

TRANSMISSION VERIFICATION REPORT

TIME : 12/13/2006 14:23
NAME :
FAX : 1300
TEL : 1300
SER.# : BROM4J173761

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

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OK
STANDARD
ECM



Protecting Texas
by Reducing and
Preventing Pollution

FAX TRANSMITTAL

DATE: 12/13/2006 NUMBER OF PAGES (including this cover sheet):

4

TO: Name Mr. Ted J. Uptmore, General Manager
Organization Adair Grain, Inc. dba West Fertilizer Company
FAX Number 254-826-4325

FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Name Toni Oyler
Division/Region Air Permits Division
Telephone Number (512) 239-1311
FAX Number (512) 239-4500

Dear Mr. Uptmore,

Per our telephone conversation, please complete the Table 1(a) and the Table 30. They may be faxed to me at 512 239-4500.

Thanks so much for your help!

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
TELEPHONE MEMO TO THE FILE

Please complete with typewriter or black pen.

Mr. Uptmore

Call to: <i>Adair Grain, Inc.</i>	Call from: <i>20</i>
Date of call: <i>12/13</i>	File no.: <i>80404</i>
Phone no.: <i>(254) 826-5309</i>	Subject: <i>West Texas Fertilizer Co.</i>

Information for file: *Asked him to submit a Table 1(a) & Table 30.*
I faxed the forms to him.

1/4

Joe Henry Holitzer
361 319-5378

He called & said he will
get this to me ASAP.

TCEQ 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 <i>Example: new wastewater permit; IHW registration; change in customer information; etc.</i> Dry Fertilizer Blending and Storage Plant Plant NSR	
2. Attachments <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Describe Any Attachments: (ex: Title V Application, Waste Transporter Application, etc.) PI-1
3. Customer Reference Number-if issued CN (9 digits)	4. Regulated Entity Reference Number-if issued RN (9 digits)

SECTION II: Customer Information

5. Customer Role (Proposed or Actual) – As It Relates to the Regulated Entity Listed on This Form <i>Please check one of the following:</i> <input type="checkbox"/> Owner <input type="checkbox"/> Operator <input checked="" type="checkbox"/> Owner and Operator <input type="checkbox"/> Occupational Licensee <input type="checkbox"/> Volunteer Cleanup Applicant <input type="checkbox"/> Other: _____			
TCEQ Use Only <input type="checkbox"/> Superfund <input type="checkbox"/> PST <input type="checkbox"/> Respondent			
6. General Customer Information <input checked="" type="checkbox"/> New Customer <input type="checkbox"/> Change to Customer Information <input type="checkbox"/> Change in Regulated Entity Ownership <input type="checkbox"/> No Change* *If "No Change" and Section I is complete, skip to Section III - Regulated Entity Information.			
7. Type of Customer: <input type="checkbox"/> Individual <input checked="" type="checkbox"/> Sole Proprietorship - D.B.A. <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Federal Government <input type="checkbox"/> State Government <input type="checkbox"/> County Government <input type="checkbox"/> City Government <input type="checkbox"/> Other Government <input type="checkbox"/> Other _____			
8. Customer Name (If an individual, please print last name first) <i>If new name, enter previous name:</i> Adair Grain, Inc. DBA West Fertilizer Company			
9. Mailing Address: PO Box 399			
City West		State Tx	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 - 4325
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 <input checked="" type="checkbox"/> 0-20 <input type="checkbox"/> 21-100 <input type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input type="checkbox"/> 501 and higher		19. Independently Owned and Operated? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

SECTION III: Regulated Entity Information

20. General Regulated Entity Information <input checked="" type="checkbox"/> New Regulated Entity <input type="checkbox"/> Change to Regulated Entity Information <input type="checkbox"/> No Change* *If "No Change" and Section I is complete, skip to Section IV - Preparer Information.	
21. Regulated Entity Name (If an individual, please print last name first) Adair Grain, Inc. DBA West Fertilizer Company	

Received

NOV 14 2006

Air & Waste Applications

22. Street Address: 1471 Jerry Mashek Drive					
(No P.O. Boxes)					
City West			State TX	ZIP 76691	ZIP + 4
23. Mailing Address: PO Box 399					
City West			State Tx	ZIP 76691	ZIP + 4
24. E-Mail Address:					
25. Telephone Number (254) 826 - 5309			26. Extension or Code	27. Fax Number if applicable (254) 826 - 4325	
28. Primary SIC Code (4 digits) 5153	29. Secondary SIC Code (4 digits)	30. Primary NAICS Code (5 or 6 digits) 42251		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 Store with dry, liquid fertilizer and grain elevator.					
<i>Questions 33 - 37 address geographic location. Please refer to the instructions for applicability.</i>					
33. County: Meledmman MCLENNAN					
34. Description of Physical Location Farm and supply store that sells liquid and dry fertilizer. 1471 JERRY MASHEK DR.					
35. Nearest City West			State TX	Nearest ZIP 76691	
36. Latitude (N)			37. Longitude (W)		
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds
31	83	70.3	-97	09	57.2
38. TCEQ Programs In Which This Regulated Entity Participates Not all programs have been listed. Please add to this list as needed. If you don't know or are unsure, please mark "unknown."					
<input type="checkbox"/> Animal Feeding Operation		<input type="checkbox"/> Petroleum Storage Tank		<input type="checkbox"/> Water Rights	
<input type="checkbox"/> Title V - Air		<input type="checkbox"/> Wastewater Permit		<input type="checkbox"/>	
<input type="checkbox"/> Industrial & Hazardous Waste		<input type="checkbox"/> Water Districts		<input type="checkbox"/>	
<input type="checkbox"/> Municipal Solid Waste		<input type="checkbox"/> Water Utilities		<input checked="" type="checkbox"/> Unknown	
<input checked="" type="checkbox"/> New Source Review - Air		<input type="checkbox"/> Licensing - TYPE(s)			

SECTION IV: Preparer Information

39. Name Ted J. Uptmore			40. Title General Manager		
41. Telephone Number (254) 826 - 5309		42. Extension or Code	43. Fax Number if applicable (254) 826 - 4325		
44. E-Mail Address:					

ADAIR GRAIN, INC.
DBA WEST FERTILIZER

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

3236

PAY
TO THE
ORDER OF

Revenue Section, TCEQ

DATE

November 10, 2006

88-515/1119

\$900

00/xx

THE SUM **900 DOLS 00 CTS**

DOLLARS



Security Features
Included:
Detachable Back



The State National Bank
IN WEST
WEST, TEXAS 76691

FOR

Ad J. Eptm...

⑈003236⑈ ⑆111905159⑆

00 0294 9⑈

Received
NOV 14 2006
Air & Waste Applications

October 31, 2006

Adair Grain, Inc. DBA West Fertilizer Company
1471 Jerry Mashek Drive
PO Box 399
West, TX 7669

Received
NOV 14 2006
Air & Waste Applications

Adair Grain, Inc. DBA West Fertilizer Company Air Permit.

General Application Form PI-1

1. This Bulk Dry Fertilizer Plant in West, Texas was purchased by the Adairs in June of 2004 and at that time was under a grandfather exemption. The Adairs were unaware that the facility would have to be permitted by September 2004 as all grandfather exemptions ended.
2. This is a bulk fertilizer plant that blends dry fertilizer for application on cropland and pasture land.
3. Materials Received:
 - a. Murate Potash 0-0-60
 - b. Diammonium Phosphate 18-46-0
 - c. Ammonium Sulfate 21-0-0-24
 - d. Ammonium Nitrate 34-0-0
 - e. Sulfate of Potash (K-MAG) 0-0-20
4. Material is dry fertilizer and no oil surfactant is used for dust control.
5. Maximum receiving rate is 25 tons per hour.
6. Maximum blend and load out is 10 tons per hour.
7. Maximum annual through put of each item:
 - a. Murate Potash 0-0-60 – 504 tons
 - b. Diammonium Phosphate – 1300 tons
 - c. Ammonium Sulfate – 334 tons
 - d. Ammonium Nitrate – 2400 tons
 - e. Sulfate of Potash-233 tons
8. Maximum annual throughput for finished product is 4771 tons.
9. Plant receives half of the dry fertilizer by truck and half by rail.
10. Fertilizer is received by truck or rail and conveyed into storage bins inside the dry fertilizer warehouse. Fertilizer is moved by front-end loader into blender where formulation is blended. After blending the final mix is conveyed into spreader. Blender is located inside of storage warehouse.
11. Normal operating season is during spring and fall planting season.
12. There are schools within 3000 feet of facility.

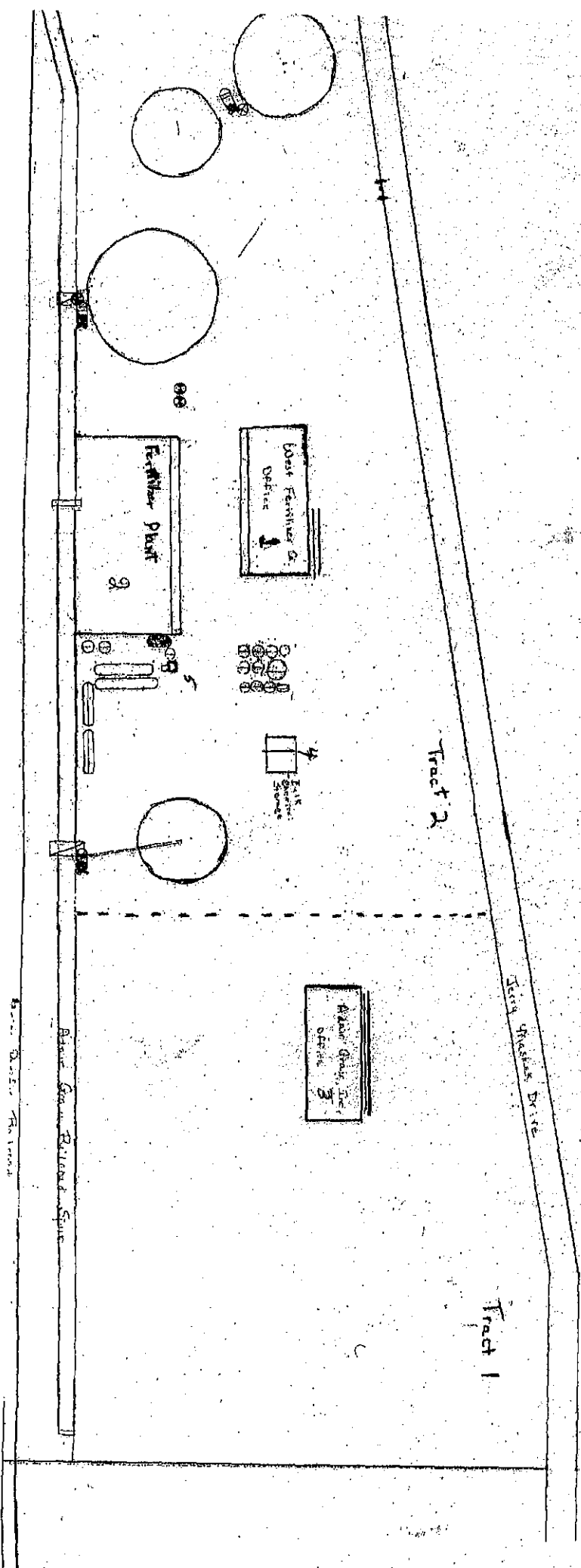
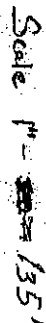
EMMISSION POINT	PURPOSE	MAX HRLY HANDLING RATE TPH	MAX ANNUAL HANDLING RATE
1	TRUCK RECEIVING	25 TPH	4771 TPY
2	DROP FROM OVER HEAD CONVEYOR TO OPEN BINS	25 TPH	4771 TPY
3	TRANSFER OF MATERIALS BY FRONT END LOADER	10 TPH	4771 TPY
4	LOAD OUT AREA	10 TPH	4771 TPY

Received
NOV 14 2006
Air & Waste Applications

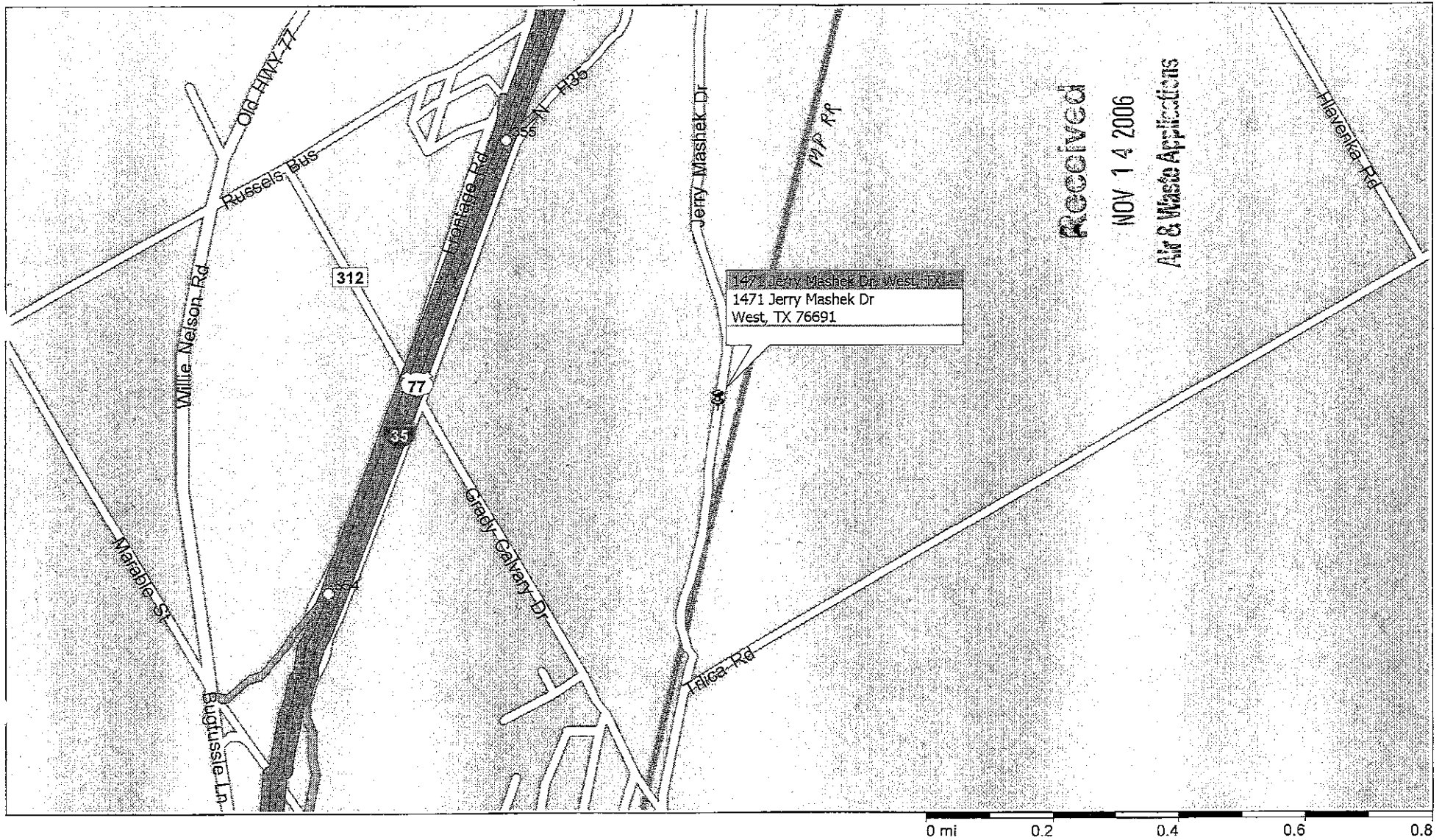
HOURLY EMISSIONS

	TONS HOUR	EMISSION FACTOR	EMISSION AMOUNT	EMISSION LBS HOUR
PM10 HOURLY-RECEIVING	25	0.02	0.1	0.05
PM10 HOURLY-MIXING AND HANDLING	10	0.02	0	0.2
PM10 HOURLY-TRUCK LOAD OUT	10	0.02	0	0.2

Applications



Texas, United States, North America



ADAIR GRAIN, INC.
DBA WEST FERTILIZER

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

3236

88-515/1119

PAY
TO THE
ORDER OF

DATE

November 10, 2006

Revenue Section, TCEQ

\$900.00

THE SUM **900** DOLS **00** CTS

DOLLARS



Security Features
Included
Details on Back



The State National Bank
IN WEST
WEST, TEXAS 76691

FOR

Red J. Epton

⑈003236⑈ ⑆111905159⑆

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Received

NOV 14 2006

Air & Waste Applications

TRANSMISSION VERIFICATION REPORT

TIME : 01/10/2007 15:51
 NAME :
 FAX : 1300
 TEL : 1300
 SER.# : BROM4J173761

DATE, TIME 01/10 15:45
 FAX NO./NAME 912548264325
 DURATION 00:05:57
 PAGE(S) 18
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Protecting Texas
 by Reducing and
 Preventing Pollution

FAX TRANSMITTAL

DATE: 1-10-07 NUMBER OF PAGES (including this cover sheet) :

18

TO: Name MR. TED UPTMORE, G.M.
 Organization ADAIR GRAIN, INC.
 FAX Number 254 826-4325

FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Name Toni Oyler
 Division/Region Air Permits Division
 Telephone Number 512/239-1311
 FAX Number 512 239 - 4600

NOTES: PERMIT NO. 80404

Thanks for your help!

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: 1/9/2007

NUMBER OF PAGES (including this cover sheet):

5

TO: Name Mr. Ted J. Uptmore - General Manager
Organization Adair Grain, Inc. dba West Fertilizer Company
FAX Number 254-826-4325

FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Name Toni Oyler
Division/Region Air Permits Division
Telephone Number 612 239-1311
FAX Number 512 239-4500

Re: Name of Company or Site: West Fertilizer Company
Permit No. 80404

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 as soon as possible (If draft approval is not received within 2 working days, notice package will be filed with the Chief Clerks' office "As Is").

Note: 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.

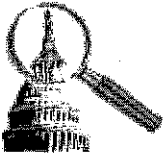
WORD

If you can open WordPerfect documents, and would like your final public notice package e-mailed to you, please check the following box. ☐

Wording of Notice Approved by: Ted J. Uptmore Date: 1-9-07

Thanks for all your help!

Toni



Who Represents Me? Districts By City

Districts for West

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

Congressional District for 110th Congress, 2007-2008

Congressional District 17

Texas State Senator

Senate District 22--Senator Kip Averitt
Capitol Office: EXT E1.606
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

SBOE District 14--Mrs. Gail Lowe
District Address: 11 CHRIS AVENUE
LAMPASAS TX 76550
Phone: (512) 556-6262

TRANSMISSION VERIFICATION REPORT

TIME : 12/13/2006 14:31
 NAME :
 FAX : 1300
 TEL : 1300
 SER.# : BROM4J173761

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FAX TRANSMITTAL

DATE: December 13, 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 Toni Oyler
 Division/Region Air Permits Initial Review Team,
 Air Permits Division
 Telephone Number (512) 239-1311
 FAX Number (512) 239-4500

Check Box

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

New Affiliation	
End Date Current Customer: Y or N	End Date:

Check Box

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

1st
 Request

DATE 1-5-07TO TCEQATTN: Toni Oyler

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

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

COMMENTS: Table 30 And Table 1(a)

THIS TRANSMISSION OF 14 PAGES INCLUDING THIS COVER
SHEET. PLEASE CALL (254) 826-5309 IF THERE IS A PROBLEM.

RCO.
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391



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RETURN TO ADDRESSEE
UNLESS OTHERWISE NOTED



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POSTAGE
PAID
PERMIT NO. 100
AUSTIN, TEXAS
\$4.88
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Texas Commission on Environmental Quality
Office of Permitting, Remediation, & Registration

Air Permits Division (MC-163)

Ms. Stephanie Howell

P.O. Box 13087

Austin, Texas 78711-3087

RECEIVED
FEB 20 2007
TCEQ MAIL CENTER
LM

FOR RENT

FOR RENT: 2 bedroom brick home with living room, dining room, large kitchen, refrigerator, stove and cellar. No pets. Excellent location in town. Call 826-5329 or 709-2628. (2/8p)

FOR RENT: Duplex - one and two bedrooms. West ISD. Call Sandra at (254) 744-1159. (2/8p)

Lasagna, Garlic Bread, Salad - \$4.99

FRIDAY

Fried Catfish, Parsley Potatoes, Cole Slaw, Hushpuppies - \$4.99

Beef Enchiladas, Beans, Rice, Chips, Salsa - \$4.99

SATURDAY

Beef Tips Over Rice, Corn, Salad - \$5.69

Fried Boneless Pork Ribs, Parsley Potatoes, Corn, Salad - \$5.69

SUNDAY

Baked Chicken, Parsley Potatoes, Green Beans, Salad - \$4.99

Pork Chops, Parsley Potatoes, Green Beans, Salad - \$5.69

NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN AIR PERMIT

PROPOSED AIR QUALITY PERMIT NO. 80404

APPLICATION Adair Grain, Inc. dba West Fertilizer Company has applied to the Texas Commission on Environmental Quality (TCEQ) for issuance of Air Quality Permit No. 80404, which would authorize continued operation of the Bulk Dry Fertilizer Plant located at 1471 Jerry Mashek Drive, West, McLennan County, Texas. The facility will emit the following contaminants: particulate matter less than 10 microns in diameter.

This application was submitted to the TCEQ on November 14, 2006. The application is available for viewing and copying at the TCEQ central office, the TCEQ Waco regional office and the West Public Library, 210 Tokio Road, 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.

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 scheduled Commission meeting. If a hearing is granted, the subject of a hearing will be limited to dispute 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 the Public Assistance, Toll Free, at 1-800-687-4040. Si desea informacion en Espanol, 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 Adair Grain, Inc. dba West Fertilizer Company, P.O. Box 399, West, Texas 76691 or by calling Mr. Ted J. Uptmore, General Manager at (254) 826-5309.

Issuance Date: January 10, 2007

accepted corporate financing, accounting procedures. Tables, checklists, and process 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	\$
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	\$
C. Freight charges	\$
D. Site preparation, including demolition, construction of fences, outdoor lighting, road and parking areas	\$
E. Installation, including foundations, erection of supporting structures, enclosures or weather protection, insulation and painting, utilities and connections, process integration, and process control equipment	\$
F. Auxiliary buildings, including materials storage, employee facilities, and changes to existing structures	\$
G. Ambient air monitoring network	\$
II. INDIRECT COSTS [30 TAC § 116.141(c)(2)]	Estimated Capital Cost
A. Final engineering design and supervision, and administrative overhead	\$
B. Construction expense, including construction liaison, securing local building permits, insurance, temporary construction facilities, and construction clean-up	\$
C. Contractor's fee and overhead	\$
TOTAL ESTIMATED CAPITAL COST	\$ 0

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: Adair Grain, Inc. DBA West Fertilizer Company

Company Representative Name (please print): Ted J. Blotmore Title: General Manager

Company Representative Signature: *Ted J. Blotmore*

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: 1/05/07

TCEQ-10106 [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. [ANSRQ95A/7024-v2]



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Table 1(a) Emissions Point Summary

Account Name/Type	REN Fertilizer	DATE	005007
Company Name	Arthur Grier, Inc. DEA Wheat Fertilizer Company		

view of confidentiality and insurance of persons will be completed by supplying all necessary information requested on this Table.

AIR CONTAMINANT DATA

[illegible]

STN = Transmission Point Number
TLN = Facility Identification Number

IC-93-18753 - Confidential - 30-03

Table 1(a) - **Excesses Per Person** - These figures are for use by states subject to the New Source Review Program and may be revised [45USRC55A.702b v3]



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Table 1(a) Emission Point Summary

Parent Number:	BN Number:	Date:	TIME/AT
Company Name: Maths Genie, Inc. DBA World FairShare Company			

ALL CONTAINING DATA

SEATTLE, WASH. (AP) — A major earthquake

[illegible]

PI = Estimated Point Estimate
SE = Estimated Standard Error

501-10153 "Black-Smokers" (MS-A9-10153)

[illegible]

TRANSMISSION VERIFICATION REPORT

TIME : 02/26/2007 23:29
 NAME : TCEQ
 FAX : 5122391400
 TEL : 5122392384
 SER. # : BROL6J567668

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

02/26 23:28
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 OK
 STANDARD
 ECM



Protecting Texas
 by Reducing and
 Preventing Pollution

FAX TRANSMITTAL

DATE: 2/27/2007

NUMBER OF PAGES (including this cover sheet): 6

TO: Name

Mr. Ted Uptmore and Mr. Joe Henry Hanus

Organization

West Fertilizer Company and Triangle Insurance

FAX Number

4385
 254-826-5309
 361-358-1513

FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Name

Ms. Faith Melgaard

Division/Region

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

Telephone Number

512-239-0266

FAX Number

512-239-1400

TRANSMISSION VERIFICATION REPORT

TIME : 02/26/2007 23:27
NAME : TCEQ
FAX : 5122391400
TEL : 5122392384
SER.# : BR0L6J567668

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

02/26 23:25
912548264325
00:01:27
06
OK
STANDARD
ECM



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West Fertilizer Company and Triangle Insurance

FAX Number

254-826-⁴³²⁵~~5509~~

361-358-1513

FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Name

Ms. Faith Melgaard

Division/Region

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

Telephone Number 512-239-0266

FAX Number

512-239-1400



FAX TRANSMITTAL

DATE: February 28, 2007NUMBER OF PAGES (including this cover sheet): 3

TO: Name Faith Melgarrrd
Organization Air permits Division
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 Comments - Draft Condition - West Fertilizer Plant, West, McLennan County -
Permit No. 80404.

Thanks
Jack Bailey

RECEIVED
APR 13 2007
TCEQ
CENTRAL FILE ROOM

KMPR

Jack

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. Faith Melgaard E-Mail ID: FMelgaar Phone: (512) 239-0266

Date Request Submitted: February 27, 2007

Comments Deadline: March 19, 2007

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

Date Application Received by TCEQ in Austin: November 14, 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.: 125836

REGULATED ENTITY NO.: RN100985407

PERMIT NO.: 80404

COMPANY NAME: West Fertilizer Company

CUSTOMER REFERENCE NO.: CN603129412

PLANT NAME: West Fertilizer

LOCATION: 1471 Jerry Mashek Drive

UNIT NAME: Dry Fertilizer Plant

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. Faith Melgaard, Austin

FROM: Region: 9 City: West

County: McLennan

Account No.: MB-0145-S

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

Date Received: 2/14/06

COMPANY NAME: West Fertilizer Company

PERMIT NO.: 80404

REGULATED ENTITY NO: RN100985407

PROJECT NO.: 125836

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

JAY GALEY

Phone: 254 761 3028

Comments Deadline (from pg. 1): March 19, 2007

Date of Last Site Visit: 1/16/07

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: OK

GENERAL COMMENTS: NONE

PERMIT ISSUANCE:

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

NO OBJECTIONS

FACSIMILE TRANSMISSION

DATE 3-2-07TO TCECATTN: Keith MelgardFROM: WEST FERTILIZER CO.
P.O. BOX 399
WEST, TX 76691FAX # (254) 826-4325
PHONE # (254) 826-5309

COMMENTS:

Copy of ^{Notice} Public Verification Form per Permit
Letter of Acceptance for Conditions
of Final Draft.THIS TRANSMISSION OF 3 PAGES INCLUDING THIS COVER
SHEET. PLEASE CALL (254) 826-5309 IF THERE IS A PROBLEM.



**Public Notice Verification For
Air Permit**

Applicant Name: Adair Grain, Inc. dba West Fertilizer CompanySite or Facility Name: West Fertilizer CompanyTCEQ Account Number (if applicable): MB-0145-SPermit Number: 80404Regulated Entity Number: RN100985407Customer Number: CN603129412

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 DISTRICTPhone: 1-254-826-7500Person Contacted: JAN HUNGATEDate: 9-26-06

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

WEST ELEMENTARY

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

WEST MIDDLE

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:

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 ☒ 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).

☐ YES ☒ NO

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

☐ YES ☒ 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).

☐ YES ☐ NO ☒ N/ANewspaper: WEST NEWS

Language:

I verify that bilingual sign(s) required by the TCEQ were posted. (if applicable)

☐ YES ☐ NO

I verify that original tear sheets of the newspaper alternative language notice(s) and the requested affidavits have been sent to the TCEQ.

☒ YES ☐ NOSigned by: Leo J. UpmoreApplicant: LEO J. UPMORETitle: Gen. ManagerDate: 3-2-07

March 1, 2007

TCEQ

Ms. Faith Melgard
Office of Permitting, Remediation, and
Registration, Air Permits Division

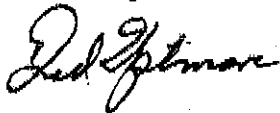
Re: Permit Application
Permit Number 80404
Dry Fertilizer Plant
West, McLennan County
Regulated Entity Number: RN100985407
Customer Reference Number: CN603129412

Dear Ms. Faith Melgard,

We accept the Special Conditions of the final draft of our air permit applications.

Enclosed is also our Public Notice Verification Form.

Sincerely,



Ted J. Uptmore



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Public Notice Verification Form
Air Permit

OCC# _____
(TCEQ use only)

Applicant Name: Adair Grain, Inc. dba West Fertilizer Company
Site or Facility Name: West Fertilizer Company
TCEQ Account Number (if applicable): MB-0145-S Permit Number: 80404
Regulated Entity Number: RN100985407 Customer Number: CN603129412

Stephan Howell

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: West Public Library 210 Tokio Rd, West Texas 76691

Signed by: Ed J. Spetman

Title: Gen. Manager

Date: 2/16/07

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: West Public Library, 210 Tokio Rd, West Texas 76691

Signed by: Ed J. Spetman

Title: Gen. Manager

AIR PERMITS DIVISION

Date: 2/16/07

FEB 20 2007

RECEIVED

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

Applicant Name: Adair Grain, Inc.
Permit No.: 80404
Notice of Intent to Obtain Permit

ALTERNATIVE LANGUAGE AFFIDAVIT OF PUBLICATION

STATE OF TEXAS

COUNTY OF

McLennan

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

Larry Knappek

(name of newspaper representative)

, who being by me duly sworn,

deposes and says that (s)he is the

Editor

(title of newspaper representative)

of the

The West News

(name of newspaper)

; that said newspaper is generally

circulated in

West, McLennan Co, Tx

(in the municipality or the same county as the proposed facility)

, Texas

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

8 February 2007Larry Knappek
(Newspaper Representative's Signature)

Subscribed and sworn to before me this the

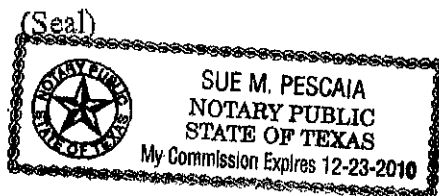
15th

day of

February, 2007

to certify which

witness my hand and seal of office.

Sue M. Pescaia
Notary Public in and for the State of TexasSue M. Pescaia
Print or Type Name of Notary PublicMy Commission Expires 23 Dec 10



Protecting Texas
by Reducing and
Preventing Pollution

FAX TRANSMITTAL

DATE: 2/27/2007

NUMBER OF PAGES (including this cover sheet): 6

TO: Name Mr. Ted Uptmore and Mr. Joe Henry Hanus
Organization West Fertilizer Company and Triangle Insurance
FAX Number 254-826-⁴³²⁵~~5309~~
361-358-1513

FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Name Ms. Faith Melgaard
Division/Region Office of Permitting, Remediation, and
Registration, Air Permits Division
Telephone Number 512-239-0266
FAX Number 512-239-1400

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Protecting Texas by Reducing and Preventing Pollution

Mr. Ted J Uptmore
General Manager
West Fertilizer Company
PO Box 399
West, Texas 76691

Re: Permit Application
Permit Number: 80404
Dry Fertilizer Plant
West, McLennan County
Regulated Entity Number: RN100985407
Customer Reference Number: CN603129412

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.

Also, when the permit is issued, General Condition No. 2 of the permit will state: "This permit is automatically void upon the occurrence of any of the following: (a) failure to begin construction within 18 months of the date of issuance; (b) discontinuance of construction for a period of 18 consecutive months or more; or (c) failure to complete construction within a reasonable time." In order for the permit to be extended beyond 18 months, a notification requesting such extension must be received by this agency prior to the automatic void date of the permit.

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.**

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 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.). You may be required to republish if public notice was

Mr. Ted J Uptmore
Page 3

Re: Permit Number 80404

required in the original application. Additional fees need not be submitted with the new application if the project scope has not increased and the original fee was correct.

Thank you for your cooperation in this matter. If you have any questions, please call me at (512) 239-0266, 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,

Faith Melgaard
Mechanical / Agricultural New Source Review Permit Section
Air Permits Division
Texas Commission on Environmental Quality

FM/

Enclosure

cc: Air Section Manager, Region 9 - Waco

Project Number: 125836

SPECIAL CONDITIONS

Permit No. 80404

EMISSION LIMITATIONS

1. This permit covers only those sources of emission listed in the attached table entitled "Emission Sources - Maximum Allowable Emission Rates." Total emissions from these facilities shall not exceed the values stated on the maximum allowable emission rates table (MAERT).

OPERATIONAL AND WORK PRACTICE REPRESENTATIONS

2. Emission rates for the facility are based on and the facilities are limited to the following:

<u>Source Name</u>	<u>Maximum Hourly Throughput (Tons)</u>	<u>Maximum Annual Throughput (Tons)</u>
Receiving Operations	25	4,771
Handling/Mixing Operations	35	4,771
Loadout Operations	10	4,771

No changes shall be made to the above limitations without prior approval by the Texas Commission on Environmental Quality (TCEQ).

3. As represented in the permit application, the following shall occur:
 - A. Fugitive emissions from the receiving area shall be minimized through the use of "choke feeding." Operation of conveyors associated with receiving shall not commence until the receiving pad is full.
 - B. Fertilizer shall not be received, transferred, or loaded out pneumatically.
 - C. All loadout devices (augers, drop spouts, etc.) shall be equipped with drop socks at the drop point to minimize fugitive emissions from loadout areas.
 - D. Spillage of any raw products, finished products, or waste products shall be cleaned up on a daily basis.
 - E. 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.

RECORDKEEPING REQUIREMENTS

4. Records of annual throughputs shall be maintained at this facility and made available at the request of personnel from the TCEQ or any other air pollution control program having jurisdiction to demonstrate compliance with annual throughput limitations. These records shall be retained for a rolling 24-month period.

EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

Permit No. 80404

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	Receiving Operations	PM/PM ₁₀	0.05	<0.01
2 & 3	Handling/Mixing Operations	PM/PM ₁₀	0.70	0.05
4	Truck Loadout Baghouse	PM/PM ₁₀	0.20	0.05

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

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

(3) PM - particulate matter, suspended in the atmosphere, including PM₁₀

PM₁₀ - particulate matter equal to or less than 10 microns in diameter. Where PM is not listed, it shall be assumed that no particulate matter greater than 10 microns is emitted.

* Refer to Special Condition No. 2 for throughput limitations and basis of emission rates.

Adair Grain, Inc.
Permit No. 80404

$$\text{Receiving: } \frac{25 \text{ ton}}{\text{hr}} \left| \frac{0.02 \#}{\text{ton}} \right| (1-.70) = 0.05 \#/\text{hr}$$

$$\frac{4771 \text{ ton}}{\text{yr}} \left| \frac{0.02 \#}{\text{ton}} \right| \frac{(1-.70) \text{ ton}}{3000 \#} = < 0.01 \text{ ton/yr}$$

$$\text{Mixing + Handling: } \frac{35 \text{ ton}}{\text{hr}} \left| \frac{0.02 \#}{\text{ton}} \right| = 0.70 \#/\text{hr}$$

$$\frac{4771 \text{ ton}}{\text{yr}} \left| \frac{0.02 \#}{\text{ton}} \right| \frac{\text{ton}}{3000 \#} = 0.05 \text{ ton/yr}$$

$$\text{Loadout: } \frac{10 \text{ ton}}{\text{hr}} \left| \frac{0.02 \#}{\text{ton}} \right| = 0.20 \#/\text{hr}$$

$$\frac{4771 \text{ ton}}{\text{yr}} \left| \frac{0.02 \#}{\text{ton}} \right| \frac{\text{ton}}{3000 \#} = 0.05 \text{ ton/yr}$$

Adair Grain

Hourly

EPN	Thruput (tons/hr)	E Factor (lb/ton)	Efficiency	Rate
1	25	0.02	0.1	0.05
2	25	0.02	1 0.5	0.25
3	10	0.02	1 0.5	0.1
4	10	0.02	0.1	0.02

.5 > 0.7
.2

Annual

EPN	Thruput (tpy)	E Factor (lbs/ton)	Efficiency	Rate
1	4771	0.02	0.1	0.004771
2	4771	0.02	1 0.5	0.023855
3	4771	0.02	1 0.5	0.023855
4	4771	0.02	0.1	0.04771

.0477 > 0.1
.0477

0.00477

29769

Regulated Entity

Name: WEST FERTILIZER

Classification:

Rating:

Publication Date:

Customer


Name: Adair Grain, Inc.

Classification:

Rating:

Publication Date:

Repeat Violator Ind:

Compliance History Start: 11/14/2006 End: 11/14/2001 

Enforcement Actions

Type	Effective Date	Violations		
		Citation/Requirement Provision	Abby. 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
09/22/2006	Compliance Investigation
11/02/2006	Compliance Invest File Review

Notices of Violation

--	--	--	--	--	--

Date	Status	Citation/Requirement Provision	Abbv. Description	Classification	Self Reported
06/21/2006	RESOLVED	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](#)

ANNUAL EMISSIONS

	EMISSION LBS. HOUR	TONS YEAR	TONS HOUR LOADOUT	EMISSION FACTOR	EMISSION AMOUNT	TPY
PM10 ANNUAL-RECEIVING	N/A	4771	N/A	0.2	0.1	0.04771
PM10 ANNUAL-MIXING AND HANDLING	N/A	9542	N/A	0.02		0.09542
PM10-LOADOUT	0.4	4771	20	0		0.04771

Joe Henry Hanus
Safety and Compliance Specialist
Triangle Insurance
361-319-5378

To: Clint Henry

From: Joe Henry Hanus

Subject: Annual Emissions points for Adair Grain, Inc. DBA West
Fertilizer Company of West Texas

Comment:

Thanks for your patience and if you need anything else please call.

Sincerely
Joe Henry Hanus
Triangle Insurance



Protecting Texas
by Reducing and
Preventing Pollution

FAX TRANSMITTAL

DATE: January 16, 2007

NUMBER 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 (Permit # 80404)

PM5I

Jack I

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: 01/09/2007		
Comments Deadline is 21 calendar days from the Date Request Submitted.		
Date Application Received by Air Permit Initial Review Team: November 14, 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.: 125836		PERMIT No.: 80404
TCEQ Account No (if applicable): MB-0145-S		
Regulated Entity No.: RN100985407		Customer No.: CN603129412
Company Name: Adair Grain Inc		
Plant Name: West Fertilizer	City: West	County: McLennan
Location: 1471 Jerry Mashek Drive		
Unit Name: Bulk Dry Fertilizer Plant		
Technical Contact: Ted J Uptmore		Phone: (254) 826-5309
Local Program Applicable?: Yes, No Local Programs:		

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
	To: Mike Gould - Air Permits Division - Austin (M/C)	E-Mail: mgould	Phone: (512) 239-1097
	To: Erik Hendrickson - Air Permits Division - Austin (Comb)	E-Mail: ehendric	Phone: (512) 239-1095
	To: Mike Coldiron - Air Permits Division - Austin (Coat)	E-Mail: mcoldiro	Phone: (512) 239-5027
	To: Dana Vermillion - Air Permits Division - Austin (Chem)	E-Mail: dpoppa	Phone: (512) 239-1280
	To:	E-Mail:	Phone: Fax: (512) 239-1300
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: 9/1/06			
PERMIT No. 80404		PROJECT No. 125836	
TCEQ ACCOUNT NUMBER: MB-0145-S			
Company Name: Adair Grain Inc			
Investigator's/Compliance Officer's Name (Please Print):		JACK BAILEY	
Organization: TCEQ R9 FOD		Phone: 761 3028	
Comments Deadline: 1/29/07			
Date of Last Site Visit: 9/20/06			
SITE INFORMATION:			
Nuisance/Odor Potential: <input checked="" type="checkbox"/> Low <input type="checkbox"/> Moderate <input type="checkbox"/> High			
Hazard Potential: <input checked="" type="checkbox"/> Low <input 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 TWO			
Distance to Nearest Off-Property Receptor: 350 FT (NORTH)			
Receptor Type: <input type="checkbox"/> School <input checked="" type="checkbox"/> Residence <input type="checkbox"/> Other			
Distance from unit to nearest property line: 120 FT (SOUTH)			
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.	

TRANSMISSION VERIFICATION REPORT

TIME : 01/29/2007 13:18
 NAME : TCEQ APD
 FAX : 512-239-6626
 TEL :
 SER.# : 000M5J283436

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

01/29 13:17
 912548264325
 00:01:11
 03
 OK
 STANDARD
 ECM



Protecting Texas
 by Reducing and
 Preventing Pollution

FAX TRANSMITTAL

DATE: January 29, 2007

NUMBER OF PAGES (including this cover sheet): 3

TO: Name Mr. Ted J Uptmore
 Organization Adair Grain Inc
 FAX Number (254) 826-4325

FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
 Name Mr. Clinton W. Henry
 Division/Region Office of Permitting, Remediation, and Registration, Air Permits Division
 Telephone Number (512) 239-1189
 FAX Number (512) 239-1300

NOTES:

This fax contains **missing** pages from the public notice package (Example A). If you have any questions please contact me.

Thank you
 Clinton W. Henry
 e-mail: chenry@tceq.state.tx.us



Protecting Texas
by Reducing and
Preventing Pollution

FAX TRANSMITTAL

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3

TO: Name Mr. Ted J Uptmore
 Organization Adair Grain Inc
 FAX Number (254) 826-4325

FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
 Name Mr. Clinton W. Henry
 Division/Region Office of Permitting, Remediation, and Registration, Air
 Permits Division
 Telephone Number (512) 239-1169
 FAX Number (512) 239-1300

NOTES:

This fax contains **missing pages** from the public notice package (Example A). If you have any questions please contact me.

Thank you
Clinton W. Henry
e-mail: chenry@tceq.state.tx.us



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Public Notice Verification Form
Air Permit

OCC#

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Applicant Name: Adair Grain, Inc. dba West Fertilizer Company

2007 FEB 20 PM 3:33

Site or Facility Name: West Fertilizer Company

RECEIVED

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

JUN 25 2007

Permit Number: 80404

CHIEF CLERKS OFFICE

Regulated Entity Number: RN100985407TCEQ
CENTRAL DIVISION

MB0145S
80404
07

NEW SOURCE REVIEW PERMIT NOTICE

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

I verify that original tear sheets of the newspaper notices and the requested with the regulations and instructions of the TCEQ.

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:

West Public Library 210 Tokio Rd, West Texas 76691

Signed by:

Led J. Zepher

Title:

Gen. Manager

Date:

2/16/07

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:

West Public Library, 210 Tokio Rd, West Texas 76691

Signed by:

Led J. Zepher

Title:

Gen. Manager

Date:

2/16/07

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

Applicant Name: Adair Grain, Inc.
Permit No.: 80404
Notice of Intent to Obtain Permit

CHIEF CLERK'S OFFICE

2007 FEB 20 PM 3:33

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY~~ALTERNATIVE LANGUAGE AFFIDAVIT OF PUBLICATION~~

STATE OF TEXAS

COUNTY OF

McLennan

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

Larry Knapik

(name of newspaper representative)

, who being by me duly sworn,

deposes and says that (s)he is the

Editor

(title of newspaper representative)

of the

The West News

(name of newspaper)

; that said newspaper is generally

circulated in

West, McLennan Co, TX

(in the municipality or the same county as the proposed facility)

, Texas

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

8 February 2007Larry Knapik

(Newspaper Representative's Signature)

Subscribed and sworn to before me this the

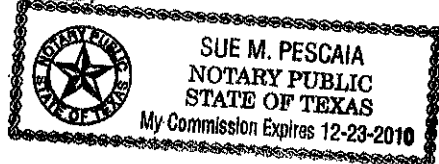
15th

day of

February, 2007

to certify which witness my hand and seal of office.

(Seal)



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

Sue M. Pescaia
Print or Type Name of Notary Public

My Commission Expires 23 Dec 10

NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN AIR PERMIT PROPOSED AIR QUALITY PERMIT NO. 80404

APPLICATION Adair Grain, Inc. dba West Fertilizer Company has applied to the Texas Commission on Environmental Quality (TCEQ) for issuance of Air Quality Permit No. 80404, which would authorize continued operation of the Bulk Dry Fertilizer Plant located at 1471 Jerry Mashek Drive, West, McLennan County, Texas. The facility will emit the following contaminants: particulate matter less than 10 microns in diameter.

This application was submitted to the TCEQ on November 14, 2006. The application is available for viewing and copying at the TCEQ central office, the TCEQ Waco regional office and the West Public Library, 210 Tokio Road, 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.

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 dispute 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 the 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 Adair Grain, Inc. dba West Fertilizer Company, P.O. Box 399, West, Texas 76691 or by calling Mr. Ted J. Uptmore, General Manager at (254) 826-5309.

Issuance Date: January 10, 2007



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Public Notice Verification Form
Air Permit

OCC# _____
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ use only)

Applicant Name: Adair Grain, Inc. dba West Fertilizer Company

2007 FEB 20 PM 3:33

Site or Facility Name: West Fertilizer Company

CHIEF CLERKS OFFICE

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

Permit Number: 80404

Regulated Entity Number: RN100985407

Customer Number: CN603129412

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: West Public Library 210 Tokio Rd, West Texas 76691

Signed by: Led J. Eftmore

Title: Gen. Manager

Date: 2/16/09

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: West Public Library, 210 Tokio Rd, West Texas 76691

Signed by: Led J. Eftmore

Title: Gen. Manager

Date: 2/16/09

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



U.S. POSTAGE
PAID
WEST
76691
FEB 10 07
AMOUNT

\$4.88
00032838-04

0000



RETURN RECEIPT
REQUESTED

RECEIVED
FEB 20 2007

TCEQ MAIL CENTER
LM

TCEO

Office of the Chief Clerk MC-105

Attn: Notice Team

P.O. Box 13087

Austin Texas 78711-3087

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

DAVID FREDERICK
LOWERRE & FREDERICK
44 EAST AVE STE 100
AUSTIN TX 78701-4386

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

JODY ORSAG
ONCOR DISTRIBUTION DIVISION
3500 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

4P

1-20-07

✎ 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*
Martin A. Hubert, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 22, 2007

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
Bulk Dry Fertilizer 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.

Adair Grain, Inc. dba West Fertilizer Company, P.O. Box 399, West, Texas 76691, has applied to permit an existing Bulk Dry Fertilizer Plant located at 1471 Jerry Mashek Drive, West, McLennan County, Texas. The Air Quality Permit Number is 80404.

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/SLH/to

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

January 22, 2007

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
Bulk Dry Fertilizer 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.

Adair Grain, Inc. dba West Fertilizer Company, P.O. Box 399, West, Texas 76691, has applied to permit an existing Bulk Dry Fertilizer Plant located at 1471 Jerry Mashek Drive, West, McLennan County, Texas. The Air Quality Permit Number is 80404.

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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/SLH/to

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

January 10, 2007

Mr. Ted J. Uptmore
General Manager
Adair Grain, Inc. dba West Fertilizer Company
P.O.Box 399
West, Texas 76691

Re: Declaration of Administrative Completeness
Permit Application
Air Quality Permit No. 80404
Bulk Dry Fertilizer Plant
West, McLennan County
Customer Reference Number: CN603129412
Regulated Entity Number: RN100985407

Dear Mr. Uptmore:

The Executive Director has declared the above-referenced application, received on November 14, 2006, administratively complete on January 10, 2007. 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)
- Public Notice Checklist
- Instructions for Public Notice
- Affidavit of Publication and Alternative Language Affidavit of Publication
- Notification List
- Public Notice Verification Form (Form TCEQ-20244)

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.

Mr. Ted J. Uptmore

Page 2

January 10, 2007

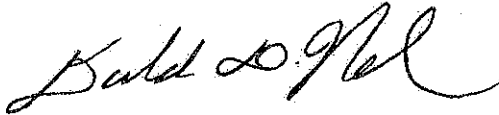
Re: Air Quality Permit No. 80404

A "Public Notice Checklist" is enclosed which notes the time limitations for each step of the public notice process. This checklist should be used as a tool in conjunction with the enclosed, detailed instructions.

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. Toni Oyler at (512) 239-1311.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald D. Nelon". The signature is fluid and cursive, with the first name "Donald" being more prominent.

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

DDN/to

Enclosures

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



EXAMPLE A

NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN AIR PERMIT

PROPOSED AIR QUALITY PERMIT NO. 80404

APPLICATION Adair Grain, Inc. dba West Fertilizer Company has applied to the Texas Commission on Environmental Quality (TCEQ) for issuance of Air Quality Permit No. 80404, which would authorize continued operation of the Bulk Dry Fertilizer Plant located at 1471 Jerry Mashek Drive, West, McLennan County, Texas. The facility will emit the following contaminants: particulate matter less than 10 microns in diameter.

This application was submitted to the TCEQ on November 14, 2006. The application is available for viewing and copying at the TCEQ central office, the TCEQ Waco regional office, and the West Public Library, 210 Tokio Road, 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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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.

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.

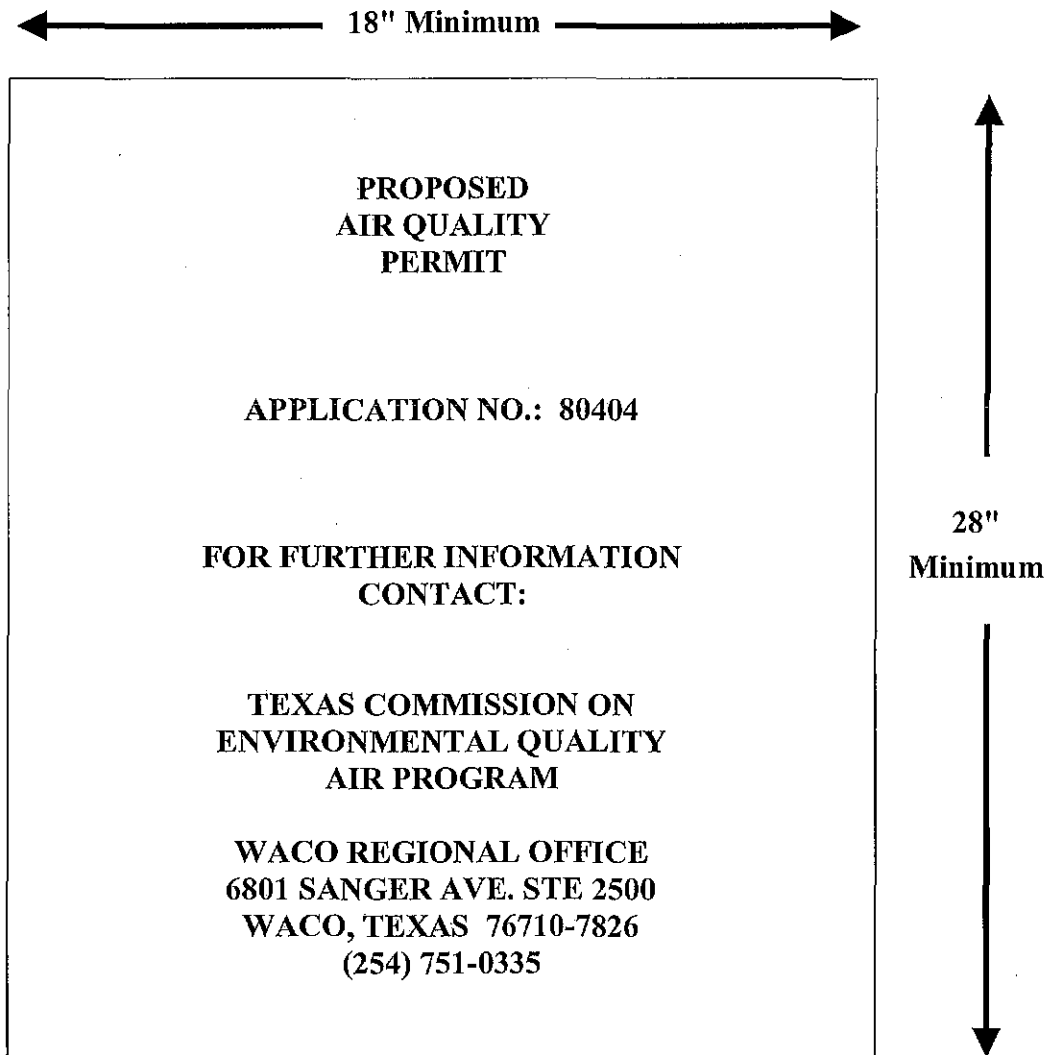
Further information may also be obtained from Adair Grain, Inc. dba West Fertilizer Company, P.O. Box 399, West, Texas 76691 or by calling Mr. Ted J. Uptmore, General Manager at (254) 826-5309.

Issuance Date: January 10, 2007

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 is necessary for sign(s) to be 100% visible from the street.

WHITE BACKGROUND WITH BLACK LETTERS

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

PUBLIC NOTICE CHECKLIST

Notice of Receipt of Application and Intent to Obtain Permit for Small Business (1st Notice)

The following tasks must be completed for public notice. If publication in an alternative language is required, please complete the tasks for both the English and alternative language publications. Detailed instructions are included in the "Instructions for Public Notice" section of this package.

Within 30 calendar days after date of administrative completeness letter

Publish *Notice of Receipt of Application and Intent to Obtain Permit*

- Example A must be published in "public notice" section of newspaper. Review for accuracy prior to publishing. Provide copy of application at a public place for review and copying. Keep it there until end of the designated comment period.
Prepare signs.

First day of newspaper publication

Review published newspaper notice for accuracy. If errors, contact Air Permits Division.
Post signs and keep them up for duration of the designated comment period.
Ensure copy of application is at the public place.

Within 10 business days after date of publication

Mail original newspaper clippings showing publication date and newspaper name to

TCEQ

Office of the Chief Clerk, MC-105

Attn: Notice Team

P.O. Box 13087

Austin, Texas 78711-3087

Mail photocopies of newspaper clippings showing publication date and newspaper name to persons listed on *Notification List*

Within 30 calendar days after date of publication

Mail original affidavit of publication and alternative language affidavit of publication (if applicable) to

TCEQ

Office of the Chief Clerk, MC-105

Attn: Notice Team

P.O. Box 13087

Austin, Texas 78711-3087

Mail photocopies of affidavits to persons listed on *Notification List*

Within 10 business days after end of the designated comment period

Mail Public Notice Verification Form to

TCEQ

Office of the Chief Clerk, MC-105

Attn: Notice Team

P.O. Box 13087

Austin, Texas 78711-3087

Mail photocopies of Public Notice Verification Form to persons listed on *Notification List*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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:

Review Notice

Included in the notice is all of the information which the commission believes is necessary to effectuate compliance with applicable public notice requirements. Please read it carefully and notify the Texas Commission on Environmental Quality (TCEQ) immediately if it contains any errors or omissions. You are responsible for ensuring the accuracy of all information published. You may not change the text of the notice or font/style 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. Refer to the cover letter for 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 that is of general circulation in the municipality where the facility is or will be located. If the facility is not located within a municipality, the newspaper should be of general circulation in the municipality nearest to the location or proposed location.
- You must publish this notice in one issue of any applicable newspaper.
- You will find two example notices enclosed in this package. *Example A* must be published in the "public notice" section of the 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 facility or 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, 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 elementary or middle school nearest to the facility or proposed facility to trigger the alternative language notice requirement. If there are students who would normally attend the nearest schools 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 primarily printed 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 newspaper or publication of general circulation published more than once a month in such language cannot be found, publishing in that language is not required, but signs must still be posted adjacent to each English language sign.
- Publication in an alternative language section or insertion within an English language newspaper does not satisfy these requirements.
- The applicant has the burden to demonstrate compliance with these requirements. To assist applicants in meeting these requirements, the TCEQ has provided the *Public Notice Verification Form* (enclosed). You must fill out the *Public Notice Verification Form* indicating your compliance with the requirements regarding publication in an alternative language. This form is also available at www.tceq.state.tx.us/goto/air/publicnotice.
- 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.

- If you determine that you must meet the alternative language notice requirements, you are responsible for ensuring that the publication in the alternative language is complete and accurate in that language. Since the most common bilingual programs are in Spanish, the TCEQ has provided example Spanish notice templates for your use. All italic notes should be replaced with the corresponding Spanish translations for the specific application and published in the alternative language publication. Electronic versions of the Spanish templates are available through the TCEQ Air Permits Division webpage at www.tceq.state.tx.us/goto/air/publicnotice.
- If you are required to publish notice in a language other than Spanish, you must translate the entire public notice at your own expense.

Public Comment Period

- The public comment period should last at least **30 calendar days**. With the exception of renewals whose comment period should last at least **15 calendar days**.
- The comment period will be longer if the last day of the public comment period ends on a weekend or a holiday. In this case, the comment period will end on the next business day.
- The comment period for the permit may lengthen depending on whether a public meeting is held or if second notice is required. If a public meeting is held, the comment period will be extended to the later of either the date of the public meeting or the end of the second notice period.

Proof of Publication

- Check each publication to ensure that the articles were accurately published. If a notice was not published correctly you may be required to republish.
- For each newspaper in which you published, you must submit **original newspaper clippings or tear sheets** of each published notice which shows the complete notice that was published, 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 publisher's 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 affidavit forms.** 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.

- You must submit the *Public Notice Verification Form* to the TCEQ Office of the Chief Clerk within **10 business days** of the end of this public comment period. You must use this form to certify that you have met bilingual notice requirements.
- The **original publisher's affidavits, *Public Notice Verification Form*, 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.
- 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.

- You must post at least one sign in English and as applicable, in each alternative language.
- Signs must be in place on the first day of publication in a newspaper and must remain in place and be legible and be visible from the street for the entire duration of the publications' designated comment period.
- The sign template enclosed (*Example C*) is an example only. Read the sign template carefully and notify the TCEQ if it has an error or omissions. It is your responsibility to verify that the appropriate information pertaining to your application is accurate. Any changes to the text prepared by the TCEQ must be approved by the agency.
- Signs placed at the site must be located within 10 feet of each (every) property line paralleling a 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 a sufficient height above the ground that is necessary for sign(s) to be 100 percent visible from the street.

- All lettering on the sign must be at least 1½" in height with block printed capital lettering. The sign must be at least 18" wide and 28" tall, and consist of black lettering on a white background.
- Alternative language signs are required if alternative notice is required, even if no newspaper can be found.
- Inspect each posted sign daily to ensure it is present and visible throughout the entire comment period.
- You must submit verification of sign posting using the *Public Notice Verification Form* within **10 business days** after end of the publications' designated comment period. Do not submit the *Public Notice Verification Form* verifying sign posting until after the comment period is over. You cannot certify that the sign posting is in compliance until after the comment period is over.

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 during the public comment period.
- If the application is submitted to the TCEQ with information marked as confidential, you are required to indicate which specific portions of the application are not being made available to the public. These portions of the application must be accompanied with the following statement: "Any request for portions of this application that are marked as confidential must be submitted in writing, pursuant to the Public Information Act, to the 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. Do not submit the form verifying that the application was in a public place until after the comment period is complete. If a public meeting is held or second notice is required causing the public comment period to be extended, at a later date you will be required to verify that the application was in a public place during the entire public 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 initial reviewer who assisted in the preparation of this public notice package. The electronic version is available in Word 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/goto/air/publicnotice.

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.

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

Applicant Name: Grain, Inc.
Permit No.: 80404
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
P.O. Box 13087
Austin, Texas 78711-3087

Applicant Name: Grain, Inc.
 Permit No.: 80404
 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 same 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: Adair Grain, Inc. dba West Fertilizer CompanySite or Facility Name: West Fertilizer CompanyTCEQ Account Number (if applicable): MB-0145-S Permit Number: 80404Regulated Entity Number: RN100985407 Customer Number: CN603129412

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: Adair Grain, Inc. dba West Fertilizer Company

Site or Facility Name: West Fertilizer Company

TCEQ Account Number (if applicable): MB-0145-S Permit Number: 80404

Regulated Entity Number: RN100985407 Customer Number: CN603129412

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

Air Section Manager
Waco Regional Office
6801 Sanger Ave. Ste 2500
Waco, Texas 76710-7826

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

January 22, 2007

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
Bulk Dry Fertilizer 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.

Adair Grain, Inc. dba West Fertilizer Company, P.O. Box 399, West, Texas 76691, has applied to permit an existing Bulk Dry Fertilizer Plant located at 1471 Jerry Mashek Drive, West, McLennan County, Texas. The Air Quality Permit Number is 80404.

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/SLH/to

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

January 22, 2007

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
Bulk Dry Fertilizer 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.

Adair Grain, Inc. dba West Fertilizer Company, P.O. Box 399, West, Texas 76691, has applied to permit an existing Bulk Dry Fertilizer Plant located at 1471 Jerry Mashek Drive, West, McLennan County, Texas. The Air Quality Permit Number is 80404.

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 cursive script, appearing to read "Donald D. Nelson".

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

DDN/SLH/to

cc: Air Section Manager, Region 9 - Waco
Air Permits Section 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
Ms. Stephanie Howell, Air Permits Division, Austin

TRANSMISSION VERIFICATION REPORT

TIME : 01/10/2007 15:51
NAME :
FAX : 1300
TEL : 1300
SER.# : BROM4J173761

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

01/10 15:45
912548264325
00:05:57
18
OK
STANDARD
ECM



Protecting Texas
by Reducing and
Preventing Pollution

FAX TRANSMITTAL

DATE: 1-10-07

NUMBER OF PAGES (including this cover sheet) :

18

TO: Name MR. TED UPTMORE, G.M.
Organization ADAIR GRAIN, INC.
FAX Number 254 826-4325

FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Name Toni Oyler
Division/Region Air Permits Division
Telephone Number 512/239-1311
FAX Number 512 239 - 4600

NOTES: PERMIT NO. 80404

Thanks for your help!

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.

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 Company

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 Company

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 Company

STREET/ROAD: PO Box 399

CITY/STATE/ZIP: West, Texas 76691

TELEPHONE: (254) 826-5309

FAX: (254) 826-4325

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

January 10, 2007

Mr. Ted J. Uptmore
 General Manager
 Adair Grain, Inc. dba West Fertilizer Company
 P.O.Box 399
 West, Texas 76691

Re: Declaration of Administrative Completeness
 Permit Application
 Air Quality Permit No. 80404
 Bulk Dry Fertilizer Plant
 West, McLennan County
 Customer Reference Number: CN603129412
 Regulated Entity Number: RN100985407

Dear Mr. Uptmore:

The Executive Director has declared the above-referenced application, received on November 14, 2006, administratively complete on January 10, 2007. 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)
- ☐ Public Notice Checklist
- ☐ Instructions for Public Notice
- ☐ Affidavit of Publication and Alternative Language Affidavit of Publication
- ☐ Notification List
- ☐ Public Notice Verification Form (Form TCEQ-20244)

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.

Mr. Ted J. Uptmore
Page 2
January 10, 2007

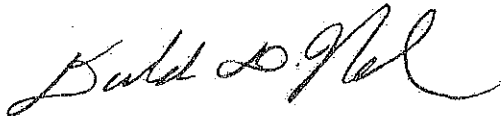
Re: Air Quality Permit No. 80404

A "Public Notice Checklist" is enclosed which notes the time limitations for each step of the public notice process. This checklist should be used as a tool in conjunction with the enclosed, detailed instructions.

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. Toni Oyler at (512) 239-1311.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald D. Nelon", written in a cursive style.

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

DDN/to

Enclosures

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



EXAMPLE A

NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN AIR PERMIT

PROPOSED AIR QUALITY PERMIT NO. 80404

APPLICATION Adair Grain, Inc. dba West Fertilizer Company has applied to the Texas Commission on Environmental Quality (TCEQ) for issuance of Air Quality Permit No. 80404, which would authorize continued operation of the Bulk Dry Fertilizer Plant located at 1471 Jerry Mashek Drive, West, McLennan County, Texas. The facility will emit the following contaminants: particulate matter less than 10 microns in diameter.

This application was submitted to the TCEQ on November 14, 2006. The application is available for viewing and copying at the TCEQ central office, the TCEQ Waco regional office, and the West Public Library, 210 Tokio Road, 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.

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.

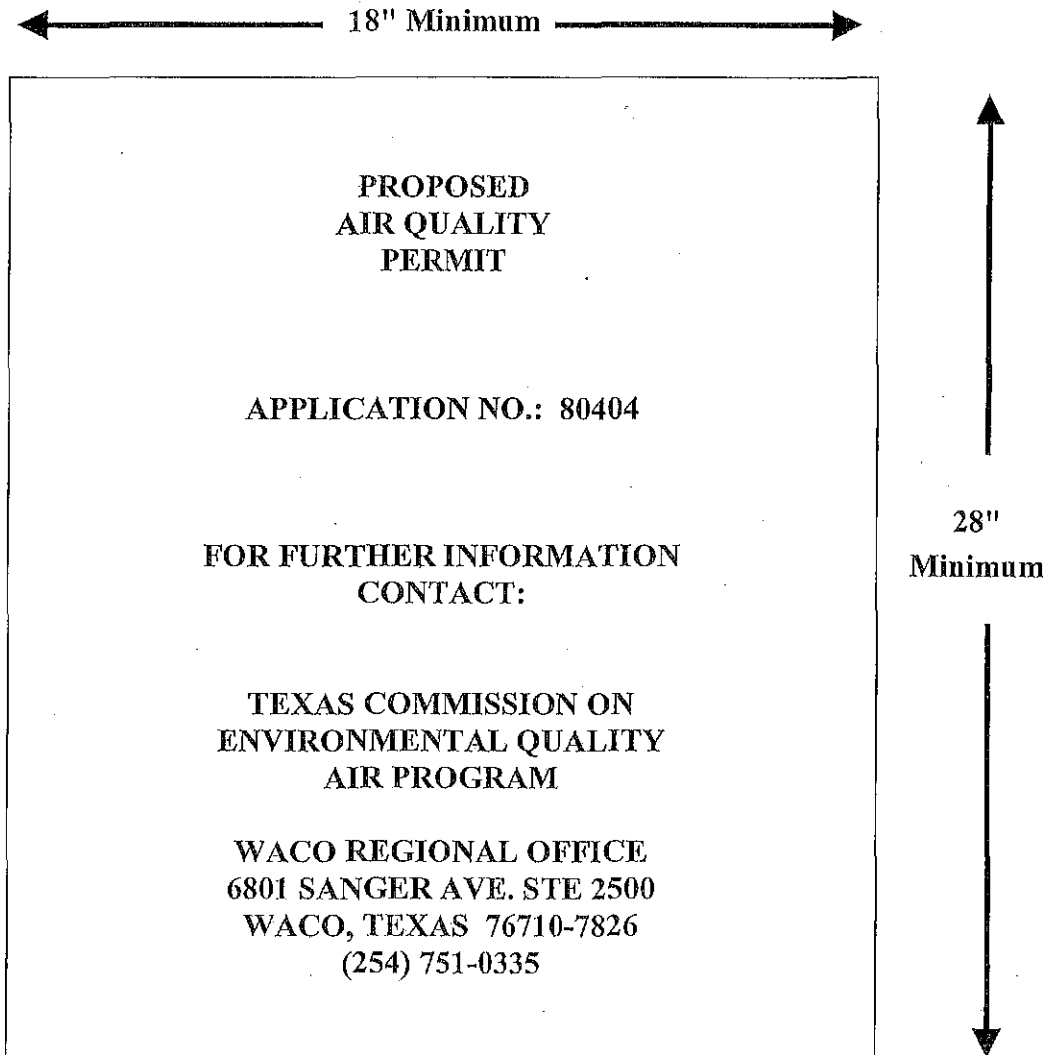
Further information may also be obtained from Adair Grain, Inc. dba West Fertilizer Company, P.O. Box 399, West, Texas 76691 or by calling Mr. Ted J. Uptmore, General Manager at (254) 826-5309.

Issuance Date: January 10, 2007

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 is necessary for sign(s) to be 100% visible from the street.

WHITE BACKGROUND WITH BLACK LETTERS

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

PUBLIC NOTICE CHECKLIST

Notice of Receipt of Application and Intent to Obtain Permit for Small Business (1st Notice)

The following tasks must be completed for public notice. If publication in an alternative language is required, please complete the tasks for both the English and alternative language publications. Detailed instructions are included in the "Instructions for Public Notice" section of this package.

Within 30 calendar days after date of administrative completeness letter

Publish *Notice of Receipt of Application and Intent to Obtain Permit*

- Example A must be published in "public notice" section of newspaper. Review for accuracy prior to publishing.
- Provide copy of application at a public place for review and copying. Keep it there until end of the designated comment period.
- Prepare signs.

First day of newspaper publication

- Review published newspaper notice for accuracy. If errors, contact Air Permits Division.
- Post signs and keep them up for duration of the designated comment period.
- Ensure copy of application is at the public place.

Within 10 business days after date of publication

Mail original newspaper clippings showing publication date and newspaper name to

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

Mail photocopies of newspaper clippings showing publication date and newspaper name to persons listed on *Notification List*

Within 30 calendar days after date of publication

Mail original affidavit of publication and alternative language affidavit of publication (if applicable) to

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

Mail photocopies of affidavits to persons listed on *Notification List*

Within 10 business days after end of the designated comment period

Mail Public Notice Verification Form to

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

Mail photocopies of Public Notice Verification Form to persons listed on *Notification List*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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:

Review Notice

Included in the notice is all of the information which the commission believes is necessary to effectuate compliance with applicable public notice requirements. Please read it carefully and notify the Texas Commission on Environmental Quality (TCEQ) immediately if it contains any errors or omissions. You are responsible for ensuring the accuracy of all information published. You may not change the text of the notice or font/style 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. Refer to the cover letter for 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 that is of general circulation in the municipality where the facility is or will be located. If the facility is not located within a municipality, the newspaper should be of general circulation in the municipality nearest to the location or proposed location.
- You must publish this notice in one issue of any applicable newspaper.
- You will find two example notices enclosed in this package. *Example A* must be published in the "public notice" section of the 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 facility or 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, 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 elementary or middle school nearest to the facility or proposed facility to trigger the alternative language notice requirement. If there are students who would normally attend the nearest schools 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 primarily printed 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 newspaper or publication of general circulation published more than once a month in such language cannot be found, publishing in that language is not required, but signs must still be posted adjacent to each English language sign.
- Publication in an alternative language section or insertion within an English language newspaper does not satisfy these requirements.
- The applicant has the burden to demonstrate compliance with these requirements. To assist applicants in meeting these requirements, the TCEQ has provided the *Public Notice Verification Form* (enclosed). You must fill out the *Public Notice Verification Form* indicating your compliance with the requirements regarding publication in an alternative language. This form is also available at www.tceq.state.tx.us/goto/air/publicnotice.
- 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.

- If you determine that you must meet the alternative language notice requirements, you are responsible for ensuring that the publication in the alternative language is complete and accurate in that language. Since the most common bilingual programs are in Spanish, the TCEQ has provided example Spanish notice templates for your use. All italic notes should be replaced with the corresponding Spanish translations for the specific application and published in the alternative language publication. Electronic versions of the Spanish templates are available through the TCEQ Air Permits Division webpage at www.tceq.state.tx.us/goto/air/publicnotice.
- If you are required to publish notice in a language other than Spanish, you must translate the entire public notice at your own expense.

Public Comment Period

- The public comment period should last at least **30 calendar days**. With the exception of renewals whose comment period should last at least **15 calendar days**.
- The comment period will be longer if the last day of the public comment period ends on a weekend or a holiday. In this case, the comment period will end on the next business day.
- The comment period for the permit may lengthen depending on whether a public meeting is held or if second notice is required. If a public meeting is held, the comment period will be extended to the later of either the date of the public meeting or the end of the second notice period.

Proof of Publication

- Check each publication to ensure that the articles were accurately published. If a notice was not published correctly you may be required to republish.
- For each newspaper in which you published, you must submit **original newspaper clippings or tear sheets** of each published notice which shows the complete notice that was published, 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 publisher's 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 affidavit forms.** 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.

- You must submit the *Public Notice Verification Form* to the TCEQ Office of the Chief Clerk within **10 business days** of the end of this public comment period. You must use this form to certify that you have met bilingual notice requirements.
- The **original publisher's affidavits, *Public Notice Verification Form*, 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.
- 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.

- You must post at least one sign in English and as applicable, in each alternative language.
- Signs must be in place on the first day of publication in a newspaper and must remain in place and be legible and be visible from the street for the entire duration of the publications' designated comment period.
- The sign template enclosed (*Example C*) is an example only. Read the sign template carefully and notify the TCEQ if it has an error or omissions. It is your responsibility to verify that the appropriate information pertaining to your application is accurate. Any changes to the text prepared by the TCEQ must be approved by the agency.
- Signs placed at the site must be located within 10 feet of each (every) property line paralleling a 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 a sufficient height above the ground that is necessary for sign(s) to be 100 percent visible from the street.

- All lettering on the sign must be at least 1½" in height with block printed capital lettering. The sign must be at least 18" wide and 28" tall, and consist of black lettering on a white background.
- Alternative language signs are required if alternative notice is required, even if no newspaper can be found.
- Inspect each posted sign daily to ensure it is present and visible throughout the entire comment period.
- You must submit verification of sign posting using the *Public Notice Verification Form* within **10 business days** after end of the publications' designated comment period. Do not submit the *Public Notice Verification Form* verifying sign posting until after the comment period is over. You cannot certify that the sign posting is in compliance until after the comment period is over.

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 during the public comment period.
- If the application is submitted to the TCEQ with information marked as confidential, you are required to indicate which specific portions of the application are not being made available to the public. These portions of the application must be accompanied with the following statement: "Any request for portions of this application that are marked as confidential must be submitted in writing, pursuant to the Public Information Act, to the 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. Do not submit the form verifying that the application was in a public place until after the comment period is complete. If a public meeting is held or second notice is required causing the public comment period to be extended, at a later date you will be required to verify that the application was in a public place during the entire public 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 initial reviewer who assisted in the preparation of this public notice package. The electronic version is available in Word 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/goto/air/publicnotice.

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.

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

Applicant Name: Grain, Inc.
Permit No.: 80404
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
P.O. Box 13087
Austin, Texas 78711-3087

Applicant Name: Grain, Inc.
Permit No.: 80404
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 same 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: Adair Grain, Inc. dba West Fertilizer Company

Site or Facility Name: West Fertilizer Company

TCEQ Account Number (if applicable): MB-0145-S Permit Number: 80404

Regulated Entity Number: RN100985407 Customer Number: CN603129412

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
Public Notice Verification Form
Air Permit

OCC# _____
(TCEQ use only)

Applicant Name: Adair Grain, Inc. dba West Fertilizer Company
Site or Facility Name: West Fertilizer Company
TCEQ Account Number (if applicable): MB-0145-S Permit Number: 80404
Regulated Entity Number: RN100985407 Customer Number: CN603129412

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

Air Section Manager
Waco Regional Office
6801 Sanger Ave. Ste 2500
Waco, Texas 76710-7826

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

January 22, 2007

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
Bulk Dry Fertilizer 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.

Adair Grain, Inc. dba West Fertilizer Company, P.O. Box 399, West, Texas 76691, has applied to permit an existing Bulk Dry Fertilizer Plant located at 1471 Jerry Mashek Drive, West, McLennan County, Texas. The Air Quality Permit Number is 80404.

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 cursive script, appearing to read "Donald D. Nelon".

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

DDN/SLH/to

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

January 22, 2007

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
Bulk Dry Fertilizer 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.

Adair Grain, Inc. dba West Fertilizer Company, P.O. Box 399, West, Texas 76691, has applied to permit an existing Bulk Dry Fertilizer Plant located at 1471 Jerry Mashek Drive, West, McLennan County, Texas. The Air Quality Permit Number is 80404.

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 cursive script, appearing to read "Donald D. Nelon".

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

DDN/SLH/to

01/10/2007-----NSR PERMITS IMS- PROJECT RECORD-----

PROJECT#: 125836 PERMIT#: 80404 STATUS: P DISP CODE: _____
RECEIVED: 11/14/2006 PROJTYPE: CRVW RENEWAL: _____
FEE DATE: 11/20/2006 FEE AMT: \$ 900 PROJ-ISSUE DATE: _____
STDx,PBR#,STDP: 0000 CHECK NUMBER: 3236
PROJECT NAME: BULK DRY FERTILIZER PLANT

GROUP: PAR

PARSTAFF1 : PRADO, ESTHER

PARSTAFF2 : OYLER, TONI

GROUP: M/A

TEAMLDR : TEAM LEADER, MECH/AG

ADMIN REVIEW

A - PAR RECEIVED :	11/14/2006	A - TELECONS :	12/13/2006		
A - ADMIN DEF CYCLE :	12/13/2006	01/09/2007			
A - CN/RN REQ FROM CENTRAL REG :	12/13/2006	A - CN/RN REC FROM CENTRAL REG :	12/14/2006	A - SITE REVIEW RFC :	01/09/2007
A - PN DRAFT SENT TO COMPANY :	01/09/2007	A - PN DRAFT APPROVED :	01/09/2007	A - ADMINCOMP :	01/10/2007
A - PAR TRANSFER TO APD :	01/10/2007	A - LEGISLATOR LTR :	01/10/2007		
A - 1ST PUBLIC NOTICE :	01/10/2007				

ISSUED TO: ADAIR GRAIN INC

COMPANY NAME: ADAIR GRAIN INC

CUSTOMER REGISTRY ID: CN603129412

PRIMARY CONTACT INFORMATION

CONTACT TYPE: RESPONSIBLE OFFICIAL

NAME: MR TED J UPTMORE

TITLE: GENERAL MANAGER

EMPLOYER NAME: WEST FERTILIZER COMPANY

PHONE: 254-826-5309 ext

FAX: 254-826-4325 ext

STREET: PO BOX 399

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

PROJECT INFORMATION

UNIT: BULK DRY FERTILIZER PLANT

SIC: 5153

REGION: 9

ACCOUNT: MB0145S

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: DELINQUENT FEES CHECKED ON 12/13/2006 AND 1/9/2007.

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 : R717127

PROJECT LINK

PROJECTS/PERMITS VOIDANCE

Mail Envelope Properties (45A4065B.A20 : 2 : 35706)**Subject:** Site Review/Request for Comments for Project Number 125836**Creation Date** 1/9/2007 3:17:15 PM**From:** Toni Oyler**Created By:** TOYLER@tceq.state.tx.us

Recipients	Action	Date & Time
tceq.state.tx.us		
OWRMPO.TNRDOM3	Delivered	1/9/2007 3:17:18 PM
RFCAIR9 (RFCAIR9)		

Post Office	Delivered	Route
OWRMPO.TNRDOM3	1/9/2007 3:17:18 PM	tceq.state.tx.us

Files	Size	Date & Time
MESSAGE	302	1/9/2007 3:17:15 PM
TEXT.htm	318	
125836_SR.wpd	24420	1/9/2007 3:17:02 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

**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: 01/09/2007

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

Date Application Received by Air Permit Initial Review Team: November 14, 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.: 125836

PERMIT No.: 80404

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

Regulated Entity No.: RN100985407

Customer No.: CN603129412

Company Name: Adair Grain Inc

Plant Name: West Fertilizer

City: West

County: McLennan

Location: 1471 Jerry Mashek Drive

Unit Name: Bulk Dry Fertilizer Plant

Technical Contact: Ted J Uptmore

Phone: (254) 826-5309

Local Program Applicable?: Yes: , No Local Programs:

**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
	To: Mike Gould - Air Permits Division - Austin (M/C)	E-Mail: mgould	Phone: (512) 239-1097
	To: Erik Hendrickson - Air Permits Division - Austin (Comb)	E-Mail: ehendric	Phone: (512) 239-1095
	To: Mike Coldiron - Air Permits Division - Austin (Coat)	E-Mail: mcoldiro	Phone: (512) 239-5027
	To: Dana Vermillion- Air Permits Division - Austin (Chem)	E-Mail : dpoppa	Phone: (512) 239-1280
	To:	E-Mail:	Phone: Fax:(512) 239-1300
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. 80404		PROJECT No. 125836	
TCEQ ACCOUNT NUMBER: MB-0145-S			
Company Name: Adair Grain Inc			
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.		

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



AIRC/MB0145S/CO
MB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Protecting Texas by Reducing and Preventing Pollution

March 15, 2007

Mr. Ted J. Uptmore
General Manager
Adair Grain, Inc.
P.O. Box 399
West, Texas 76691

Re: Permit Application
Permit Number: 80404
Dry Fertilizer Plant
West, McLennan County
Regulated Entity Number: RN100985407
Customer Reference Number: CN603129412
Account Number: MB-0145-S

RECEIVED
MAR 20 2008
TCEQ
CENTRAL FILE ROOM

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 March 2, 2007.

A permit for your new 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 construction and operation of the facilities must be as represented in the application.

This permit will be automatically void upon the occurrence of any of the following, as indicated in Title 30 Texas Administrative Code § 116.120(a) [30 TAC § 116.120(a)]:

1. Failure to begin construction within 18 months of the date of issuance,
2. Discontinuance of construction for more than 18 months prior to completion, or
3. Failure to complete construction within a reasonable time.

Upon request, the Texas Commission on Environmental Quality (TCEQ) Executive Director may grant extensions as allowed in 30 TAC § 116.120(b).

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

Mr. Ted J. Uptmore

Page 2

March 15, 2007

Re: Permit Number: 80404

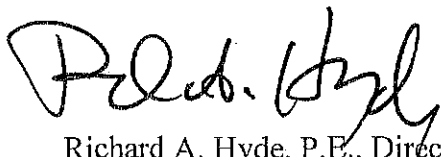
You may file a **motion to overturn** with the Chief Clerk. A motion to overturn is a request for the commission to review the TCEQ Executive Director's approval of the application. Any motion must explain why the commission should review the TCEQ Executive Director's action.

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. Faith Melgaard at (512) 239-0266 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 taken under authority delegated by the Executive Director of the TCEQ.

Sincerely,



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

RAH/FJM/ssl

Enclosures

cc: Air Section Manager, Region 9 - Waco

Project Number: 125836



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AIR QUALITY PERMIT

A PERMIT IS HEREBY ISSUED TO

Adair Grain, Inc.

AUTHORIZING THE CONSTRUCTION AND OPERATION OF

Dry Fertilizer Plant

LOCATED AT West, McLennan County, Texas

LATITUDE 31° 83' 70" LONGITUDE 097° 09' 57"



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(e)]
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 80404

Date: March 15, 2007

For the Commission

SPECIAL CONDITIONS

Permit Number 80404

EMISSION LIMITATIONS

1. This permit covers only those sources of emission listed in the attached table entitled "Emission Sources - Maximum Allowable Emission Rates." Total emissions from these facilities shall not exceed the values stated on the maximum allowable emission rates table.

OPERATIONAL AND WORK PRACTICE REPRESENTATIONS

2. Emission rates for the facility are based on and the facilities are limited to the following:

<u>Source Name</u>	<u>Maximum Hourly Throughput (Tons)</u>	<u>Maximum Annual Throughput (Tons)</u>
Receiving Operations	25	4,771
Handling/Mixing Operations	35	4,771
Loadout Operations	10	4,771

No changes shall be made to the above limitations without prior approval by the Texas Commission on Environmental Quality (TCEQ).

3. As represented in the permit application, the following shall occur:
 - A. Fugitive emissions from the receiving area shall be minimized through the use of "choke feeding." Operation of conveyors associated with receiving shall not commence until the receiving pad is full.
 - B. Fertilizer shall not be received, transferred, or loaded out pneumatically.
 - C. All loadout devices (augers, drop spouts, etc.) shall be equipped with drop socks at the drop point to minimize fugitive emissions from loadout areas.
 - D. Spillage of any raw products, finished products, or waste products shall be cleaned up on a daily basis.

SPECIAL CONDITIONS

Permit Number 80404

Page 2

- E. 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.

RECORDKEEPING REQUIREMENTS

- 4. Records of annual throughputs shall be maintained at this facility and made available at the request of personnel from the TCEQ or any other air pollution control program having jurisdiction to demonstrate compliance with annual throughput limitations. These records shall be retained for a rolling 24-month period.

Dated March 15, 2007

EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

Permit Number 80404

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	Receiving Operations	PM/PM ₁₀	0.05	<0.01
2 and 3	Handling/Mixing Operations	PM/PM ₁₀	0.70	0.05
4	Loadout Operations	PM/PM ₁₀	0.20	0.05

- (1) Emission point identification - either specific equipment designation or emission point number from plot plan.
 (2) Specific point source name. For fugitive sources use area name or fugitive source name.
 (3) PM - particulate matter, suspended in the atmosphere, including PM₁₀
 PM₁₀ - particulate matter equal to or less than 10 microns in diameter. Where PM is not listed, it shall be assumed that no PM greater than 10 microns is emitted.

* Refer to Special Condition No. 2 for throughput limitations and basis of emission rates.

Dated March 15, 2007

Construction Permit Review Analysis & Technical Review

Company:	Adair Grain, Inc.	Permit No.:	80404
City:	West	Record No.:	125836
County:	McLennan	Account No.:	MB-0145-S
Project Type:	CRVW	Regulated Entity No.:	RN100985407
Project Reviewer:	Ms. Faith Melgaard	Customer Reference No.:	CN603129412
Facility Name:	Dry Fertilizer Plant		

Authorization Checklist

Will a new policy/precedent be established? (ED signature required if yes)	No
Is a state or local official opposed to the permit?(ED signature required if yes)	No
Is waste or tire derived fuel involved? (ED signature required if yes)	No
Are waste management facilities involved?(ED signature required if yes)	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?	No

Project Overview

Adair Grain, Inc. is applying for a construction permit for their previously grandfathered fertilizer plant. Total annual emissions are:

<u>Contaminant</u>	<u>Emissions (tpy)</u>
PM/PM ₁₀	0.11

Compliance History

In compliance with 30 TAC Chapter 60, a compliance history report was prepared on: 2/27/2007
Was the application received after September 1, 2002? Yes
If yes, what was the site rating? **3.01 (Avg by Default)** Company rating? **3.01 (Avg by Default)**
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: **November 14, 2006** Date Administrative Complete: 1/10/07
B. Small Business source? Yes
§39.418 C. Date 1st Public Notice /Admin Complete/Legislators letters mailed: 1/10/2007
§39.603 D. Pollutants: **Particulate matter less than 10 microns in diameter.**
E. Date Published: **2/8/2007** in: *The West News*
Date Affidavits/Copies received: **2/20/2007**
F. Bilingual notice required? No*
***There is no bilingual program provided by the local school district.**
§39.604 G. Certification of Sign Posting / Application availability 2/16/2007
H. Public Comments Received? No
§39.419 2nd Public Notification required? No
If no, give reason: **No comment received during initial public notice.**

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, R717127

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: Record Keeping	

Review Analysis & Technical Review

Permit No. 80404
Page 2

Regulated Entity No. RN100985407

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

Mass Cap and Trade Applicability

§116.111(a)(2)(L)	Is Mass Cap and Trade applicable?	No
	Did the proposed facility, group of facilities, or account obtain allowances to operate?	No

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

Request for Comments

Region:	9	Reviewed by:	Jack Bailey (no objections)
City:		Reviewed by:	
County:		Reviewed by:	
TARA:		Reviewed by:	
Legal:		Reviewed by:	

Process Description

Fertilizer is received by truck or rail at a rate of 25 tons per hour. Once received, the fertilizer is conveyed into storage bins inside the dry fertilizer warehouse at a rate of 25 tons per hour. Fertilizer is then moved by front-end loader into the blender at a rate of 10 tons per hour. After blending, the final mix is conveyed into a spreader and loaded out through one loadout spout at a rate of 10 tons per hour. This facility has a maximum annual throughput of 4,771 tons per year.

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

This facility emits particulate matter less than 10 microns in diameter (PM₁₀). Emissions from this facility are generated from the receiving, handling, mixing and loadout of fertilizer. Receiving emission are controlled by choke feeding, and loadout emissions are controlled by the use of a drop sock on the loadout spout. Spilled products are required to be cleaned up on a daily basis, and roads are to be sprinkled with water, and/or be treated with effective dust suppressant(s) and/or be paved to reduce fugitive emissions. This facility meets current BACT requirements.

Impacts Evaluation

1. Was modeling done? No Type? N/A
2. Will GLC of any air contaminant cause violation of NAAQS?
3. Is this a sensitive location with respect to nuisance?
4. Is the site within 3000 feet of any school?
5. Toxics Evaluation:

There are no toxic emissions associated with this facility. This facility emits PM₁₀. The proposed controls at this facility represent BACT, and no adverse impacts are expected to occur if the facility is operated in accordance with the permit

The regional investigator described the area surrounding the facility as residential and farm land. There are two schools located within 3000 ft of this facility, however, the impact potential is described by the region as low. The nearest off property receptor, a residence, is 350 ft from the plant.

Review Analysis & Technical Review

Permit No. 80404
Page 3

Regulated Entity No. RN100985407

Miscellaneous

1. Is applicant in agreement with special conditions? Yes, 3/2/2007
Company representative? Mr. Joe Henry Hanus
2. Emission reductions from source reduction or pollution prevention No
3. Emissions reductions resulting from the application of BACT required by state rules, avoidance of potential impacts problems, and voluntary reductions No
4. Other permit(s) affected by this action? No

 3/8/07
Project Reviewer Date

 3/14/07
Team Leader/Section Manager/Backup Date



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/projects/cr.

I. APPLICANT INFORMATION		
A. Company or Other Legal Name: Adair Grain Inc. DBA West Fertilizer Company		
Texas Secretary of State Charter/Registration Number (If Applicable):		
B. Company Official Contact Name & Title: Ted J. Uptmore-General Manager		
Mailing Address: PO 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: Adair Grain Inc. DBA West Fertilizer Company		
Mailing Address: PO Box 399		
City: West	State: Texas	Zip Code: 76691
Telephone: 254-826-5309	Fax: 254-826-4325	E-mail:
D. Facility Location Information: Adair Grain Inc. DBA West Fertilizer Company		
Street Address: 1471 Jerry Mashek Drive		
If no street address, provide clear driving directions to the site in writing.:		
McLENNAN		
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):		
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 type="checkbox"/> YES <input checked="" type="checkbox"/> NO
If "YES", attach a copy of any correspondence from the TCEQ		NOV 14 2006
C. Number of New Jobs: 0		
D. Name of State Senator and district number for this facility site: Klipp Aviritt-District 22		Air & Waste Applications
Name of State Representative and district number for this facility site: Charles Doc Anderson-District 56		

#125836



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

III. FACILITY AND SOURCE INFORMATION		
A. Site Name: Adair Grain Inc. DBA West Fertilizer Company		
B. Area Name/Type of Facility: Dry Fertilizer Plant		<input checked="" type="checkbox"/> PERMANENT <input type="checkbox"/> PORTABLE
C. Principle Company Product or Business: Grain Elevator		
Primary Standard Industrial Classification (SIC) Code: 5153		
D. Projected Start of Construction Date:		Projected Start of Operation Date:
IV. TYPE OF PERMIT ACTION REQUESTED		
A. Permit Number (if existing):		
B. Is this an initial permit application?		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
If "YES", check the type of permit requested (check <u>all</u> that apply):		
<input checked="" type="checkbox"/> State Permit	<input type="checkbox"/> Nonattainment Federal Permit	
<input type="checkbox"/> Flexible Permit	<input type="checkbox"/> Prevention of Significant Deterioration Federal Permit	
<input type="checkbox"/> Multiple Plant Permit	<input type="checkbox"/> Hazardous Air Pollutants Permit Federal Clean Air Act § 112(g)	
<input type="checkbox"/> Other: _____		
C. Is this a permit amendment?		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
If "YES", Check the type of permit requested (check <u>all</u> that apply):		
<input type="checkbox"/> State Permit Amendment	<input type="checkbox"/> Nonattainment Major Modification	
<input type="checkbox"/> Flexible Permit Amendment	<input type="checkbox"/> Prevention of Significant Deterioration Major Modification	
<input type="checkbox"/> Multiple Plant Permit Amendment	<input type="checkbox"/> Hazardous Air Pollutants Permit Federal Clean Air Act § 112(g) Modification	
<input type="checkbox"/> Other: _____		
D. Is this application for a change in location of previously permitted facilities?		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
If "YES", answer D.1. and D.2.:		
1. Current location of facility		
Street Address (If no street address, provide clear driving directions to the site in writing.):		
City:	County:	Zip Code:
2. Will the proposed facility, site and plot plan meet all current technical requirements of the permit special conditions? If no, attach detailed information.		
		<input type="checkbox"/> YES <input type="checkbox"/> NO
E. Are there any exemptions or permits by rule to be incorporated into this permit?		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
F. Are you permitting a grandfathered facility?		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
If "YES", attach information on any changes to emissions under this application.		
G. Is this facility located at a site required to obtain a federal operating permit under 30 TAC Chapter 122? If "NO", go to Section V.		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
1. Is a site operating permit (SOP) or general operating permit (GOP) review pending for this source, area, or site?		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
2. Is an SOP or GOP issued for this source, area, or site?		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
3. List SOP or GOP number(s):		

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NOV 14 2006

Air & Waste Applications



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:	\$ 900.00	
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 checked="" type="checkbox"/> YES <input 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 (NO _x) _____ tpy
Other air contaminants not listed above	_____ tpy	List: NH ₃ - _____
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: PO Box 399		
City: West	State: TX	Zip Code: 76691
Telephone: 254-826-5309	Fax: 254-826-4325	E-mail: _____
B. Technical Contact:		
Name and Title: Ted J. Uptmore-Manager		
Mailing Address: PO Box 399		
City: West	State: TX	Zip Code: 76691
Telephone: 254-826-5309	Fax: 254-826-4325	E-mail: _____

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NOV 14 2006
Air & Waste Applications



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

VII. PUBLIC NOTICE INFORMATION (complete if applicable) (Continued)

C. Application in Public Place:

Name of Public Place: West Public Library

Physical Address: 210 Tokio Road

City: West

County: McLennan

The public place has granted authorization to place the application for public viewing and copying? ☒ YES ☐ NO

D. Small Business Classification:

Does this company (including parent companies and subsidiary companies) employ 100 or fewer persons? ☒ YES ☐ NO

Is the site a major source under 30 TAC Chapter 122, Federal Operating Permit Program? ☐ YES ☒ NO

Are the site emissions of any individual air contaminant greater than 50 tpy? ☐ YES ☒ NO

Are the site emissions of all air contaminants combined greater than 75 tpy? ☐ YES ☒ NO

E. Bilingual notice confirmation:

Is a bilingual program required by the Texas Education Code in the School District? ☐ YES ☒ 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? ☐ YES ☒ NO

If yes, which language is required by the bilingual program?

VIII. TECHNICAL INFORMATION

A. Is a current area map attached? ☒ YES ☐ NO

Are any schools located within 3,000 feet of this facility? ☒ YES ☐ NO

B. Is a plot plan of the plant property attached? ☐ YES ☒ NO

C. Is a process flow diagram and a process description attached? ☒ YES ☐ NO

D. Maximum Operating Schedule: 24 Hours/Day 7 Days/Week 52 Weeks/Year

Seasonal Operation? If "YES", please describe: ☐ YES ☐ NO

E. Are worst-case emissions data and calculations attached? ☒ YES ☐ NO

1. Is an emission point summary table [Table 1(a)] attached? ☒ YES ☐ NO

2. Is a material balance table (Table 2) attached? ☒ YES ☐ NO

3. Are equipment, process or control device tables attached? ☐ YES ☒ NO

4. Are routine maintenance, start-up, or shutdown emissions included? ☐ YES ☒ NO

F. Are actual emissions for the last two years (determination federal applicability) attached? ☐ YES ☒ NO

isn't this yes?

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NOV 14 2006

Air & Waste Applications



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? ☒ YES ☐ NO
- B. The proposed facility will be able to measure emissions of significant air contaminants and details are attached? ☐ YES ☒ NO
- C. A demonstration of Best Available Control Technology (BACT) is attached? ☐ YES ☒ NO
- D. The proposed facilities will achieve the performance in the permit application and compliance demonstration or record keeping information is attached? ☒ YES ☐ NO
- E. Is atmospheric dispersion modeling attached? ☐ YES ☒ NO
- F. Does this application involve any air contaminants for which a "disaster review" is required? If "YES", details must be attached. ☐ YES ☒ NO
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.tnrc.state.tx.us/permitting/airperm/nsr_permits/guidedoc.htm
- 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) ☐ YES ☒ 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? ☐ YES ☒ NO
- Is this site subject to 30 TAC Chapter 101, Subchapter H, Division 3 (Mass Emissions Cap and Trade)? ☐ YES ☒ NO
- Does this action make the site subject to 30 TAC Chapter 101, Subchapter H, Division 3 (Mass Emissions Cap and Trade)? ☐ YES ☒ NO
- Does this action require the site to obtain additional emission allowances? ☐ YES ☒ NO

X. FEDERAL REGULATORY REQUIREMENTS

Applicants must be in compliance with all applicable federal regulations to obtain a permit or amendment.

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.

- 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? ☐ YES ☒ NO
- B. Does 40 CFR Part 61, National Emissions Standard for Hazardous Air Pollutants (NESHAP) apply to a facility in this application? ☐ YES ☒ NO
- C. Does a 40 CFR Part 63, Maximum Achievable Control Technology (MACT) standard apply to a facility in this application? ☐ YES ☒ NO
- D. Do nonattainment permitting requirements apply to this application? ☐ YES ☒ NO
- E. Do prevention of significant deterioration permitting requirements apply to this application? ☐ YES ☒ NO
- F. Do Hazardous Air Pollutant Major Source [FCAA § 112(g)] requirements apply to this application? ☐ YES ☒ NO

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NOV 14 2006



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 ☒ YES ☐ NO ☐ N/A

Revenue Section? (MC 214, P.O. Box 13088, Austin, Texas 78711)

B. Is the Core Data Form, Form PI-1, and all attachments being sent to the TCEQ in Austin? ☒ YES ☐ 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". ☐ YES ☐ 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? ☒ YES ☐ 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)? ☐ YES ☒ 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) ☐ YES ☒ 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)? ☐ YES ☒ 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? ☐ YES ☒ NO

XII. PROFESSIONAL ENGINEER (P.E.) SEAL

Is the estimated capital cost of the project greater than \$2 million dollars? ☐ YES ☒ NO

If "YES", the application must be submitted under the seal of a Texas licensed Professional Engineer (P.E.)

XIII. SIGNATURE

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 CRIMINAL OFFENSES 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 CRIMINAL PENALTIES.

NAME: Ted J. Uptmore

SIGNATURE: Ted J. Uptmore
Original Signature Required

DATE: 11-10-06

Received

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Air & Waste Applications

WT

A (R) MB0145S / RN100985407 / CO

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

WEST FERTILIZER
RN100985407

Investigation # 542417

Incident #

Investigator: JACK BAILEY JR.

Site Classification

MIN 0-15 FINS

Conducted: 02/28/2007 -- 02/28/2007

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
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
QA Reviewer

ANNA DUNBAR
WILLIAM PETERSEN

RECEIVED

Associated Check List

MAR 23 2007

Checklist Name

Unit Name

AIR PERMIT REQUEST FOR COMMENTS

WEST FERTILIZER

TCEQ
CENTRAL FILE ROOM

Investigation Comments :

INTRODUCTION:

This investigation was conducted in response to a request for comments (RFC), Draft Conditions, from the TCEQ Air Permits Division for West Fertilizer Plant, West, 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:

Transmission Report

Date/Time
Local ID 1
Local ID 2

02-28-2007
254 772 0143

08:53:17 a.m.

Transmit Header Text
Local Name 1 TCEQ WACO
Local Name 2

This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x11"



FAX TRANSMITTAL

DATE: February 28, 2007

NUMBER OF PAGES (including this cover sheet): 3

TO: Name Faith Melgarrrd
Organization Air permits Division
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 254-772-8241

NOTES:

Request for Comments - Draft Condition - West Fertilizer Plant, West, McLennan County -
Permit No. 80404.

Thanks
Jack Bailey

1

Total Pages Scanned : 3

Total Pages Confirmed : 3

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	493	1300	08:52:19 a.m. 02-28-2007	00:00:27	3/3	1	EC	HS	CP28800

Abbreviations:

HS: Host send
HR: Host receive
WS: Waiting send

PL: Polled local
PR: Polled remote
MS: Mailbox save

MP: Mailbox print
CP: Completed
FA: Fail

TU: Terminated by user
TS: Terminated by system
RP: Report

G3: Group 3
EC: Error Correct

Transmission Report

Date/Time
Local ID 1
Local ID 2

02-28-2007
254 772 0143

08:51:55 a.m.

Transmit Header Text

Local Name 1

TCEQ WACO

Local Name 2

This document : Confirmed
(reduced sample and details below)

Document size : 8.5"x11"

Request for Comments -- Draft Permit RESPONSE

TO: Ms. Faith Melgaard, Austin

FROM: Region: 9 City: West

County: McLennan

Account No.: MB-0145-S

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

Date Received: 01/14/06

COMPANY NAME: West Fertilizer Company

PERMIT NO.: 88404

REGULATED ENTITY NO: RN100985407

PROJECT NO.: 125836

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

JACK BAILEY

Phone: 254 761 3028

Comments Deadline (from pg. 1): March 19, 2007

Date of Last Site Visit: 1/16/07

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: OK

GENERAL COMMENTS: NONE

PERMIT ISSUANCE:

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

NO OBJECTIONS

Total Pages Scanned : 1

Total Pages Confirmed : 1

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
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Abbreviations:

HS: Host send
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Thanks
Jack Bailey