



North Carolina Department of Environment and Natural Resources  
Division of Air Quality

Michael F. Easley, Governor

William G. Ross, Jr., Secretary  
B. Keith Overcash, P.E., Director

April 16, 2003

**MEMORANDUM**

TO: Regional Supervisors  
Section Chiefs

FROM : Keith Overcash

SUBJECT: Permitting Concrete Batch Plants in North Carolina

The U.S. Environmental Protection Agency, by letter dated July 10, 2002, to Edward R. Herbert, III, Director of Environmental Affairs, National Ready Mixed Concrete Association, determined that the control devices on silos at ready mixed concrete plants are “an inherent part of the process for loading” the silos for potential-to-emit calculations. Based upon this determination, the Division of Air Quality (DAQ) has now received requests from a number of ready mixed concrete plants in North Carolina to be exempted from permitting. The purpose of this memorandum is to clarify DAQ’s position as to the permitting requirements for these facilities in North Carolina.

The question of whether these facilities should be exempt from permitting arises from the rules at 15A NCAC 2Q .0102 that list the types of activities that are not required to have permits in North Carolina. In this case, the affected sources, such as concrete silos, would violate both 2D .0515 and 2D .0521 if a control device were not used. DAQ field staff have documented violations of 2D .0521 when the control devices are malfunctioning. Also, without controls on these sources, the potential particulate emissions exceed five tons per year. Both of these conditions preclude the sources from being exempted under 2Q .0102(c)(2)(E)(i). If a facility's sources fail their individual exemption allowed in paragraph (E)(i), then the facility cannot proceed to the (E)(ii) paragraph claiming that its actual emissions are less than 5 tons per year.

DAQ also believes that EPA’s decision was flawed in determining that the control devices on these sources are inherent to the operation. Based on our repeated observations, when the bagfilter on the silo breaks down, the process does not stop. If this item were an inherent part of the process, then this process would physically not function, or there would be an affect on the downstream production and/or a deterioration of the product. Since this is not the case, it is our opinion that these controls are not inherent to the operation of the loading process.

DAQ has not made a final decision to send a letter to EPA documenting our concerns with their determinations on inherent control for this industry. However, we have stated to the

industry our commitment to pursue a prohibitory small rule that would make the majority, if not all, of the ready mixed concrete batch plants small for permitting purposes. This rule is independent of EPA's determination.

In conclusion, ready mixed concrete batch plants have sources that are likely to violate applicable emission standards if not properly maintained and controlled, and the division has a documented history of problems at these types of facilities. Therefore, DAQ will continue to require that these facilities obtain a permit to construct and operate in North Carolina. There may be cases where a regional office believes that a permit is not needed. I am asking for you to bring to my attention any of these cases, and we will then make a final decision on that case as a division.

cc: Brock Nicholson  
Edythe McKinney