

RESPONSE TO WRITTEN COMMENTS

General Information

Facility Name:	Potter South East, LLC- dba Stone Facility located at 1623 Jacksboro Pike, LaFollette, TN 37766.
Emission Source Reference No.	07-0208
Permit No.	977868
Date Application Received:	December 20, 2019, with additional information dated January 22, 2020, and February 5, 2020.
Date Application Deemed Complete:	January 22, 2020
Date of Public Notice:	February 13, 2020
Date of Public Meeting Notice:	April 9, 2020
Date of Public Meeting:	April 23, 2020 (this meeting was held through the WebEx)
Date of Permit Issuance:	May 13, 2020

For Public Meeting

Hearing Officer:	John LeCroy, Knoxville Regional Director – Office of External Affairs
Division of Air Pollution Control	Will Collins, TDEC-Environmental Manager 3 Moe Baghernejad, TDEC- Environmental Consultant 3 Younes Aleali, TDEC-Environmental Protection Specialist 3
The permittee	John Strunk, Technical Contact - Potter South East, LLC- dba Stone Facility

Comments Summary

The following is the Tennessee Department of Environment and Conservation (TDEC), Division of Air Pollution Control (DAPC) response to written comments that were received by the Division by the deadline of April 30, 2020.

In the “**General Themes**” section, below, the Division provides a summary of issues that were raised by multiple commenters and provides responses to these comments.

The response to each comment is also provided in the table below. The Division’s response to an individual comment may refer back to the general theme section of this document. Specific questions are answered where appropriate. All comments were addressed as a matter of Division policy.

General Themes

The Mission of the Division of Air Pollution Control

The mission of the DAPC is to maintain the purity of the air resources of the State of Tennessee consistent with the protection of normal health, general welfare, and physical property of the people while preserving maximum employment and enhancing the industrial development of the state (TCA 68-201-103). Other duties of the DAPC include conducting source visits and compliance inspections, developing enforcement cases for violations of the regulations, maintaining the state's ambient air sampling stations, performing and observing stack tests, certifying persons as Visible Emissions Readers (through the “**Smoke School**” that is conducted by the Division), training, and collecting and disseminating information relative to the control of air pollution. The Tennessee Air Pollution Control Regulations were promulgated by the Tennessee Air Pollution Control Board to protect the air quality of the state. Those regulations are designed to protect human health and the environment from the effects of air pollution. The Division is responsible for determining whether or not a proposed air contaminant source (as described on a permit application) will comply with the requirements of state regulations and air quality standards. Please note that there are Federal standards for the rock crushing operations that included in the construction permit.

Construction Permitting Process

Unless specifically exempt by rule, any person wishing to construct a source of air contaminants must obtain an air quality construction permit prior to beginning construction on that source. The Division’s regulations require that the final action on a construction permit application be taken within 115 days following receipt of a complete air quality permit application, which includes the receipt of the appropriate application fee. Within 30 days of receipt of an application, the Division will conduct a completeness determination. Following the completeness determination, a public notice is issued with a 30-day comment period. The permit cannot be issued until completion of the comment period.

Information about the air quality construction permit process can be found at <https://www.tn.gov/environment/program-areas/apc-air-pollution-control-home/apc/permits-air/air-quality-construction-permit.html>. This includes a page with construction permit forms (Information about application fees are found on the forms page). Also included is a checklist for determining if an application is complete and a list of construction activities that can be carried out prior to receipt of an air quality construction permit.

Following receipt of an “complete” application, it will be assigned to one of our four permitting sections that handled the type of industry that you plan to construct. Information about the four permitting sections and the type of facilities assigned to each can be found at <https://www.tn.gov/environment/program-areas/apc-air-pollution-control-home/apc/air-pollution-control-contacts.html> (find “Permitting...”). This also contains contact information for the managers of each of the permitting section.

Potter South East, LLC- dba Stone Facility

Based on the permit application (and our review of other similar operations), Potter South East, LLC - dba Stone Facility located at 1623 Jacksboro Pike, LaFollette, TN 37766 would be classified as a “**True Minor Source**” of air pollution for permitting purposes, subject to the Division of Air Pollution Control Regulations. “True Minor Source” is a category of sources which have relatively low emissions. In case of this facility, the only emissions are Fugitive dust. Fugitive means, the emissions that are not emitting through a building or any dedicated stack. This operation also is subject to the Federal Regulations (**40 CFR, Part 60, Subpart OOO - Standards of Performance for Nonmetallic Mineral Processing Plants**). This Regulation would set a more stringent Visible Emissions Standards (VEE) as stated in construction draft permit, and that the facility must conduct a performance test to assure compliance with the requirements set in the permit. Once the results of the performance test are submitted, the Compliance Validation section of the Division of Air Pollution Control will review the test results and make a determination as to whether the facility is in compliance with the opacity limit (VEE) requirements set forth in the construction permit. Note that the Visible Emissions Evaluation (VEE) testing must be conducted by an individual who holds a current certification.

Potter South East, LLC – dba Stone Facility, voluntarily, has taken a production limit of **75,000** tons per calendar year. Also, this facility has taken, voluntarily, a limit of **2,000** hours of operation per year. The compliance methods with these limits are stated (recordkeeping, both for the production limit and the operating hours limit) in their construction draft permit. A visible emissions performance test (VEE) is required in this permit as part of proving that the applicant can and does meet the emission standards. This facility shall not operate without the use of control system (wet suppression). Please note that for the purposes of ongoing compliance with Tennessee Air Pollution Regulations, Potter South East, LLC must adhere to all enforceable requirements including recordkeeping as specified in the proposed construction permit.

Opposition to the Issuance of the Permit

The decision to issue or deny a permit application is not discretionary. If an applicant meets the standards set forth in Tennessee Air Pollution Regulations, the agency must issue a permit.

The DAPC cannot make permitting decisions based on community approval or disapproval of the company/facility or make permit decisions based on the number of individuals or groups that support or oppose a project. The Division’s decision is based on the technical review of an applicant’s application and the regulatory requirements in place at the time of the review. If it appears that the applicant can fulfill these requirements, then the permit would be issued.

The Division issues permits that require compliance with all current applicable standards and regulations set by the Environmental Protection Agency (EPA) and DAPC.

Virtual Public Meeting

In accordance with the State of Emergency and State and Federal directives and guidance to avoid social and recreational public gatherings of 50 or more people and to practice social distancing, DAPC held the public meeting via video-teleconference, which was accessible by phone or Internet. This public meeting was conducted via video-teleconference in the interest of protecting public health,

safety, and welfare in light of the coronavirus. There is no legal requirement to hold a public meeting for this type of permit (construction permit), nor is it required to be held in a physical location as it does not involve a governing body.

Water Pollution

The Division of Air Pollution Control does not regulate the State's water resources. The Division of Water Resources is part of the Tennessee Department of Environment and Conservation. More information can be found at <https://www.tn.gov/environment/program-areas/wr-water-resources-home.html>.

Traffic and Roadways

The Division of Air Pollution Control does not regulate, nor have the authority to regulate traffic. Concerns regarding excessive traffic on state or local roadways are best addressed to the Tennessee Department of Transportation (TDOT). More information can be found at <https://www.tn.gov/tdot.html>.

Mobile Sources

The Division of Air Pollution Control does not regulate mobile sources, nor have the authority to regulate traffic. Concerns regarding excessive traffic on state or local roadways are best addressed to the Tennessee Department of Transportation (TDOT). More information can be found at <https://www.tn.gov/tdot.html>.

Odors

There are no state or federal odor regulations. The presence of odor does not necessarily signal the presence of air pollutants in excess of levels allowed by federal or state regulations. Many air pollutants have an odor threshold far below the level that would exceed health-based air quality standards.

Peace and Quiet (Noise)

DAPC does not have statutory authority to regulate noise and therefore cannot regulate noise levels under regulation or permit.

Health Impacts to Sensitive Individuals

The EPA has set National Ambient Air Quality Standards (NAAQS) for six principal pollutants, which are called "criteria" pollutants: particulate matter, nitrogen dioxide, sulfur dioxide, ozone, carbon monoxide and lead. The NAAQS are reviewed at the federal level every 5 years and updated as necessary so that concerns regarding the health of sensitive individuals and protection of welfare are incorporated into air quality requirements. These NAAQS are implemented via emission standards and procedural requirements in Tennessee's Division of Air Pollution Control regulations through our rulemaking process.

Citizens Comments / The Division's Response

Commenter	Comment(s)	The Division's Response
<p>Senator Ken Yager, Senate Chamber (March 3, 2020)</p>	<p>“Given the level of interest in this particular matter, I would like to request that a public hearing be held to give local residents and business owners a chance to offer comment on the issue. Please reach out to the local officials to coordinate a suitable time for this hearing.”</p>	<p>The Technical Secretary (Director of the Division of the Air Pollution Control) granted this request. This public hearing was conducted on April 23, 2020, via video-teleconference (WebEx) in the interest of protecting public health, safety, and welfare in light of the Coronavirus Disease 2019 (COVID-19). A copy of this presentation can be found on the Department Web site. Participants were also invited to send written comments to Michelle W. Owenby, Director, Tennessee Division of Air Pollution Control, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 15th Floor, Nashville, TN 37243, no later than April 30, 2020.</p>
<p>The following are written comments received by the Division on or before the specified deadline of April 30, 2020. The Division's responses to these comments were mailed to each individual commenter and are available on the Department Web site at https://www.tn.gov/environment/ppo-public-participation/ppo-public-participation/ppo-air.html. (data viewer)</p>		
Commenter:	Comment(s)	The Division's Response
<p>Sandra Thompson (February 28, 2020)</p>	<p>“We live in the community relating to the proposed rock quarry that is located at 1623 Jacksboro Pike, LaFollette, Tennessee.”</p>	<p>Informational. No response required.</p>
<p>Sandra Thompson (February 28, 2020)</p>	<p>“As a citizen and resident of the community, we have some concerns with the environment and health hazards that are associated with said rock quarry. We are already experiencing ash and smoke from the quarry that has choked us as of yesterday. We worry</p>	<p>The Division of air Pollution Control does not typically conduct risk assessment health studies in regard to the adverse effects of the air pollutants emitted from this type</p>

Construction Permit No. 977868 Response to Comments dated July 31, 2020

	about health issues of what we are breathing and our home is located so close to this quarry.”	of facility. The Division has issued numerous rock crushing operation permits and is knowledgeable about the fugitive particulate matter emissions from this facility.
Sandra Thompson (February 28, 2020)	“We also constantly travel the road where they are entering and existing and my husband just had an accident nearby the location, it is very dangerous intersection (Highway 25W, leading to Highway 63,) where they plan on traveling. We do not need more complications in that area and we have no other roads we can travel to avoid this mess. So many environmental problems will stem from this quarry, rock dust, blasting dangers. We live less that 1500 ft. from this quarry and already feeling the low end of it and know there are more dangers to come. Also our High School is less than 2000 ft. from the quarry, our children will be breathing this dust, dangers of the blasting could result in an accident or death.”	Please see the general themes section of this document.
Sandra Thompson (February 28, 2020)	“We recently bought a new car and it was our plan to have this vehicle till we die. My husband and I are now seniors and would like to have this vehicle the rest of our lives, but with damage that will come from the ash and dust we have come to realize the ash and dust can bring the paint off our vehicles.”	Please see the general themes section of this document.
Sandra Thompson (February 28, 2020)	“We have cattle on our property and the creek is our watering source. We know there will be runoff from this quarry. The blasting and work has already ran wild animals out of the wood, my nephew recently had a deer to hit his car on our road. We are having trouble with coyotes trying to attach our calves. Never have we had this problem and our family has lived on this farm for sixty years.”	Please see the general themes section of this document.
Commenter:	Comment(s)	The Division’s Response
Anonymous (March 3, 2020) - No name or address were stated in the hand written letter.	“Please help the town of LaFollette Tennessee. Stop this insane rock quarry from operating in our town. People are scared and worried about the effect it will have on our lake, roads, homes, churches, bodies!! Lungs, air and all round life in general. The name of the company is “Patters South East stone facility. It was in operation in another city and when it decimated and ruined everything near and far, it left a mess and moved on to here to do it AGAIN! There have already been huge machines moved in, tons of dirt and soil and rock excavated; hundreds of trees felled, blasting close enough to the high school where hundreds of kids were home – fearing for their safety!! The road, the company has chosen for this main entrance and exit is	The general themes section addresses these comments

	<p>right next to the only main street connecting our 3 small towns. The traffic from trucks and machines have already started to have gravel and mud on the main road – the edge of the road is also showing wear!! The town officials are at a standstill as to how to handle this. They shy away from offending this neighbor. This company managed to sneak in here, buy the property and within a week was wreaking havoc!! The piece of flimsy plastic put down by the stream may look like it should be hold back this debris , but it is a joke!! This company needs to be stopped now! There have got to be rules about the health and safety of citizens that present money-grabbers like this. We can't wait for attorneys to sit around and pick their brains. We need fast action here. I did not like being warned to not drive down the road to my home by this sign (BLASTING ZONE). There is no smoking allowed in or near the school, but I guess its OK to have dynamite!! Step in to help us now!! I will move before my home does”.</p>	
Commenter:	Comment(s)	The Division's Response
<p>John T. Thompson (March 4, 2020)</p>	<p>“I have been a resident of LaFollette, specifically the Hunters Branch area, for almost my whole life. The area around the creek is surrounded by TVA owned property. The creek contributes to Norris Lake near Lonas Young Park. While I understand the need for rock quarries and the commodity, they provide us, this particular area is a terrible location for such a quarry.”</p>	<p>The Division does not regulate or determine the location of an air pollution source. The applicant must obtain permission to build or construct based on local city or county zoning and any codes requirements. Land and business zoning is the prerogative of and right reserved by the local government. The Division must ensure the permittee meets state Air Pollution Control standards and Federal Regulations standards. There are no Division regulations which govern whether residences or businesses may locate near an affected facility. You may wish to contact the appropriate land use zoning body in the Campbell County.</p>
<p>John T. Thompson (March 4, 2020)</p>	<p>“The Environmental impact stems from dust generated by the facility and water runoff. The dust from the operation will likely spread over a large area around the facility. The dust is more than just a nuisance. Rock dust will settle on vehicles and structures and probably cause damage to paint, etc. The more significant impact of the dust is the human</p>	<p>Please see the general themes section of this document. The Division of Air Pollution Control does not regulate the traffic rules or regulations.</p>

	<p>health hazard. The crushed limestone dust will likely contain crystalline silica which is a probable carcinogen. Campbell County High School is located just over the hill from this proposed location. It is roughly 1500 ft from the location, with the athletic fields being under 1000 ft. There is also potential for industrial accidents which results in spills of fluids used at the facility: diesel fuel, hydraulic oil, etc. All runoff will end up in Hunters Branch that flows into Norris Lake. Runoff is inevitable due to the elevation of quarry site and its proximity to Hunters Branch. Noise from crusher operation and blasting will be an unwelcome guest to all surrounding residents, businesses, churches and Campbell County High School. Blasting offers the potential for both personal injury and property damage. Recently on 3 February, a planned blast necessitated a precautionary closure of Highway 63 & 25W and dismissal of Campbell County High School! Will this repeat every time blasting is scheduled? We have three churches that are under 2000 ft from the proposed location. A LaFollette Utilities substation is also nearby. Lastly, we have Campbell County High School. Seismic vibrations caused by blasting could cause structural damage to the school. Due to difficulty in confirming that damage was indeed caused by blasting, it is likely Campbell County taxpayers would have to pay for the repairs. One of the more significant risk would also be the highway, 25w/63. It is the main artery of Campbell County and is very busy road. According to TDOT traffic survey data 31194 vehicles pass by this section of road daily. There are NO traffic control devices present. This section of highway already has a high rate of accidents due to the intersection of Hunters Branch Road with Highway 25w/63. The additional congestion due to truck traffic entering/exiting the quarry operation will indeed exacerbate the risk to the current traffic flow and will surely result in an increase in accidents. This will be a significant risk to the citizens of my community. For the above reasons, I request that the permit be denied.”</p>	
Commenter:	Comment(s)	The Division’s Response
Donavon and Meagan Welden, (March 6, 2020)	“We live in LaFollette, Tennessee around the rock quarry that is located at 1623 Jacksboro Pike, Lafollette, Tennessee. As a resident of the community, we have many concerns as we have small children that are active and one of our children is autistic. We have	The general themes section addresses this concern.

	to really watch him as to make sure he doesn't wonder off our property. He loves the outdoors but certain things offset him in a panic. I'm saying this because the increased noises that has come from the rock quarry has almost been unbearable for him and we haven't been able to let him play outside."	
Donavon and Meagan Welden, (March 6, 2020)	"We have some concerns about the wild animals that are being force out of the wooded area. We are having trouble with coyotes, that are trying to attack our cats and are afraid for our children."	The Division of Air Pollution Control does not have any authority in regard to this issue. You may want to try your local government for assistance with this matter.
Donavon and Meagan Welden, (March 6, 2020)	We travel this road daily going to and from work and school. The intersection from Hunters Branch Road leading to 25 W/63 has always been a dangerous intersection. There have been more wrecks already since this location began. Now the increase of trucks hauling from this quarry are making it so difficult to even pull on the highway and the muddy messes make this once beautiful location a mess."	The Division of Air Pollution Control does not regulate the traffic rules and regulations.
Donavon and Meagan Welden, (March 6, 2020)	"So many problems that will come from this quarry. We live approximately 1200 ft. from this quarry. Also our High School is less than 2000 ft. from the quarry, our children will be breathing this dust, and dangers of the blasting could result in an accident or death. We value life over a rock quarry."	The general themes section addresses this concern
Commenter:	Comment(s)	The Division's Response
Larry and Sue Ellen Nidiffer (March 6, 2020)	"We are concerned about the proposed rock quarry at 1623 Jacksboro Pike, LaFollette, TN. We live within sight of the proposed quarry and can see the heavy equipment moving rock and dirt. We are constantly aware of the noise from the rock hammers and equipment, even with closed windows and doors"	Please see the general themes section of this document.
Larry and Sue Ellen Nidiffer (March 6, 2020)	"There are 3 churches, a high school, and multiple homes located close to this property. We do not feel that it is safe for blasting to be at this location. Trucks would be entering 25W or Hunter's Branch Road and will cause accidents in an area where there are already multiple accidents."	Please see the general themes section of this document.
Larry and Sue Ellen Nidiffer (March 6, 2020)	"We are concerned about dust that would be caused by the crushing and runoff into Hunter's Branch Creek. This creek travels only about ¼ mile before dumping into Norris Lake. The area where the creek empties into Norris Lake is located near the Lonas Young Park. This is a recreation area with boat ramps, Camping, sport fields and swimming in the lake."	Please see the general themes section of this document.

Larry and Sue Ellen Nidiffer (March 6, 2020)	“Due to environmental and safety issues, we are requesting that you deny the request for an air contaminant permit and do not allow a portable rock crushing operation in this area.”	Please see the general themes section of this document.
Commenter:	Comment(s)	The Division’s Response
Paul J. Baxter (April 27, 2020)	“My concern is the inherent environmental and health hazards associated with crusher operation as well as the potential for personal injury and property damage due to blasting, and the danger to vehicular traffic on Highway 63, the simple primary access to LaFollette.”	The possible health hazard is addressed in the general themes section.
Paul J. Baxter (April 27, 2020)	“Let me be clear. I am not against quarry operations. We need rock quarries, as crushed stone is an essential commodity here in the county. In my opinion, we do not need a quarry at this location due to its impact on the environment, potential property damage and devalued property value and most importantly the potential health hazard and risk to our citizens.”	The Division does not regulate or determine the location of an air pollution source. The applicant must obtain permission to build or construct based on local city or county zoning and any codes requirements. Land and business zoning are the prerogative of and right reserved by the local government. The Division must ensure the permittee meets state Air Pollution Control standards and Federal Regulations standards. There are no Division regulations which govern whether residences or businesses may locate near an affected facility. You may wish to contact the appropriate land use zoning body in the Campbell County.
Paul J. Baxter (April 27, 2020)	“Environmental impact stems from dust generated by the facility and water runoff. The dust from the operation will likely spread over a large area around the facility. The dust is more than just a nuisance. Rock dust will settle on vehicles and structures and probably cause damage to paint, etc. The more significant impact of the dust is the human health hazard. The crushed limestone dust will likely contain crystalline silica which is a probable carcinogen. Students at Campbell County High School will have to breathe dust when engaged in outside activities and while driving/walking to and from the school. Water runoff from gravel washing activity will be a problem. There is also potential for industrial accidents which results in spills of fluids used at the facility: diesel fuel, hydraulic oil, etc. All runoff will end up in Hunters Branch that flows into Norris Lake. Runoff is inevitable due to the elevation of quarry site and its	This facility is subject to the provisions of (Federal Regulation) 40 CFR 60 Subpart OOO (Standards of Performance for Nonmetallic Mineral Processing Plants) . The facility will be using wet suppression (water spray) to control fugitive particulate emissions of rock dust from Crushing, Screening, and Conveying Operations. The comment in regard to water runoff is being addressed by the Division of the Water Resources, Mining Section of the Department in the NPDES Program, Permit TN 0070581. please visit the

	<p>proximity to Hunters Branch. Noise from crusher operation and blasting will be an unwelcome guest to all surrounding residents, businesses, churches and Campbell County High School.”</p>	<p>Department’s web site at https://www.tn.gov/environment/po-public-participation/ppo-public-participation/ppo-air.html.</p> <p>The Division of the Water Resources Permitting program addresses water pollution by regulating point sources that discharge pollutants to waters of Tennessee.</p>
<p>Paul J. Baxter (April 27, 2020)</p>	<p>“Blasting offers the potential for both personal injury and property damage. Recently on 3 February, a planned blast necessitated a precautionary closure of Highway 63 and dismissal of Campbell County High School! Will this repeat every time blasting is scheduled? Blasting could result in structural damage to adjacent residential and business properties. One church is also involved. A LaFollette Utilities substation is also nearby. And last but not least, is Campbell County High School. Seismic vibrations caused by blasting could cause structural damage to the school. Due to difficulty in confirming that damage was indeed caused by blasting, it is likely Campbell County taxpayers would have to pay for the repairs. There is also a risk to vehicular traffic on Highway 63. Highway 63 is a very busy road as it is the singular access route to and from Lafollette. According to TDOT traffic survey data 31194 vehicles pass by this section of road daily. There are NO traffic control devices present. This section of highway already has a high rate of accidents due to the intersection of Hunters Branch Road with Highway 63. The additional congestion due to truck traffic entering/exiting the quarry operation will indeed exacerbate the risk to the current traffic flow and will surely result in an increase in accidents. This will be a significant risk to the citizens of my community. For the above reasons, I request that the permit be denied.”</p>	<p>The Division of Air Pollution Control does not regulate the ‘blasting’ regulations. Please consult with the local County Fire Department for this matter.</p>
<p>Paul J. Baxter (April 29, 2020)</p>	<p>“I would like to offer the following comments relating to Construction Application Permit No. 977868. My comments apply to the 35 page PDF Public Notice Document found at the web page TN Department of Environment and Conservation. Air Notice and Hearings, Public Hearings, April 2, 2020, Public Notice Document. Comments are numbered and the specific PDF document page numbers are identified.”</p>	<p>Informational. No response.</p>

<p>Paul J. Baxter (April 29, 2020)</p>	<p>“Thank you for the opportunity to comment on this important issue. I sincerely hope that your Division will not approve this facility, as I believe it may cause unacceptable damage to the air quality in areas adjacent to the quarry, which could cause potential health issues to our citizens.”</p>	<p>Informational. No response.</p>
<p>Paul J. Baxter (April 29, 2020)</p>	<p>1. “It is my understanding that this application is a “construction permit”. During the 23 April 2020 WebEx public hearing it was made clear that permit had a 90-day review period before approval could be obtained and construction could commence. However, by observing the extensive activity at the site it appears the quarry has been under construction for at least 2 months and neighbors believe that actual crushing has commenced. Is it acceptable for construction to begin before application approval? Please explain.”</p>	<p>In response to your comment in regard to the facility’s alleged construction without a permit, Division Rule 1200-03-09-.01(1)(a) that states, in pertinent part, as follows:</p> <p>“No person shall begin the construction of a new air contaminant or the modification of an air contaminant source which may result in the discharge of air contaminants without first having applied for and received from the Technical Secretary a construction permit ...”</p> <p>For any project that is not subject to major New Source Review [paragraphs 1200-03-09-.01(4) or (5)], the policies of the Tennessee Division of Air Pollution Control allow for certain activities to go forward prior to the issuance of a construction permit. In other words, there are certain activities (of a more general nature), which the Division does not typically consider to be “construction” of the new or modified source. Examples of activities which normally may occur prior to permit issuance:</p> <ol style="list-style-type: none"> 1. General site grading at the source location, 2. construction of a general slab, which does not include dedicated footers/foundations for specific equipment related to the air contaminant source,

		<p>3. construction of a general building at the source location,</p> <p>4. Installation of utility piping, conduit, wiring, etc., which does not include unique devices for specific equipment related to the project,</p> <p>5. On-site storage of process equipment in a location other than where it is (eventually) to be operated.</p> <p>Activities of a general nature that are not directly related to the installation or modification of specific equipment related to the air contaminant source, can normally take place prior to the issuance of a construction permit, provided that these projects are not subject to major New Source Review. This facility has been classified as a “True Minor Source”</p> <p>The Tennessee Air Quality Act allows for enforcement action against individuals who violate the Act or its Regulations.</p> <p>The staff at Knoxville Environmental Field Office visited the facility to investigate the allegation. Their inspection on May 5, 2020, revealed that there was virtually no equipment at the site and some activities were undertaking for the preparation of the site. This activity did not fall under the definition of “construction” for permitting purposes.</p>
Commenter:	Comment(s)	The Division’s Response
Paul J. Baxter (April 29, 2020)	2. “The last paragraph on this page states that “TDAPC has made a preliminary determination that this facility can be approved for permit issuance if certain conditions are met”. During the 23 April hearing I asked what were the “conditions” and was told the conditions are those specified in section G2 of the permit application. Page 4 of the referenced public Notice Document. This section deals with Visible and	Condition G12 states that the construction permit shall serve as a temporary operating permit from the time of issuance until the receipt of a standard operating provided that the report of the performance testing required by Condition S1-6 is submitted as well as an operating

	fugitive Emissions/ This permit is a construction permit, not an operating permit. How can these conditions be confirmed as being “met” before any crusher operation has commenced?”	permit application as required by Condition G11 .
Paul J. Baxter (April 29, 2020)	3. “Page 4. Section G2 Paragraph A. states that visible emissions shall not exceed 20 percent opacity except for one 6-minute period in any one-hour period. This condition implies that personnel with certified skills for determining opacity must be present to observe each emission source whenever the equipment is operating. Be present 100 percent of the time. In actual practice can this observation requirement be met? If so, how? operation has commenced?”	Condition G2 is a statement of nationally applicable visible emission standards found in the Tennessee Air Pollution Control Regulations. Compliance with these standards will have to be demonstrated during the performance testing required by Condition S1-6 . In addition, compliance with these standards will also be determined by an inspector anytime he/she is on site for a periodic inspection or complaint investigation. Condition S1-6B requires that wet suppression must be applied as necessary to comply with the requirements of the permit. Condition S1-6B also requires that a log be required of inspections of the wet suppression system. The Division considers that meeting the wet suppression requirements is sufficient to demonstrate continual compliance with the applicable visible emission limits set forth in the permit.
Paul J. Baxter (April 29, 2020)	4. “Page 4. Section G2 deals with visible emissions. What about essentially inviable small micron size particles that float in the air, 5 micron or less particles? I understand that emissions of this size can drift over a wide area and according to Hughes Environmental, dust of this size can cause health issues; allergies, respiratory problems, lung disease, and may be even cancer. How will air borne small micron dust particles be controlled?”	Condition S1-6B requires the use of wet suppression at the facility. The use of wet suppression represents an industry standard for the control of fine particulate emissions. Standard US EPA Emission factors (AP-42, 11.19.1 – Crushed Stone Processing) presents data demonstrating the effectiveness of wet suppression for the control of fine dust.
Paul J. Baxter (April 29, 2020)	5. “Page 5. G5. General Record keeping Requirements. Paragraph A.3). Does the 7-day allowance for recording data apply to emissions that exceed 20 percent opacity? Why such long wait to getting around to reporting data? If the emissions exceed the allowable limit, why not record it when it happened?”	Condition G5 contains standard record keeping language that appears on most permits issued by the Division. They are therefore applicable to a myriad of source types across the state. The time frames set forth in the condition

		<p>represent a consensus by Division staff as what constitutes a reasonable time frame for recording data in a permit mandated log.</p> <p>In large facilities there will be a time lag for all records to be transmitted to a central data collection point. For certain computer-based records there will be a lag time to allow a computer program to run and produce data in the format the permit requires.</p>
<p>Paul J. Baxter (April 29, 2020)</p>	<p>6. "Page 9. Paragraph S1-4. Fugitive particulate matter shall not exceed 52.27 pounds per hour. How was this very precise limit established? How do you confirm compliance? What are the consequences if the limit is exceeded?"</p>	<p>The particulate emission limit is determined directly from the cited section of the Tennessee Air Pollution Control Regulations and is based on the facility design capacity. As stated in the compliance method for the permit condition, compliance with the particulate emission limit is assured by meeting the routine maintenance requirements set forth in Condition G4, adhering to the process throughput limit set forth in Condition S1-2, and the use of wet suppression as necessary as required by Condition S1-6B. If the Division determines that the facility is not complying with the conditions of the permit, it will initiate enforcement action.</p> <p>For the calculations of the allowable emissions, please see below:</p> <p>Maximum Production limit: 1000 tons per hour</p> <p>Based on the TN Air Pollution Control Regulations, Rule 1200-03-07-.03(1), Table 2 (New Process Emission Source), for a process input rate of greater than 30 tons per hour, the following equation would be used:</p> <p>$E = 17.31 P^{0.16}$</p>

		<p>Where:</p> <p>E = Emissions in pounds per hour P = Process Weight Rate in tons per hour, (1000 tons per hour in this case),</p> <p>Therefore, an Allowable emission rate of 52.27 pounds per hour is in effect for this facility. Note that the estimated actual emissions rate is far below the allowable emission rate.</p>
<p>Paul J. Baxter (April 29, 2020)</p>	<p>7. "Page 10. Paragraph S1-6.B. Wet suppression. What is the Water source? How is the runoff water controlled? Does the runoff water drain into Hunter's Branch?"</p>	<p>This facility is subject to the provisions of (Federal Regulation) 40 CFR 60 Subpart OOO (Standards of Performance for Nonmetallic Mineral Processing Plants). the facility will be using wet suppression (water spray) to control particulate emissions of rock dust from Crushing, Screening, Conveying, etc. Operations.</p> <p>The comment in regard to water runoff is being addressed by the Division of the Water Resources, Mining Section of the Department in the NPDES Program, Permit TN 0070581. please visit the Department's web site at https://www.tn.gov/environment/po-public-participation/ppo-public-participation/ppo-air.html.</p> <p>The Division of the Water Resources Permitting program addresses water pollution by regulating point sources that discharge pollutants to waters of Tennessee.</p> <p>Noise and blasting are not under the purview of the Division, you may need to contact your local fire department or local government to address these issues.</p>

Paul J. Baxter (April 29, 2020)	8. "Page 20. Paragraph 5. Air contaminates. Are these estimates based on actual data or guesses?"	The actual emissions provided by the facility is usually based on the EPA, AP-42 suggested emission factors.
Paul J. Baxter (April 29, 2020)	9. "Page 23. Very interesting spread sheet. How were the Controlled Emissions data determined? How do you verify the Wet Suppression Control Efficiencies?"	Based on the EPA AP-42 suggested emission factors.

For further information on Tennessee Air Pollution Control Regulations, and other related air pollution control matters, please visit the Department's web site at <https://www.tn.gov/environment/ppo-public-participation/ppo-public-participation/ppo-air.html>. - Air Pollution Control. The US Environmental Protection Agency (EPA) Web site at <https://www.epa.gov/> also contains much information in regard to air pollution control regulations and other environmentally related issues.

Thank you for taking the time to express your air quality concerns regarding the proposed permit. If you have any questions concerning this correspondence, please contact Younes Aleali at (615) 532-0541 or via e-mail at Younes.Aleali@tn.gov.