincerely,

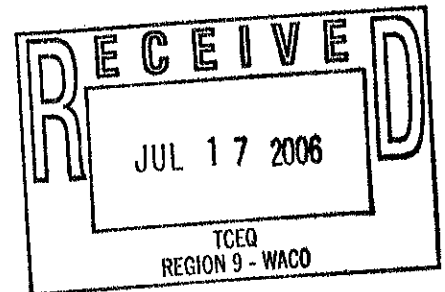
Ted J. Uptmore, General Manager
WEST FERTILIZER CO.

CC: Jack Bailey
Donald R. Adair

TED J. UPTMORE
Manager

West
Fertilizer Company
P.O. BOX 399
WEST, TEXAS 76691

254-826-5309
800-310-0222
FAX 254-826-4325



July 14, 2006

Mr. Salal A. Tahiri
Air Section Manager
Waco Regional Office

Dear Mr. Tahiri,

I am writing in response to your certified letter of June 26, 2006 concerning investigation # 483529 our Outstanding Alleged Violation. As a result of this investigation, we learned from Mr. Jack Bailey from your office that our "Grandfather's Permit" had expired in September '04. We also learned from Mr. Ross Muir of Small Business Assistance with TCEQ that we would not qualify for a Permit By Rule (PBR).

In 1999 we filed our Risk Management Plan with the Environmental Protection Agency. In March 2006, West Fertilizer Co. was audited by Mr. Roger L. Cadenhead of EPA. During the audit interview he specially stated that he assumed we were covered by a "Grandfather's Permit." West Fertilizer Co. has contracted with Triangle Agency of Texas, Inc. - Insurance (Mr. Donnie Wood @ 1-580-231-0308) and at this time is actively engaged in preparing an application for an air permit with TCEQ.

We fully intend to be in compliance with applicable air quality requirements. Our updated NH3 Risk Management Plan was submitted to EPA on July 6, 2006.

Please keep us informed of any actions that need to be addressed in the future.

Sincerely,

Ted J. Uptmore, General Manager
WEST FERTILIZER CO.

CC: Jack Bailey
Donald R. Adair

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Street, Apt. No.,
or PO Box No.

City, State, ZIP+4®

PS Form 3811, February 2004

Mr. Ted Uptmore
 Plant Manager
 West Chemical and Fertilizer Company
 P.O. Box 6
 West TX 76691
 ST/JB/ks 06/26/06

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>Mr. Ted Uptmore Plant Manager West Chemical and Fertilizer Company P.O. Box 6 West TX 76691 ST/JB/ks 06/26/06</p> <p>2. Article Number (Transfer from service) 7004 2890 0002 6243 8287</p>	<p>A. Signature <input checked="" type="checkbox"/> Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) Stanley Uptmore</p> <p>C. Date of Delivery 10-30-06</p> <p>D. Is delivery address different from Item 1? If YES, enter delivery address below: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

Attach to Resolution Investigation.

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 27, 2006

Mr. Ted Uptmore
General Manager
West Fertilizer Co.
P.O. Box 399
West, TX 76691


Re: Compliance Documentation Review at:
West Fertilizer Company, 1307 Jerry Macheck Drive, West, McLennan County
Regulated Entity No.: RN100985407

Dear Mr. Uptmore:

The Texas Commission on Environmental Quality (TCEQ) Waco Regional Office has received the compliance documentation that you submitted on December 19, 2006, for the alleged violations noted during the investigation of the above-referenced facility conducted on June 21, 2006. The compliance documentation contained in your response appears to indicate that corrective action has been taken for the alleged violations. No further submittal from you is required concerning this investigation.

The Texas Commission on Environmental Quality appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions regarding these matters, please feel free to contact us in the Waco Regional Office at 254-772-9240.

Sincerely,


Jack Chaneyworth
Acting Air Section Manager
Waco Regional Office

JC/JB/ks

cc: Central Records

✓ WT

AIR/MBT 15S/100985407/CO

Texas Commission on Environmental Quality

Investigation Report

WEST CHEMICAL AND FERTILIZER CO

CN600508238

WEST FERTILIZER

RN100985407

Investigation # 518224

Investigator: JACK BAILEY JR.

Incident #

Site Classification

MIN 0-15 FINS

SIC Code: 5153

RECEIVED

NOV 13 2006

TCEQ
CENTRAL FILE ROOM

Conducted: 11/02/2006 -- 11/02/2006

Program(s): AIR NEW SOURCE PERMITS

Investigation Type : Compliance Invest File Review

Location : 1471 JERRY MACHEK DR WEST
TX 76691

Additional ID(s) : 79803
MB0145S

Address: ; ,

Activity Type: REGION 09 - WACO
PMPRCH116 - Chapter 116 Permit Provision Review

Principal(s) :

Role

Name

RESPONDENT

WEST CHEMICAL AND FERTILIZER CO

Contact(s) :

Role

Title

Name

Phone

Regulated Entity Contact

OWNER

MR TED UPTMORE

Fax (254) 826-5309
Work (254) 826-5309

Other Staff Member(s) :

Role

Name

Supervisor

SALAL TAHIRI

Associated Check List

Checklist Name

AIR PERMIT REQUEST FOR COMMENTS

Unit Name

WEST FERTILIZER

Investigation Comments :

INTRODUCTION:

This investigation was conducted in response to a Request for Comments (RFC) - Draft Conditions from TCEQ Air Permits Divisions for a Permit Application at West Fertilizer Company (Permit #79803) in McLennan County.

GENERAL FACILITY AND PROCESS INFORMATION:

The West Fertilizer Company was established in 1962 and is located at 1471 Jerry Mashek Drive in West, McLennan County. The facility blends fertilizer for bulk spreaders and custom applications. The facility stores anhydrous ammonia for resale and has 100 nurse tanks available for local use. The facility has several above ground storage tanks used to store 32% non-pressurized nitrogen. There is a storage barn which is capable of storing 12,000 tons of material. The probable emissions would be dust and odors from blending fertilizer chemicals at the facility. Some of the materials used are dust free and the blending of these products is done inside. A water bath for the anhydrous ammonia is utilized at the facility to minimize off property odors.

BACKGROUND:

An RFC Draft Condition was received from TCEQ Air Permits on November 2, 2006 in reference to a

Transmission Report

Date/Time
Local ID
Local Name
Company Logo

11- 2-06;12:27PM
2547720143
TCEQ WACO

This document was confirmed.
(reduced sample and details below)
Document Size Letter-S



FAX TRANSMITTAL

DATE: November 2, 2006 NUMBER OF PAGES (including this cover sheet): 3

TO: Name Ms. Heather Nixon
Organization TCEQ Air Permits
FAX Number 512-255-1300

FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Name Jack Bailey
Division/Region Region 09
Telephone Number 254-761-3028
FAX Number 254-772-9241

NOTES:

Request for Comment - Draft Conditions - for Weol Fertilizer Co (Permit # 79805)

Total Pages Scanned : 3 Total Pages Confirmed : 3

No.	Doc	Remote Station	Start Time	Duration	Pages	Mode	Comments	Results
1	587	15122391300	11- 2-06;12:26PM	37"	3/ 3	EC		CP 24.0

Notes :

EC: Error Correct	RE: Resend	PD: Polled by Remote	MB: Receive to Mailbox
BC: Broadcast Send	MP: Multi-Poll	PG: Polling a Remote	PI: Power Interruption
CP: Completed	RM: Receive to Memory	DR: Document Removed	TM: Terminated by user
HS: Host Scan	HP: Host Print	FO: Forced Output	WT: Waiting Transfer
HF: Host Fax	HR: Host Receive	FM: Forward Mailbox Doc.	WS: Waiting Send



FAX TRANSMITTAL

DATE: November 2, 2006

NUMBER OF PAGES (including this cover sheet): 3

TO: Name Ms. Heather Nixon
 Organization TCEQ Air Permits
 FAX Number 512-239-1300

FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

 Name Jack Bailey
 Division/Region Region 09
 Telephone Number 254-761-3028
 FAX Number 254-772-9241

NOTES:

Request for Comment - Draft Conditions - for West Fertilizer Co (Permit # 79803)

PM PR

Jack B

Request for Comments -- Draft Conditions

TCEQ -- Air Permits Division

Phone: (512)239-1250

Fax: (512)239-1300

Mailing Address: TCEQ, Air Permits, P.O. Box 13087, Austin, TX 78711-3087

TO: Region: 9 City: West County: McLennan Account No.: MB-0145-S

Submitted by: Ms. Heather Nixon E-Mail ID: hnixon Phone: (512) 239-4716

Date Request Submitted: 11/01/2006

Comments Deadline: 12/01/2006

For deadlines less than 21 days Section Manager approval is required.

Date Application Received by TCEQ in Austin: September 01, 2006

REGIONAL OFFICES: Please return comments ASAP, but no later than the comments deadline which is 21 days from the submittal date. Permit disposition will proceed after comments are received or after the comments deadline has passed. Permit Reviewer may request faster response if needed.

LOCAL PROGRAMS: The company below has submitted an application for the project referenced below in accordance with regulations of the TCEQ. Please return comments ASAP, but no later than the comments deadline which is 21 days from the submittal date. Permit disposition will proceed after comments are received or after the comments deadline has passed. Permit Reviewer may request faster response if needed. If no comments are received within this time frame, we will assume you have no comments or objections to the project as proposed. Please return a complete copy of the form (both sides) with your comments.

PROJECT TYPE: New Permit

PROJECT NO.: 124559

REGULATED ENTITY NO.: RN100985407

PERMIT NO.: 79803

COMPANY NAME: West Fertilizer Co.

CUSTOMER REFERENCE NO.: CN603095266

PLANT NAME: West Fertilizer

LOCATION: 1471 Jerry Mashek Drive

UNIT NAME: Anhydrous Ammonia Fertilizer Storage Facility

COUNTY: McLennan

TECHNICAL CONTACT: Ted J. Uptmore

PHONE: (254) 826-5309

OPERATING SCHEDULE: Continuous? ____

Hours/Day ____ Days/Week ____ Weeks/Year ____ Night Operation? ____

Engineer's Comments:

Attachments: MAERT, Draft Conditions

Request for Comments -- Draft Permit
RESPONSE

TO: Ms. Heather Nixon, Austin

FROM: Region: 9

City: West

County: McLennan

Account No.: MB-0145-S

Copy of Application Received by your Office: ☒ YES ☐ NO

Date Received:

9/1/06

COMPANY NAME: West Fertilizer Co.

PERMIT NO.: 79803

REGULATED ENTITY NO: RN100985407

PROJECT NO.: 124559

Investigator's/Compliance Officer's Name (Please Print):

JACK BAILEY

Phone:

254 761 3028

Comments Deadline (from pg. 1): 12/01/2006

Date of Last Site Visit:

9/20/06

COMMENTS ON CONDITIONS: (Please mark up draft special conditions with your comments. Please address applicability and enforceability. List any additional conditions below):

Compliance Determination Conditions:

Good

Operational Limitations:

Good

GENERAL COMMENTS:

None

PERMIT ISSUANCE:

If you have any objections to issuance, please note them here:

NO OBJECTIONS

SPECIAL CONDITIONS

Permit Number 79803

EMISSION LIMITATIONS

1. Total emissions from these facilities shall not exceed the values stated on the attached table entitled "Emission Sources - Maximum Allowable Emission Rates."

OPERATIONAL AND WORK PRACTICE REPRESENTATIONS

2. This permit allows for the operation of two 12,000-gallon permanent anhydrous ammonia (NH_3) storage tanks. No changes shall be made to the above capacities without prior approval by the Texas Commission on Environmental Quality (TCEQ).
3. As represented in the permit application, the following shall occur:
 - A. All valves, connectors and hoses associated with NH_3 handling shall be properly maintained in leak-proof condition at all times.
 - B. When transferring NH_3 , all vapors shall be vented back to the host tank and never to the atmosphere.
 - C. When relieving pressure from connectors and hoses associated with permanent storage tanks and any nurse tanks, all NH_3 vapors shall be bled into an adequate volume of water reserved for this purpose and never to the atmosphere.
 - D. Each permanent NH_3 storage tank and any nurse tanks stored on-site shall be equipped in such a manner that will prevent unauthorized operation.
 - E. A barrier shall be erected and maintained around the permanent NH_3 storage tanks to prevent accidental ruptures from vehicular traffic.
 - F. A water spray system shall be installed to minimize NH_3 emissions in the event of a release/rupture of one or both permanent storage tanks.
 - G. Tanks shall not be filled beyond 85 percent of capacity.
 - H. All in-plant roads, truck loading and unloading areas, parking areas, and other traffic areas shall be sprinkled with water, and/or be treated with effective dust suppressant(s), and/or be paved (with a cohesive hard surface) and cleaned as necessary to maintain compliance with all TCEQ rules and regulations.

EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

Permit Number 79803

This table lists the maximum allowable emission rates and all sources of air contaminants on the applicant's property covered by this permit. The emission rates shown are those derived from information submitted as part of the application for permit and are the maximum rates allowed for these facilities. Any proposed increase in emission rates may require an application for a modification of the facilities covered by this permit.

AIR CONTAMINANTS DATA

Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates *	
			lb/hr	TPY
1	Anhydrous Ammonia Storage Tanks	NH ₃	0.21	0.92

- (1) Emission point identification - either specific equipment designation or emission point number from a plot plan.
- (2) Specific point source names. For fugitive sources, use an area name or fugitive source name.
- (3) NH₃ - anhydrous ammonia

* Emission rates are based on an operating schedule of 8,760 hours per year.

WJ

A/R MB01455 / RN100985407 / 20

Texas Commission on Environmental Quality
Investigation Report
WEST CHEMICAL AND FERTILIZER CO
CN600508238

WEST FERTILIZER

RN100985407

Investigation # 513398

Incident #

Investigator: JACK BAILEY JR.

Site Classification

MIN 0-15 FINS

Conducted: 09/20/2006 -- 09/20/2006

SIC Code: 5153

Program(s): AIR NEW SOURCE PERMITS

Investigation Type : Compliance Investigation

Location : 1471 JERRY MACHEK DR WEST
TX 76691

Additional ID(s) : 79803
MB0145S

Address: ; ,

Activity Type: REGION 09 - WACO
PMSICH116 - Chapter 116 Permit Site Review

Principal(s) :

Role

Name

RESPONDENT

WEST CHEMICAL AND FERTILIZER CO

Contact(s) :

Role

Title

Name

Phone

Regulated Entity Contact

OWNER

MR TED UPTMORE

Fax (254) 826-5309
Work (254) 826-5309

Other Staff Member(s) :

Role

Name

Supervisor

SALAL TAHIRI

RECEIVED

Associated Check List

SEP 25 2006

Checklist Name

AIR PERMIT SITE REVIEW

Unit Name

WEST CHEMICAL

TCEQ
CENTRAL FILE ROOM

Investigation Comments :

INTRODUCTION:

This investigation was conducted in response to a Request for Comments (RFC) - Site Review from TCEQ Air Permits Divisions for a Permit Application at West Fertilizer Company (Permit #79803) in McLennan County.

GENERAL FACILITY AND PROCESS INFORMATION:

The West Fertilizer Company was established in 1962 and is located at 1471 Jerry Mashek Drive in West, McLennan County. The facility blends fertilizer for bulk spreaders and custom applications. The facility stores anhydrous ammonia for resale and has 100 nurse tanks available for local use. The facility has several above ground storage tanks used to store 32% non-pressurized nitrogen. There is a storage barn which is capable of storing 12,000 tons of material. The probable emissions would be dust and odors from blending fertilizer chemicals at the facility. Some of the materials used are dust free and the blending of these products is done inside. A water bath for the anhydrous ammonia is utilized at the facility to minimize off property odors.

BACKGROUND:

Findings:

Transmission Report

Date/Time
Local ID
Local Name
Company Logo

9-20-06; 4:16PM
2547729241
TECQ WACO REGION

This document was confirmed.
(reduced sample and details below)
Document Size Letter-S



FAX TRANSMITTAL

DATE: September 20, 2006 NUMBER OF PAGES (including this cover sheet): 4

TO: Name Ms. Stephanie Howell
Organization TCEQ Air Permit
FAX Number 812-239-1300

FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Name Jack Bailey
Division/Region Region 09
Telephone Number 254-761-3028
FAX Number 254-772-9241

NOTES:

Request for Comment - Site Review - for West Fertilizer Co (Permit # 79803)

1

Total Pages Scanned : 4 Total Pages Confirmed : 4

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Notes :

EC: Error Correct	RE: Resend	PD: Polled by Remote	MB: Receive to Mailbox
BC: Broadcast Send	MP: Multi-Poll	PG: Polling a Remote	PI: Power Interruption
CP: Completed	RM: Receive to Memory	DR: Document Removed	TM: Terminated by user
HS: Host Scan	HP: Host Print	FO: Forced Output	WT: Waiting Transfer
HF: Host Fax	HR: Host Receive	FM: Forward Mailbox Doc.	WS: Waiting Send



FAX TRANSMITTAL

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TO: Name Ms. Stephanie Howell
 Organization TCEQ Air Permits
 FAX Number 512-239-1300

FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

 Name Jack Bailey
 Division/Region Region 09
 Telephone Number 254-761-3028
 FAX Number 254-772-9241

NOTES:

Request for Comment - Site Review - for West Fertilizer Co (Permit # 79803)

PM SI

Jack B

Request for Comments -- Site Review TCEQ -- Air Permits Division Phone: (512) 239-1250 Fax: (512) 239-1300		
Submitted by: Air Permits Initial Review Team		
TO: Region: 9	City: West	County: McLennan
Date Request Submitted: 9/19/2006		
Comments Deadline is 21 calendar days from the Date Request Submitted.		
Date Application Received by Air Permit Initial Review Team: September 1, 2006		
REGIONAL OFFICES: Please return comments to the appropriate Permitting Team Leader indicated on the bottom of this page ASAP, but no later than the comments deadline which is 21 calendar days from the submittal date. Permit disposition will proceed after comments are received or after the comments deadline has passed. Engineer may request faster response if needed.		
PERMIT TYPE:		
XConstruction	Amendment	Revision
Renewal	Renewal Abbreviated Review	Other
Project No.: 124559		PERMIT No.: 79803
TCEQ Account No (if applicable): MB-0145-S		
Regulated Entity No.: RN100985407		Customer No.: CN603095266
Company Name: West Fertilizer Co.		
Plant Name: West Fertilizer	City: West	County: McLennan
Location: 1471 Jerry Mashek Drive		
Unit Name: Anhydrous Ammonia Fertilizer Plant		
Technical Contact: Ted J. Uptmore, GM		Phone: (254) 826-5309
Local Program Applicable?: No		

**Request for Comments -- Site Review
RESPONSE**

PLEASE SEND COMMENTS TO THE PERSON IDENTIFIED BELOW. (To avoid delays, please do not send this back to the Air Permits Initial Review Team.):

X	To: Stephanie Howell - Air Permits Division - Austin (M/A)	E-Mail: showell	Phone: (512) 239-1560
FROM: Region: 9		City: West	County: McLennan
		Compliance:	Legal:
Copy of Application Received by your Office: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
Date Received: SEPT. 1, 2006			
PERMIT No. 79803		PROJECT No. 124559	
TCEQ ACCOUNT NUMBER: MB-0145-S			
Company Name: West Fertilizer Co.			
Investigator's/Compliance Officer's Name (Please Print): JACK BAILEY			
Organization TREC FOD R9			Phone: 767 3028
Comments Deadline:			
Date of Last Site Visit: 6/20/06			
SITE INFORMATION:			
Nuisance/Odor Potential: <input type="checkbox"/> Low <input checked="" type="checkbox"/> Moderate <input type="checkbox"/> High			
Hazard Potential: <input type="checkbox"/> Low <input checked="" type="checkbox"/> Moderate <input type="checkbox"/> High			
Surrounding Land Use: RESIDENTIAL / FARM			
School within 3,000 feet? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No HIGH SCHOOL & INTERMEDIATE			
Distance to Nearest Off-Property Receptor: 350 FT			
Receptor Type: <input type="checkbox"/> School <input checked="" type="checkbox"/> Residence <input type="checkbox"/> Other			
Distance from unit to nearest property line: 120 FT			
Describe area surrounding nearest receptor: RESIDENTIAL / FARM			

NOV INFORMATION (concerning affected process unit):		
Type of Site: <input checked="" type="checkbox"/> Existing <input type="checkbox"/> Similar in Texas <input type="checkbox"/> Similar in U.S.		
NOV Issued? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		Date:
Type of Violation:		
Please provide any information the permit engineer needs concerning the current NOV status		
Summarize any recent complaints related to this facility:		
Recommendation based on Compliance History: (*For Compliance Use Only)		
<input checked="" type="radio"/> Proceed with Permit Review <input type="radio"/> Additional Provisions <input type="radio"/> Deny Permit		
SITE REVIEW:		
In light of the proximity of sensitive receptors and the surrounding land use, please discuss any concerns you have concerning a facility of this type locating at the proposed site.		

NOV 11
11:11 AM

AIR RN100985407/CO

Texas Commission on Environmental Quality
Investigation Report
WEST CHEMICAL AND FERTILIZER CO
CN600508238

WEST CHEMICAL AND FERTILI
RN100985407

Investigation # 483529

Incident # 76859

Investigator: JACK BAILEY JR.

Site Classification

MIN 0-15 FINS

Conducted: 06/20/2006 -- 06/20/2006

SIC Code: 2875

Program(s): AIR NEW SOURCE PERMITS

Investigation Type : Compliance Investigation

Location : OLD DALLAS HWY

Additional ID(s) : MB0145S

Address: 1307 JERRY MACHEK
DR; WEST, TX 76691

Activity Type: REGION 09 - WACO
AIRCOMPL - Air Complaint Investigation

Principal(s) :

Role	Name
RESPONDENT	WEST CHEMICAL AND FERTILIZER CO

Contact(s) :

Role	Title	Name	Phone
Regulated Entity Contact	OWNER	MR TED UPTMORE	Fax (254) 826-5309 Work (254) 826-5309

Other Staff Member(s) :

Role	Name
QA Reviewer	JACK CHANEYWORTH
Supervisor	SALAL TAHIRI

RECEIVED

JUN 28 2006

Associated Check List

Checklist Name

COMPLAINT INVESTIGATION - AIR

Unit Name

WEST CHEMICAL FERTILIZER

TCEQ
CENTRAL FILE ROOM

Investigation Comments :

INTRODUCTION:

This investigation was conducted in response to a complaint regarding an alleged off property nuisance odor.

GENERAL FACILITY AND PROCESS INFORMATION:

The alleged source is West Chemical and Fertilizer Company established in 1962 and located in West, McLennan County. The facility blends fertilizer for bulk spreaders and custom applications. The facility stores anhydrous ammonia for resale and has 100 nurse tanks available for local use. The facility has several above ground storage tanks used to store 32% non-pressurized nitrogen. There is a storage barn which is capable of storing 12,000 tons of material. The probable emissions would be dust and odors from blending fertilizer chemicals at the facility. Some of the materials used are dust free and the blending of these products is done inside. A water bath for the anhydrous ammonia is utilized at the facility to minimize off property odors.

BACKGROUND:

Complainant Contact:

On June 20, 2006 at 8:30 a.m., I contacted the complainant and informed the complainant that I would

June 20 06 Inv. # - 483529

Page 3 of 3

Failure to obtain a permit or qualify for a permit by rule.

Recommended Corrective Action: Obtain a permit or qualify for a permit by rule. Submit written documentation to the Waco Regional Office with a description of corrective action taken and required documentation demonstrating that compliance has been achieved for the alleged violation.

Resolution:

Signed


Environmental Investigator

Date

6/26/06

Signed


Supervisor

Date

6/26/06**Attachments: (in order of final report submittal)**☐ Enforcement Action Request (EAR)☒ Letter to Facility (specify type) : NOV

Investigation Report

☐ Sample Analysis Results☐ Manifests☐ NOR☐ Maps, Plans, Sketches☒ Photographs☒ Correspondence from the facility☐ Other (specify) :

Summary of Investigation Findings

WEST CHEMICAL AND FERTILI
1307 JERRY MACHEK DR
WEST, MCLENNAN COUNTY, TX 76691
Additional ID(s): MB0145S

Investigation # 483529
Investigation Date: 06/20/2006

OUTSTANDING ALLEGED VIOLATIONS

Track No: 242134 Compliance Due Date: 07/27/2006
30 TAC Chapter 116.110(a)

Alleged Violation:

Investigation: 483529

Comment Date: 6/26/2006

Failure to obtain a permit or qualify for a permit by rule.

Recommended Corrective Action: Obtain a permit or qualify for a permit by rule. Submit written documentation to the Waco Regional Office with a description of corrective action taken and required documentation demonstrating that compliance has been achieved for the alleged violation.

FIDO CHART

ODORS CHARACTERIZED AS HIGHLY OFFENSIVE

		FREQUENCY				
D U R A T I O N	1 minute	Single Occurrence	Quarterly	Monthly	Weekly	Daily
	10 minutes	NA	NA	VS	S	M
	1 hour	NA	VS	S	M	L
	4 hours	VS	S	M	L	VL
	12 hours+	S	M	L	VL	VL
	12 hours+	M	L	VL	VL	VL

ODORS CHARACTERIZED AS OFFENSIVE

		FREQUENCY				
D U R A T I O N	1 minute	Single Occurrence	Quarterly	Monthly	Weekly	Daily
	10 minutes	NA	NA	NA	VS	S
	1 hour	NA	NA	VS	S	M
	4 hours	NA	VS	S	M	L
	12 hours+	VS	S	M	L	VL
	12 hours+	S	M	L	VL	VL

ODORS CHARACTERIZED AS UNPLEASANT

		FREQUENCY				
D U R A T I O N	1 minute	Single Occurrence	Quarterly	Monthly	Weekly	Daily
	10 minutes	NA	NA	NA	NA	VS
	1 hour	NA	NA	NA	VS	S
	4 hours	NA	NA	VS	S	M
	12 hours+	NA	VS	S	M	L
	12 hours+	VS	S	M	L	VL

ODORS CHARACTERIZED AS NOT UNPLEASANT

		FREQUENCY				
D U R A T I O N	1 minute	Single Occurrence	Quarterly	Monthly	Weekly	Daily
	10 minutes	NA	NA	NA	NA	NA
	1 hour	NA	NA	NA	NA	NA
	4 hours	NA	NA	NA	NA	VS
	12 hours+	NA	NA	VS	S	M
	12 hours+	NA	NA	VS	S	M

INTENSITY LEGEND
VS
Very Strong
S
Strong
M
Moderate
L
Light
VL
Very Light



NO ODORS
DETECTED

**TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**



ATTACHMENT # 1

TCEQ I.D. No.	CN 600508238	Facility Name	West Chemical & Fertilizer Co.	County	McLennan
Investigation Date	June 20, 2006	Investigator	Jack Bailey & Anwar Johnson		

PHOTOGRAPHIC DOCUMENTATION

CN #	600508238	Facility Name:	West Fertilizer Co.		County:	McLennan
Complaint #	76859	TCEQ Investigator(s):	Jack Bailey			
Investigation Date:	6/20/06	Date Photo Taken:	6/20/06	Photo Taken By:	Jack Bailey	



Photo #1 indicates the Anhydrous Ammonia tanks at the facility.



Photo # 2 indicates another view of the tank.

PHOTOGRAPHIC DOCUMENTATION

CN #	600508238	Facility Name:	West Fertilizer Co.		County:	McLennan
Complaint #	76859	TCEQ Investigator(s):	Jack Bailey			
Investigation Date:	6/20/06	Date Photo Taken:	6/20/06	Photo Taken By:	Jack Bailey	

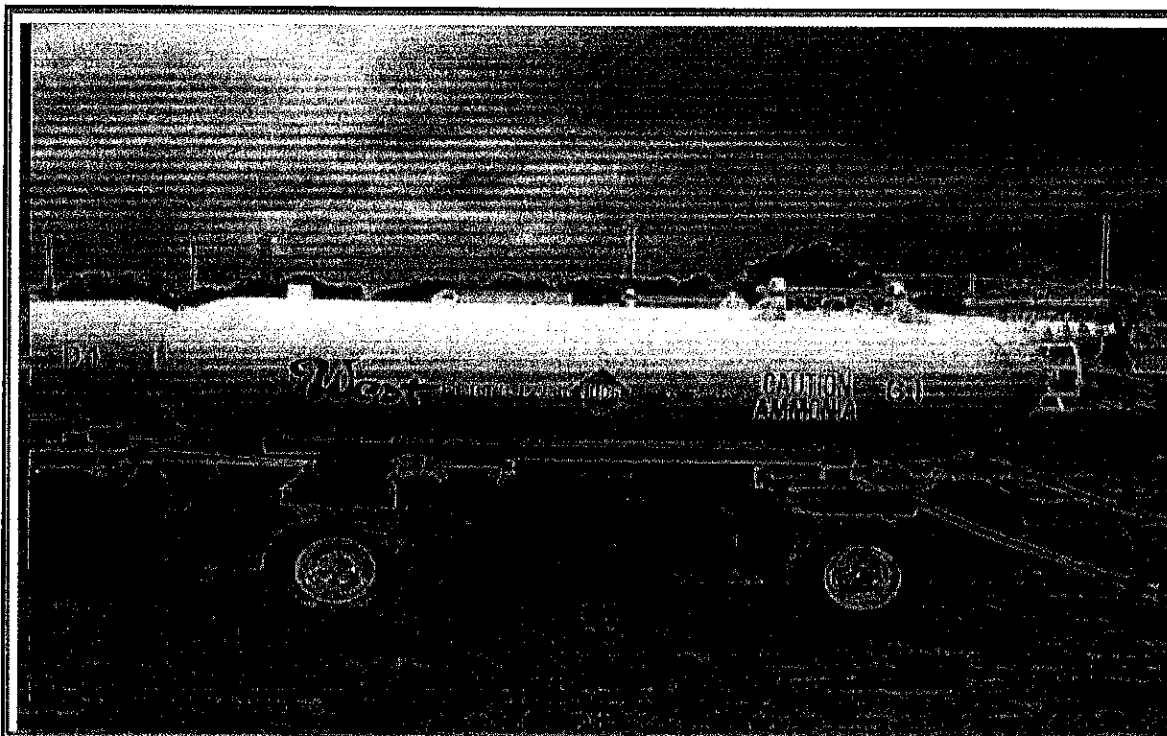


Photo #3 indicates the portable Anhydrous Ammonia tanks at the facility.



Photo # 4 indicates the amount of portable tanks at the facility.

PHOTOGRAPHIC DOCUMENTATION

CN #	600508238	Facility Name:	West Fertilizer Co.		County:	McLennan
Complaint #	76859	TCEQ Investigator(s):	Jack Bailey			
Investigation Date:	6/20/06	Date Photo Taken:	6/20/06	Photo Taken By:	Jack Bailey	



Photo #5 indicates the type of Anhydrous Ammonia valve that failed on June 9, 2006, at the facility in West, McLennan County.

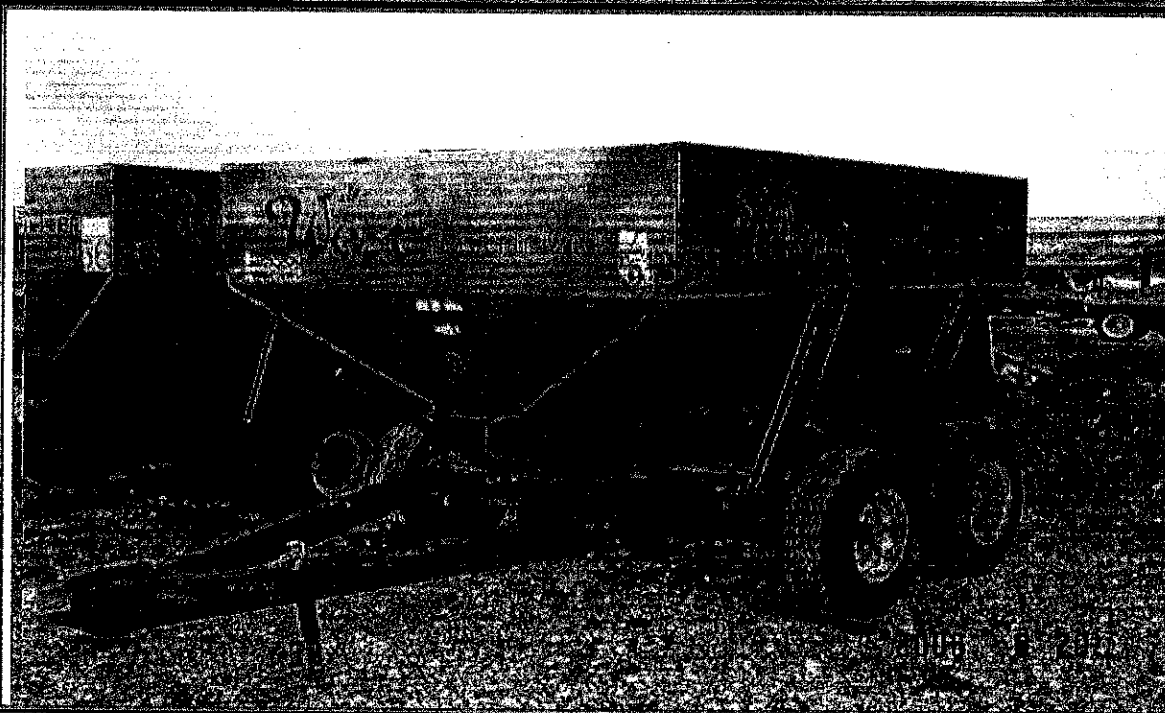


Photo # 6 indicates a fertilizer spreader at the facility.

WEST FERTILIZER CO.

P.O. BOX 399

WEST, TX 76691

6-9-06

NH3 Tank #43 Leaking
and West Police Department Called
Cody. Cody Argo came out.
the valve was stuck and could not be shut off
Cody took the NH3 tank out to the country
at this farm. Officer Sydnor investigated.

WEST POLICE FOLLOWED HIM

TCEQ Complaint Report

06/09/2006
10:59:05AM

Incident No: 76859
Media Type: Air
Start Date: 6/8/2006
Received Date: 06/09/2006
Method : PHONE

Staff Member: JBAILEY
Status: Open
Status Date: 06/09/2006
Priority: Within 14 Calendar Days

Regulated Entity: Generic Incident Zip Code 76691

RN404041561 RW 100985407

Address:
McLennan County
Physical Location:

Responsible Party: Generic Incident Principal
Address: , ,
(0)0-

Title:

Number Complaining: 1
Frequency: Current
Alleged Source: Generic Incident Zip Code 76691

Program Group: Air Quality - High Level

Nature: Odor
Effect: Health


Initial Problem:

Ammonia Smell very bad last night from Fertilizer Plant, lingered until after they went to bed.

Action Taken / Closure Comments:

This incident was received by the Waco Regional Office Air Program and was assigned to be investigated.

Investigator



Region or Program Manager

6/26/06

Date

Kathleen Hartnett White, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 26, 2006

CERTIFIED MAIL 7004 2890 0002 6243 8287
RETURN RECEIPT REQUESTED

Mr. Ted Uptmore
Plant Manager
West Chemical and Fertilizer Company
P.O. Box 6
West TX 76691

Re: Notice of Violation for the Complaint Investigation at:
West Chemical and Fertilizer Company, 1307 Jerry Machek Drive, West, McLennan County
Regulated Entity No.: RN100985407

Dear Mr. Uptmore:

On June 21, 2006, Mr. Jack Bailey and Mr. Anwar Johnson of the Texas Commission on Environmental Quality (TCEQ) Waco Regional Office conducted an investigation of the above-referenced facility to evaluate compliance with applicable air quality requirements. Enclosed is a summary which lists the investigation findings. During the investigation, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by July 26, 2006 a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for each of the outstanding alleged violations.

In the listing of alleged violations, we have cited applicable requirements, including TCEQ rules. If you would like to obtain a copy of the applicable TCEQ rules, you may contact any of the sources listed in the enclosed brochure entitled "Obtaining TCEQ Rules."

The Texas Commission on Environmental Quality appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violations as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violation(s) documented in this notice. Should you choose to do so, you must notify the Waco Regional Office within 10 days from the date of this letter. At that time, I will

REPLY TO: REGION 9 • 6801 SANGER AVE., STE. 2500 • WACO, TEXAS 76710-7826 • 254/751-0335 • FAX 254/772-9241

P.O. Box 13087 • Austin, Texas 78711-3087 • 512/239-1000 • Internet address: www.tceq.state.tx.us

printed on recycled paper using soy-based ink

Summary of Investigation Findings

WEST CHEMICAL AND FERTILI
1307 JERRY MACHEK DR
WEST, MCLENNAN COUNTY, TX 76691
Additional ID(s): MB0145S

Investigation # 483529
Investigation Date: 06/20/2006

OUTSTANDING ALLEGED VIOLATIONS

Track No: 242134 Compliance Due Date: 07/27/2006
30 TAC Chapter 116.110(a)

Alleged Violation:

Investigation: 483529

Comment Date: 6/26/2006

Failure to obtain a permit or qualify for a permit by rule.

Recommended Corrective Action: Obtain a permit or qualify for a permit by rule. Submit written documentation to the Waco Regional Office with a description of corrective action taken and required documentation demonstrating that compliance has been achieved for the alleged violation.