

**MARYLAND DEPARTMENT OF THE ENVIRONMENT**

**AIR AND RADIATION ADMINISTRATION  
APPLICATION FOR A PERMIT TO CONSTRUCT**

**FINAL SUPPLEMENT TO  
DOCKET #02-21**

COMPANY: Allan Myers MD, Inc.  
LOCATION: 2203 Old Mountain Road, Joppa, MD, 21085  
APPLICATION: Installation of a 400 ton per hour crushing and screening plant powered by diesel engines.

<u>ITEM</u>	<u>DESCRIPTION</u>
1	Notice of Final Determination
2	Final Determination and Responses to Comments
3	Copy of Public Hearing Transcript
4	Final Permit to Construct and Conditions

**MARYLAND DEPARTMENT OF THE ENVIRONMENT  
AIR AND RADIATION ADMINISTRATION  
NOTICE OF FINAL DETERMINATION REGARDING A PERMIT TO CONSTRUCT  
TO INSTALL A 400 TON PER HOUR PORTABLE CRUSHING AND SCREENING PLANT POWERED  
BY DIESEL ENGINES  
SUBMITTED BY ALLAN MYERS MD, INC. TO BE LOCATED IN JOPPA, MARYLAND**

**FIRST NOTICE**

The Department of the Environment, Air and Radiation Administration (ARA), has made a final determination to issue a Permit to Construct to Allan Myers MD, Inc. The proposed project will be located at 2203 Old Mountain Road, Joppa, MD, 21085 in Harford County. Copies of the application, the final determination, the permit conditions and emissions limitations, the Department's responses to public comments, and other supporting documents are available for public inspection on the Department's website at the following link:

<https://mde.maryland.gov/programs/Permits/AirManagementPermits/Pages/index.aspx>

ARA is issuing the permit, including the conditions and emissions limitations presented in the docket, with an effective date of October 20, 2022.

Pursuant to Section 1-601 of the Environment Article, Annotated Code of Maryland, a final determination by the Department is subject to judicial review at the request of any person that: (1) Meets the threshold standing requirements under federal law; and (2)(i) Is the applicant; or (ii) Participated in a public participation process through the submission of written or oral comments.

Any petition for judicial review must be filed pursuant to Section 1-605 of the Environment Article, Annotated Code of Maryland. The petition shall be filed by November 28, 2022 in the circuit court for the county where the application for the permit states that the proposed activity will occur and otherwise conform to the requirements of Title 1, Subtitle 6 of the Environment Article, Annotated Code of Maryland.

Further information may be obtained by e-mailing Shannon Heafey at [shannon.heafey@maryland.gov](mailto:shannon.heafey@maryland.gov) or by calling 410-537-4433.

Christopher R. Hoagland, Director  
Air and Radiation Administration

**MARYLAND DEPARTMENT OF THE ENVIRONMENT  
AIR AND RADIATION ADMINISTRATION**

**FINAL DETERMINATION CONCERNING A PERMIT-TO-CONSTRUCT  
APPLICATION SUBMITTED BY ALLAN MYERS MD, INC. FOR THE INSTALLATION  
OF A 400 TON PER HOUR CRUSHING AND SCREENING PLANT**

**I. INTRODUCTION**

The Maryland Department of the Environment (the "Department") received an application from Allan Myers MD, Inc. (Allan Myers) on January 25, 2021 for a Permit to Construct for the installation of a 400 ton per hour crushing, and screening plant. The facility will be located at 2203 Old Mountain Road, Joppa, MD 21085.

On May 25, 2021, a virtual informational meeting was held to provide interested parties opportunities to discuss with the Company and the Department the permit application and the proposed installation.

After reviewing the application and other pertinent information, the Department made a tentative determination to issue a permit-to-construct that would authorize construction of the installation as proposed in the Company's applications. A draft permit with draft conditions was made available for public review at Department headquarters located at 1800 Washington Boulevard in Baltimore, Maryland 21230 as well as online on the Department website. A Notice of the Tentative Determination, Public Hearing, and Opportunity to Submit Written Comments was published in The Aegis on November 19, 2021 and again on November 24, 2021.

On December 9, 2021, a public hearing was held at the Joppa Branch Library (Harford County) located at 655 Towne Center Drive, Joppa, MD 21085 to provide interested parties an opportunity to comment on the Department's tentative determination and draft permit conditions, and/or to present other pertinent concerns about the proposed installation.

**II. COMMENTS RECEIVED AND THE DEPARTMENT'S RESPONSE**

The public comment period on the application initially expired on December 20, 2021, but was extended until February 21, 2022 following public request for a one-time, 60-day extension. The comments received at the public hearing, and those submitted in writing during the public comment period, expressed concerns about the impact of the proposed new installation on the surrounding community. The Department's responses to the comments are attached.

**III. DEPARTMENT'S FINAL DETERMINATION**

The Department has reviewed the application and the comments received and has determined that the proposed installation would not cause violations of any applicable air pollution control regulations.

The Department has made a final determination to issue the permit-to-construct. A copy of the final permit to construct conditions is included in the public docket.

**MARYLAND DEPARTMENT OF THE ENVIRONMENT  
RESPONSE TO COMMENTS  
FOR  
ALLAN MYERS MD, INC.  
2203 OLD MOUNTAIN ROAD  
JOPPA MARYLAND 21085**

**Hearing Date:** December 9, 2021  
Joppa Branch of the Harford County Public Library  
655 Towne Center Drive  
Joppa, MD 21085

**Purpose of the Hearing:**

The purpose of the public hearing was to receive comment on the Maryland Department of the Environment's Tentative Determination for an air quality permit to construct for the installation of a 400 ton per hour crushing and screening plant powered by diesel engines to be located at 2203 Old Mountain Road in Joppa, Maryland.

**Tentative Determination:**

The Department's Tentative Determination for the air quality related permit to construct concluded that the emissions from the proposed project would meet all applicable regulatory requirements and the air quality permit to construct should, therefore, be issued.

**Attendance:**

Approximately 13 members of the general public attended the hearing. Ms. Shannon Heafey of the Air and Radiation Administration (ARA) of MDE presided as Hearing Officer. Mr. Matt Hafner presented ARA's hearing statement. Allan Myers MD, Inc. was represented by Mr. Rick Tisa.

**Comment Period:**

Following a request for a one-time 60-day extension to the public comment period, the comment period was extended through February 21, 2022. Comments were received from the public both at the hearing and in writing during the comment period.

1. December 9, 2021 public hearing transcript
2. December 9, 2021 letter to Secretary Grumbles from Senators Gallion, Jennings, and Cassilly
3. December 9, 2021 email from Georgia Rodriguez
4. December 10, 2021 email from Carolyn and Charles Hicks
5. December 13, 2021 email from Gloria Moon
6. January 31, 2022 email from Joppa Development and Heritage Corporation
7. February 15, 2022 email from Keith Tracy
8. February 16, 2022 email from Gloria Moon
9. February 22, 2022 email from John and Debbie Tripp

## **Index**

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4. Purple Air Monitors
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7. Public Notice Questions

### **Other Issues**

1. Zoning
2. Truck Traffic
3. Noise
4. Water Supply and Water Pollution Concerns

### **Issues Related to Air Quality**

1. Air Emissions Analysis

### **Comments**

“What’s of particular concern with the operations over at 2203 is that from the EPA ECHO database, it shows that it’s a nonattainment area. And so in looking at the tentative fact sheet and determination, one thing that I noticed is that the background concentrations are not representative of the local air quality. And if anyone has Table 2, page 5, it’s noted that, you know, the nitrogen oxide is -- over at Interstate 95 Welcome Center in Howard County, and the PM10 is over at Anne Arundel. And we’ve got CO, carbon monoxide, over in Baltimore City.”

“So I’m not confident that while these are coming from Maryland air monitoring stations, they’re not really representative of the background air quality at the site or adjacent to the site.”

“And that’s really a concern, because in a nonattainment area EPA directs that, you know, these levels are a bit lower.”

“Air quality is more than just the grinding of these materials releasing particulates, it is also the enormous volume of pollutants from truck traffic”

“... the EPA ECHO database, it shows that it’s a nonattainment area.”

“...background concentrations are not representative of the local air quality.”

“My home is MUCH closer to the site than Bowie. I have had allergies since I moved here.”

### Response

Maryland is required by the Clean Air Act to install and maintain an ambient air quality network. The Act requires the U.S. Environmental Protection Agency (EPA) to set National Ambient Air Quality Standards (NAAQS) for pollutants considered harmful to public health and environment. The ambient air quality network monitors for the six criteria pollutants—ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, lead and particulate matter (PM<sub>10</sub>, PM<sub>2.5</sub>). The primary purpose of the network is to ascertain whether air quality over a broad geographic area within the state complies with the NAAQS. In cases where an area does not comply, the monitoring network is designed to establish the geographic extent and severity of non-compliance.

Maryland’s ambient air quality network is designed using uniform criteria established by the EPA, which is incorporated in the Code of Federal Regulations (40 CFR Part 58). An overall management plan for the existing network is reviewed and approved annually by the EPA Region III Administrator. This network plan is published annually on the Department’s website and is available for public review and comment as a draft for 30 days prior to being finalized and submittal to the EPA Administrator. The current Annual Network Plan for Calendar Year 2022 is available on the Department’s website: <http://www.mde.maryland.gov/programs/Air/AirQualityMonitoring/Pages/Network.aspx>

The Department feels confident that the existing air monitoring network adequately characterizes the air quality throughout the state of Maryland. The network design guidance and constraints allow for the assumption that monitors will not operate in every time and space. Monitors located in areas with similar population densities, similar emission source characteristics, and similar meteorological conditions should measure similar concentrations of air pollution. A best effort is made to sample according to prescribed scales of space and population density. This rests on the concept of “representativeness”. The premise is that if the network design criteria are followed closely, then ideally a thorough cross-section of the state is monitored including a mix of high pollution areas, low pollution areas, areas under the immediate influence of significant sources, and areas that make up the other site types and spatial scales as prescribed in 40 CFR 58, Appendix D.

The monitoring system is supported by federal funding, and the limited funding is not available to support monitoring activities that do not comport with federal ambient monitoring criteria. Air quality stations are sited to avoid undue influences from a particular emission source, which would interfere with a determination of air quality for a broad geographic area. The air quality stations are also placed to avoid interference from surrounding buildings, structures and other interferences that could invalidate air quality data. Population criteria also guide the number and the placement of the monitoring stations. Although political boundaries have some consideration, stations are not established on a county-by-county basis. Stations are not established to monitor pollution from individual sources or facilities. Facility specific monitoring is expensive, requires secure locations to prevent vandalism, requires access to power, and requires multiple monitoring sites outside of the facility. The Department can make a reasonable, conservative estimate of the facility specific impact on the surrounding area by using air dispersion modeling. In doing so, the measured concentrations from the ambient air monitoring network are added to the modeled air pollution impact from the facility.

Although the air quality in the Baltimore metropolitan area (which includes Harford County) does not consistently meet the federal standard for ozone, regulations do allow issuance of permits for certain new sources that would cause emissions of VOC or NO<sub>x</sub> that could contribute to the formation of ozone. Permits can be issued for new sources that would maintain emission levels for such pollutants below the specified major source level for each pollutant. Projected emissions from Allan Myers MD, Inc. are below any applicable major source thresholds.

The Department's regulatory focus in evaluating an application for a permit for the construction of an air pollution source is limited to air quality impacts associated with the equipment presented in the application. As part of its evaluation of the application, the Department reviews technical information contained in both the application and Department's files and in published reference materials.

For criteria pollutants, the Department reviews modeling information and determines the maximum ambient pollutant concentration the equipment is expected to generate. This maximum concentration is then added to the background (monitored) concentration to determine an overall estimated impact. If the overall impact is estimated to be below the federal ambient air quality standard, the determination is that the equipment will not adversely impact air quality.

There are 24 monitoring stations in Maryland that the Department uses to measure background concentrations of regulated criteria air pollutants. To represent the most conservative analysis, the Department used the data from the 6 monitoring stations with the highest background concentration for each air criteria pollutant, not lower background concentration data from the monitoring stations closest to the facility. Using this approach, the Department was able to confirm that the expected impact from the proposed equipment would not adversely impact air quality.

## 2. Dust and Particulate Matter

### Comments

“The dust and noise alone would be very detrimental to this area. Homes are close by.”

“There are concerns of environmental concerns, dust control,…”

### Response

Allan Myers MD, Inc. is required to take reasonable precautions to prevent particulate matter (dust) from the crushing and screening operations from becoming airborne. The Air Quality Permit to Construct includes requirements for both initial and continuous compliance as follows:

- A. Within 60 days after achieving the maximum production rate at which the proposed plant will operate, but not later than 180 days of initial startup of the proposed plant, Allan Myers MD, Inc. must conduct opacity observation tests to demonstrate initial compliance with all applicable opacity and fugitive particulate matter requirements. The tests must be conducted in accordance with U.S. EPA established test methods. Allan Myers MD, Inc. must notify the Department of the intended test dates so that an inspector from the Department’s Air Quality Compliance Program can observe the tests, and all test results must be submitted to the Department for review and approval.
- B. To demonstrate continuous compliance, Allan Myers MD, Inc. must use wet suppression systems, as needed, to comply with all applicable fugitive opacity and particulate matter emissions standards. The wet suppression systems must be inspected monthly by the company to ensure that water is flowing to the discharge spray nozzles. If water is not flowing properly during an inspection, Allan Myers MD, Inc. must initiate corrective actions within 24 hours and complete these actions as expediently as practical. Allan Myers MD, Inc. must maintain a log of the inspections and any corrective actions taken, and the log must be made available to the Department upon request.



- C. Allan Myers MD, Inc. must also comply with a site-specific Fugitive Dust Plan, reviewed and approved by the Department, which outlines the methods that Allan Myers MD, Inc. will use to control emissions of particulate matter from roadways, stockpiles, and materials handling operations. Allan Myers MD, Inc. must comply with the following requirements of the Department approved Fugitive Dust Plan, unless an alternative plan is approved by the Department.

#### OPERATION AND MAINTENANCE OF PROCESSING EQUIPMENT AND ASSOCIATED AIR POLLUTION CONTROL EQUIPMENT

- (a) Spray bars and nozzles shall be kept in good working order and inspected a minimum of once a month.
- (i) The spray bars shall be operated as per the original equipment manufacturer's recommended water delivery pressure in pounds per square inch and volumetric flow rate in gallons per hour.
  - (ii) The spray bar nozzles shall be checked as required by the New Source Performance Standard for Non-Metallic Mineral Processing Plants (40 CFR 60, Subpart OOO) for clogs and cleaned as needed to maintain a uniform spray pattern.
- (b) Accumulated material around the crusher shall be removed on a regular basis. Spillage and residual materials from the process shall be picked up regularly and returned to the raw material stockpiles for reuse.

#### SITE MAINTENANCE

- (c) Dust in areas where equipment traffic will travel shall be controlled by application of water. Additional water shall be applied to control fugitive dust. In the event alternative dust suppressant aids are used, they will be applied according to the manufacturer's specifications for quantity and frequency.
- (d) The speed of heavy equipment associated with the crushing and screening operation will be limited to no more than 15 miles per hour to minimize airborne dust.
- (e) Dust from stockpiles associated with the crushing and screening operation shall be controlled. The stockpiles are built up as material is conveyed from the crushing equipment, any dust that might rise off the stockpiles shall be controlled with water to prevent dust beyond property lines.

- (f) Complaints by community members can be reported to the site manager and will be reviewed for permit compliance under the permit. Corrective actions will be performed as required.

#### OTHER

- (g) The loader operator shall be directed to avoid overfilling the bucket of the loader and the feed hopper and to minimize the drop height of the material when loading the feed hopper.
- (h) The stockpiles shall not be worked more than necessary to keep the materials contained within their defined areas. Stockpile heights shall be kept to a minimum.

Separate from the company's obligations with respect to controlling dust, the Department also conducts announced and unannounced inspections to ensure that a company is operating in compliance with air pollution control requirements. If violations occur, appropriate action is taken to bring the facility back into compliance. The type of action taken is a function of the severity and type of violation and several other factors, such as the willfulness of the violation and the degree of harm to public health or the environment, Enforcement actions can range from the issuance of a notice of violation to the imposition of civil and criminal penalties. Should the public observe dust or any particulate matter leaving the facility's property, a complaint can be made to the Department and necessary follow-up action will be taken.

### 3. Asbestos and Petroleum-based toxins

#### Comments

"Monitors seem to be tracking only particulate matter. New practices by Allan Myers include crushing of road demolition debris which are likely to include both asbestos and petroleum-based toxins. This seems to be being ignored for the purpose of avoiding taking action"

#### Response

Any material containing asbestos in the State of Maryland must be removed by a licensed contractor. These materials must be taken to an approved asbestos disposal landfill and would not be accepted at the Allan Myers facility.

The facility is permitted to use the crushing and screening plant to process recycled asphalt pavement and concrete. While these materials may contain petroleum-based toxins, there is little evidence that these are emitted into the air during the crushing and screening process. Particulate matter and crystalline silica are the primary pollutants of concern from crushing and screening facilities. Potential emissions of particulate matter and crystalline silica have been estimated and modeled using EPA AP-42 emissions factors and a conservative screening model. These emissions are reported in the tentative determination and shown to not exceed any state or federal regulations under the conditions outlined in the permit.

#### 4. Monitoring Requirements / Purple Monitors

##### Comments

“To the extent MDE has been offered information on emissions, you stated MDE did not want up-to-date, locally sourced information. You would, instead rely on data from state monitors near Bowie.”

“Purple Monitors – reports from Harford County Health Dept”

“I currently have a purple monitor on my property - you can locate it on their website. It is labeled Old Mountain Road that was installed by the Harford County Health Department”

“The Health Department installed three monitors nearby. You are welcome to come to the site and inspect them and watch for the spikes in air pollution. The residents have captured some in photographs. Since you have not yet approved the larger machine, one must assume that all this traffic and air pollution occurs from the smaller crusher Allan Myers Mining wishes to replace”

“So I know that the Harford County Health Department has issued to folks in the area dust screening –”

“Yeah, John Ship (ph) behind me, I know that they got one. And from what I understand, they’ve -- it’s exceeded the limits multiple times. Do you have the report from the Harford County Health Department, or have they reported to you, or have you gone to them? Yes or no?”

##### Response

The Harford County Health Department installed 3 purple air monitors in the vicinity of the Allan Myers MD, Inc. facility on Old Mountain Road. The Department contacted the Harford County Health Department several times for more information regarding these monitors and have not yet received a response.

The Department's Air Monitoring Program conducted an analysis of the publicly available data from the monitors and found that most of the 24-hour average particulate matter levels at the three monitors were between 8  $\mu\text{g}/\text{m}^3$  and 15  $\mu\text{g}/\text{m}^3$ , well below the National Ambient Air Quality Standard (NAAQS) of 150  $\mu\text{g}/\text{m}^3$ . The highest recorded 24-hour average was 71  $\mu\text{g}/\text{m}^3$  on September 17, 2021. While data showed some hourly spikes that exceeded 150  $\mu\text{g}/\text{m}^3$  three times between September 15-17, 2021, the NAAQS standard is based on a 24-hour average, and that value was not exceeded. The Department's Air Monitoring Program will continue to monitor the publicly available data for these purple air monitors as an indicator of particulate matter levels in the area.

## 5. Enforcement/Compliance

### Comments

"We also note violations have been found on this site indicating poor oversight of this operation the MDE has not monitored this."

"To the extent that the MDE has records, they show the company does not report as required."

"To the extent that MDE has found environmental issues, MDE has taken no action."

"Finally, it seems lack of communication between air and water permits and enforcement within your agency prevent it from doing its job of protecting Maryland citizens from environmental risks."

"It might make sense to issue this permit after a year or so of full compliance on all emissions matters "

"...Concerns that Allan Myers has previously violated their permits to operate within their guidelines"

"-- to the extent I could read what was on the website, there was a lot of violations and no fines."

"-- systematic investigations would be useful since seemingly you haven't been doing that."

## Response

The Department possesses the necessary legal tools to require the Allan Myers to operate in compliance with applicable environmental laws and regulations. The Air Quality Permit to Construct contains provisions that Allan Myers MD, Inc. must follow in order demonstrate initial and continuous compliance with all applicable air quality regulations.

Although air quality permits contain conditions requiring companies to conduct monitoring, reporting and record keeping, these are not the only methods by which the Department determines compliance. The Department also conducts announced and unannounced inspections to ensure that a company is operating in compliance with air pollution control requirements. If violations occur, appropriate action is taken to bring the facility back into compliance. The type of action taken is a function of the severity and type of violation and several other factors, such as the willfulness of the violation and the degree of harm to public health or the environment, Enforcement actions can range from the issuance of a notice of violation (NOV) to the imposition of civil and criminal penalties.

On December 14, 2020, an NOV was issued to Allan Myers MD, Inc. due to the failure of the company to obtain an Air Quality Permit to Construct for the crushing equipment on site. The NOV was resolved on December 18, 2020 when the company removed the non-permitted equipment and submitted an application for the Air Quality Permit to Construct. Since that time, the equipment remains removed from the site (MDE inspectors have visited the site at least eight times to confirm that crushing and screening equipment is not situated on or operating at the site. No additional violations have been observed.

During operation of the facility, if anyone observes a situation that leads them to believe the facility is not operating in compliance with its air quality permit a call should be made to The Department's air pollution complaint line at (410) 537-3215.

## 6. Hours of Operation

### Comments

There were numerous comments received regarding the hours of operation of the plant and operation during evening, overnight, and weekend hours.

## Response

In order to comply with the National Ambient Air Quality Standard for particulate matter emissions, the permit to construct limits the crushing and screening plant's operations to no more than 8 hours per calendar day unless Allan Myers MD, Inc. can demonstrate compliance with the standard at other operating conditions. The Department includes operating hour restrictions only when compliance with applicable air quality regulations cannot be achieved without those restrictions. The Department does not have the authority to require or enforce any other operating hour restrictions such as operating during daytime hours only or operating on weekdays only. These types of restrictions are under the purview of the Harford County Department of Planning and Zoning.

## 7. Public Notice Questions

### Comments

" if you've ever read the Aegis, you know nobody reads it. "

"...I'm saying that it doesn't work. I know you're -- it's what you're supposed to do. But if you don't have normal legal operations, you don't read it all the time. And so that explains why people are kind of just finding out about it."

### Response

In accordance with Maryland law, for any permit to construct application subject to public participation, public notices must be published at least once a week for two consecutive weeks in a daily or weekly newspaper of general circulation in the geographical area in which the proposed facility will be located. In addition, notices are posted on the Department's website.

All informational meeting and public hearing notices required for this permit application were published in The Aegis, a local twice-weekly newspaper of general circulation in Harford County and on the Department's website. In addition, all notices were sent to the following local elected officials representing the area where the plant will be located: State Senator J.B. Jennings, State Delegates Richard Impallaria, Lauren C. Arian, and Kathy Szeliga, Harford County Executive Barry Glassman, Harford County Council President Patrick S. Vincenti, and District B Harford County Councilmember Joseph Woods. During the application review process, notices were also sent to any parties expressing interest in the permit application.

## **Other Issues**

### **1. Zoning**

#### Comments

“In our opinion, an operation such as this needs to be in an industrial area, not one where people live.”

“Historically sand and gravel mining was done at this location which is allowed in AG-zoned land in Harford County. This operation is not mining by any stretch of the imagination”

“All in all I believe this is an operation best done on suitable zoned industrial or commercial land in the County and not on agriculturally/residential zoned land.”

“This land is Zoned AG just as ours is and continuing the expansion of Industrial use is unacceptable and this permit should be revoked not expanded.”

“The residents feel that this is an industrial operation and not fit for AG zoned land surrounded by homes”

#### Response

Local issues such as zoning and land use are under the purview of the zoning authority for Harford County. State law precludes the Department from considering these land use issues, as the Department’s legal authority is limited to determining the air quality impacts a project may have on public health and the environment. As long as the facility meets local zoning and land-use requirements, the Department is obligated to review an air quality permit application for activities related to the facility. The Department is in receipt of a zoning approval document from the Harford County Department of Planning and Zoning for the crushing and screening plant.

### **2. Truck Traffic**

#### Comments

There were numerous comments received regarding truck traffic through residential neighborhoods, including comments related to traffic congestion, truck routes, truck noise, and safety.

### Response

The Department when reviewing an application for an Air Quality Permit to Construct cannot take issues such as truck traffic volume, truck routes, and traffic lights into consideration, and the Department does not have the authority to direct a permit applicant or a state or local agency to address such matters. The Department's permit application review is based strictly on a project's air quality impact. The State Highway Administration and the Harford County Department of Public Works and Transportation can best address traffic related issues. In addition, the Department cannot dictate which routes trucks can take coming to and going from the plant.

### 3. Noise

#### Comments

There were numerous comments received regarding noise, including comments related to noise from back up alarms, jake brakes, and noise during nighttime hours.

#### Response

As of October 2012, MDE no longer enforces noise regulations. During the 2012 legislative session, House Bill 190 effectively transferred noise enforcement authority to local governments. In Harford County, noise complaints should be referred to the Harford County Sheriff at (410) 692-7880.

### 4. Water Supply and Water Pollution Concerns

#### Comments

There were numerous comments received regarding water supply and effects on local residential wells and water pollution from the plant's operations.

#### Response

To address water concerns, Allan Myers MD, Inc. has informed the Department that the water filling the water truck comes from a local fire hydrant two miles from the site. No well will be drilled, and there will be no impact to the wells in the surrounding area.



The Allan Myers MD, Inc. site has a current General Discharge Permit 10MM9708 issued by the Maryland Department of the Environment covering operations at the site. The purpose of the General Discharge Permit is to ensure that all waters leaving the site meet or exceed the state standards to protect the waters of the state. For issues concerning water pollution, please contact the enforcement division of Water and Science Administration at 410-537-3510.

**In the Matter of:**

Maryland Department of the Environment

*December 9, 2021*  
*Public Hearing*

**Condensed Transcript with Word Index**



For The Record, Inc.  
(301) 870-8025 - [www.ftrinc.net](http://www.ftrinc.net) - (800) 921-5555

1

1 MARYLAND DEPARTMENT OF THE ENVIRONMENT  
 2 AIR AND RADIATION ADMINISTRATION  
 3  
 4  
 5 PUBLIC HEARING CONCERNING  
 6 PERMIT APPLICATION SUBMITTED BY: ALLAN MEYERS MARYLAND,  
 7 INC., PROPOSED INSTALLATION OF A 400 TON PER HOUR  
 8 CRUSHING AND SCREENING PLANT  
 9  
 10  
 11  
 12  
 13 The hearing in the above matter commenced on  
 14 Thursday, December 9, 2021, 2021, at the Joppa Branch  
 15 Library, 655 Towne Center Drive, Joppa, Maryland 20185.  
 16  
 17 BEFORE: SHANNON HEAFEY, Hearing Officer  
 18  
 19  
 20  
 21 Reported by: Karen Willoughby, CER

2

1 A P P E A R A N C E S  
 2 ON BEHALF OF THE MARYLAND DEPARTMENT OF THE ENVIRONMENT:  
 3 SHANNON HEAFEY  
 4 Air Quality Permits Program Public  
 5 Participation Coordinator  
 6 Air and Radiation Administration  
 7 Maryland Department of the Environment  
 8 1800 Washington Boulevard  
 9 Baltimore, Maryland 21230  
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I N D E X

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P R O C E E D I N G S

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 3 (5:37 p.m.)  
 4 MS. HEAFEY: So, hi. Thank you all for coming  
 5 out tonight for this Allan Myers public hearing. My name  
 6 is Shannon Heafey. I'm the Air Quality Permits Program  
 7 Public Participation Coordinator. And, no, I can't say  
 8 that faster.  
 9 And with me tonight is Mr. Matt Hafner, who is  
 10 the lead engineer. I'm going to be reading a statement,  
 11 and then I'll invite people up to speak -- I'll be  
 12 calling everybody. And then if anybody who didn't sign  
 13 in to speak would like to, we can come back to that and  
 14 we'll do that.  
 15 So there are microphones all across here. So  
 16 can I ask somebody back there to say something loud?  
 17 Anything.  
 18 MS. TRIPP: Hello?  
 19 MS. HEAFEY: You pick it up? Excellent. Okay.  
 20 So then you have a choice now whether you want to come up  
 21 and stand in front of the microphones or stay sitting,

5

1 whatever. Thank you.  
 2 Okay. So -- pardon me. So the -- oh, I'm  
 3 sorry. And the company is being represented by Rick  
 4 Tisa, the general superintendent.  
 5 Okay. So some general housekeeping. This is  
 6 not an informational meeting. This is a hearing. So  
 7 we'll only be taking testimony this evening. If anyone  
 8 asks a question during the course of their testimony, it  
 9 will be added to the list of the comments and will be  
 10 addressed at the end of the comment period in a response  
 11 to comments document that you'll all receive.  
 12 So -- okay. I'm going to ask everyone not to  
 13 talk over each other. When someone else is giving  
 14 testimony, it's important that we get to hear it clearly.  
 15 And I'm going to read this little quicky thing and then  
 16 we can go.  
 17 All right. So this public hearing is for an  
 18 air quality permit application submitted by Allan Myers  
 19 Maryland, Incorporated, for the installation of one 400-  
 20 ton per hour portable waste concrete and recycled asphalt  
 21 pavement crushing and screening plant, powered by diesel

6

1 engines. The installation would be located at 2203 Old  
 2 Mountain Road in Joppa. The Department has made a  
 3 tentative determination that the permit for Allan Myers,  
 4 Incorporated, will meet all air quality -- applicable air  
 5 quality rules and regulations and can be issued.  
 6 This hearing is to offer the concerned  
 7 community members the opportunity to formally comment on  
 8 the Department's tentative determination and draft permit  
 9 conditions, or submit written statements to the  
 10 Department during the comment period.  
 11 And, again, if you do choose to speak tonight  
 12 and you want to change or add to your testimony, you can  
 13 send something in writing to me. We'll just add it into  
 14 it.  
 15 So notification of this hearing appeared in the  
 16 Aegis on November 19th and November 24th, 2021. A docket  
 17 of information containing the air quality application,  
 18 the tentative determination, and the draft permit  
 19 conditions is available on the MDE website. If you go to  
 20 the website -- and you'll see air tab, click on the air  
 21 tab and you'll see all our different programs. You go to

7

1 permitting, and then -- and you scroll down into the  
 2 table, you'll see the hearing for this meeting or for  
 3 this hearing, and there's a link to the docket. So it's  
 4 pretty easy once you figure out how to get through, but  
 5 it's right there for you to click on. And I can also  
 6 send something to you guys if you need me to email it.  
 7 So, okay. So statements entered into the  
 8 record will be kept on the file at the Department for  
 9 five years. The comment period will remain open through  
 10 December 20th, 2021. Community members who have the  
 11 opportunity -- excuse me, have the opportunity to request  
 12 a one-time 60-day extension to the comment period, which  
 13 must be requested in writing to the Department -- which  
 14 means you can email me -- no later than the close of the  
 15 current comment period, again, December 20th.  
 16 If an extension request is received and the  
 17 comment period is extended, a notification will be sent  
 18 to those who have participated in the permit process and  
 19 local elected officials and will be posted on our  
 20 website.  
 21 Please be sure your contact information is easy

8

1 to read on the sign-in sheet so that I can contact you if  
 2 I don't already have you on an interested parties list.  
 3 The Department -- let's see. There we go. At  
 4 the conclusion of the comment period, all comments  
 5 received will be addressed in a document called the  
 6 Response to Comments that will be prepared by the  
 7 Department and sent to the commenters and others who  
 8 participated in the public review process for this  
 9 permit.  
 10 So if there is a response to comments document  
 11 -- well, there will be because there's comments -- it  
 12 will take a little bit of time to do a final review on  
 13 this permit application. And -- but you would receive  
 14 the response to comments document when that's finished  
 15 up.  
 16 If the Department does not receive any comments  
 17 it considers to be adverse to the tentative  
 18 determination, that determination will become the final  
 19 decision at the end of the comment period. That kind of  
 20 thing might be a comment about water where this is an air  
 21 permit. So we would take it into consideration, but it

9

1 could not be considered as part of the permit, if that  
 2 makes sense.  
 3 So if the Department does receive comments it  
 4 deems adverse to the tentative determination, it will  
 5 make a final determination as to whether to issue or deny  
 6 the permit.  
 7 A notice of final determination will be placed  
 8 in the legal section of a newspaper of general  
 9 circulation in the area, probably the Aegis, placed on  
 10 the MDE Air Quality Permitting webpage, and mailed or  
 11 emailed to the commenters and those who participated in  
 12 the public review process for this permit application.  
 13 That would be those who came to the informational meeting  
 14 and those who -- this evening who came to the hearing.  
 15 Any person contending that they will be  
 16 adversely affected by the Department's final  
 17 determination may seek remedy within the circuit court  
 18 system of Maryland. A petitioner for judicial review  
 19 must be filed with the circuit court for the county where  
 20 the proposed activity will occur, in this case, Harford  
 21 County, and must be filed within 30 days after the

10

1 publication of a notice of final determination.  
 2 Mr. Matt Hafner will give a brief statement  
 3 about the tentative determination and the permitting  
 4 process, and then comments for the record are invited.  
 5 So I'm going to let you do your statement and  
 6 then I'll call people as they signed in.  
 7 MR. HAFNER: All right. Good evening. I'm  
 8 Matt Hafner, and I'm the Air Quality permit engineer  
 9 assigned to review the application and draft permit for  
 10 the proposed project.  
 11 The Maryland Department of the Environment has  
 12 reviewed the application submitted by Allan Meyers  
 13 Maryland, Incorporated, located at the Jenkins property,  
 14 for an air quality permit to construct that would  
 15 authorize the installation of a 400-ton per hour crushing  
 16 and screening plant.  
 17 The proposed installation will be located at  
 18 2203 Old Joppa Road, Joppa, Maryland, 21085, in Harford  
 19 County. Allan Meyers is currently permitted to operate a  
 20 300-ton per hour crushing and screening plant, but that  
 21 equipment has been removed.

11

1 The proposed installation is a 400-ton per hour  
 2 crushing and screening plant for the processing of waste  
 3 concrete and recycled asphalt pavement. The plant will  
 4 include up to one crusher and one screen and associated  
 5 conveyers. Equivalent replacement equipment may be  
 6 installed as needed. The plant will be equipped with wet  
 7 suppression systems to minimize dust emissions.  
 8 The Department's review process includes  
 9 determinations of worst-case air emissions from the  
 10 proposed facility and determinations of the impact of  
 11 those emissions on ambient air quality. Emissions from  
 12 the proposed facility were based on United States  
 13 Environmental Protection Agency emission factors  
 14 established for non-metallic mineral processing plants  
 15 and materials handling.  
 16 The effects of the proposed facility's  
 17 emissions on ambient air quality were estimated using  
 18 U.S. EPA-approved computer models that provide  
 19 conservative estimates of such effects.  
 20 Details concerning the facility's emissions and  
 21 their impact on ambient air quality are provided in the

12

1 Department's tentative determination, which is included  
 2 in the docket and has been made available for public  
 3 review, and is also available at this hearing.  
 4 Based on the findings and determinations  
 5 following the review of the information provided with the  
 6 application, the proposed facility can be expected to  
 7 comply with all applicable air pollution control  
 8 regulations. Therefore, the Department has made a  
 9 tentative determination that the permit to construct with  
 10 enforceable conditions can be issued.  
 11 In order to ensure consistent compliance with  
 12 air pollution control requirements, Allan Meyers will be  
 13 required to do all of the following: Obtain a state  
 14 permit to operate before operating the crusher and  
 15 screening plant after the initial 180-day temporary  
 16 operating period allowed for startup and conducting  
 17 required visible emissions observations.  
 18 Operate in compliance with all applicable  
 19 federal and state air quality regulations pertaining to  
 20 visible emissions, emissions of particulate matter, and  
 21 toxic air pollutants.

13

1 Conduct visible emission observations for  
 2 applicable particulate matter and visible emissions  
 3 requirements.  
 4 Install and maintain wet suppression systems  
 5 for control of particulate matter emissions from the  
 6 crushing and screening plant.  
 7 The permittee shall comply with the Department-  
 8 approved fugitive dust plan to control fugitive  
 9 particulate matter from the facility.  
 10 Use reasonable control methods to control dust  
 11 from all fugitive dust sources at the facility.  
 12 Operate so as to prevent discharges of  
 13 emissions that create a nuisance beyond property lines.  
 14 Annually certify in writing actual emissions of  
 15 regulated pollutants from the facility.  
 16 Maintain sufficient records to support the  
 17 annual certifications of emissions.  
 18 Report all occurrences of excess emissions.  
 19 Limit the operating hours of each crusher,  
 20 screen, and conveyor to no more than eight hours per day.  
 21 Limit the operating throughput to no more than

14

1 400 tons per hour.  
 2 Limit operation of the crushing and screening  
 3 plant to no more than one crusher and one screen at any  
 4 one time.  
 5 The crushing and screening plant may have up to  
 6 two diesel engines rated tier 3 or better, not to exceed  
 7 a combined total of 475 horsepower.  
 8 MS. HEAFEY: Great, thank you. Okay. At this  
 9 time I'd like to invite comments. And I'm going to mess  
 10 up names, and please forgive me because I know I'm going  
 11 to mess them up.  
 12 And I have to start with Mr. Le Gardeur. You  
 13 would like to make a statement?  
 14 MR. LE GARDEUR: Oh, hi, Ms. Heafey. Thank you  
 15 for holding the hearing tonight. My name is Theaux Le  
 16 Gardeur. I'm the Gunpowder Riverkeeper. And we have a  
 17 small nonprofit in Baltimore County and Harford County,  
 18 and parts of Carroll that are interested in environmental  
 19 issues. Typically we're working in water, but in this  
 20 case I heard about this hearing last week, and I'd like  
 21 to request an extension of the comment period.

15

1 MS. HEAFEY: Okay.  
 2 MR. LE GARDEUR: And I'll send that to you in  
 3 an email tomorrow --  
 4 MS. HEAFEY: Thank you.  
 5 MR. LE GARDEUR: -- so you have it for your  
 6 records. What's of particular concern with the  
 7 operations over at 2203 is that from the EPA ECHO  
 8 database, it shows that it's a nonattainment area. And  
 9 so in looking at the tentative fact sheet and  
 10 determination, one thing that I noticed is that the  
 11 background concentrations are not representative of the  
 12 local air quality.  
 13 And if anyone has Table 2, page 5, it's noted  
 14 that, you know, the nitrogen oxide is -- over at  
 15 Interstate 95 Welcome Center in Howard County, and the  
 16 PM10 is over at Anne Arundel. And we've got CO, carbon  
 17 monoxide, over in Baltimore City.  
 18 So I'm not confident that while these are  
 19 coming from Maryland air monitoring stations, they're not  
 20 really representative of the background air quality at  
 21 the site or adjacent to the site.

16

1 And that's really a concern, because in a  
 2 nonattainment area EPA directs that, you know, these  
 3 levels are a bit lower. And so, you know, that's one  
 4 comment.  
 5 I think that, you know, concerns about where  
 6 the water goes are not going to be addressed, you know,  
 7 within this hearing context because this is an air  
 8 permit.  
 9 MS. HEAFEY: Right.  
 10 MR. LE GARDEAU: But we'll likely be putting  
 11 some comments on the record in written form just related  
 12 to more information related to screening analysis and  
 13 crystalline silica.  
 14 MS. HEAFEY: Mm-hmm.  
 15 MR. LE GARDEAU: Because a lot of recycled  
 16 materials, you know, do come from different sites. So I  
 17 guess -- and it's not a question, it's we want to  
 18 assure that those levels are quite low. And, of course,  
 19 with the wet suppression system, there should be more  
 20 water used. Right? So just to keep the dust down.  
 21 So the fugitive dust plan kind of looks

17

1 proforma. I'm wondering if you visited the site and --  
2 and had looked at any other potential for fugitive dust  
3 as I know a number of residents have had complaints in  
4 the past about, you know, current operations.

5 And that's all I'm going to take of your time  
6 tonight. But thank you again for your time, and look  
7 forward to sending in some written comments.

8 MS. HEAFEY: Appreciate that. Thank you very  
9 much.

10 Okay. The next person I have who signed in is  
11 -- is it Bill Tinlon, Timmon (pronouncing)?

12 Sure, yes.

13 MS. HEAFEY: Okay. I just -- what I'm going to  
14 need you to do is just state your name and spell it. And  
15 I apologize that I didn't do that.

16 MR. TEMMINK: It's not you. It's my name.

17 MS. HEAFEY: Oh, no, no, no. I'm supposed to  
18 do it for everybody, so sorry.

19 MR. TEMMINK: Bill Temmink, T-e-m-m-i-n-k. I  
20 apologize for my handwriting.

21 A couple things. I'm actually in a lawsuit

18

1 about air quality in this area because we have, like, the  
2 worst attainment in the state already. Two, the --  
3 floating dust can get into the waterways, which are  
4 already nonattainment and supposedly have some endangered  
5 species in it. But we haven't been able to identify them  
6 because they're pretty endangered.

7 I don't know how you control the -- I know  
8 you're trying to control dust with water, but I've never  
9 seen dust completely controlled because it's kind of  
10 rambunctious.

11 And I guess three is I'm trying to figure out  
12 if they have to do a lot more dust suppression -- and I  
13 wouldn't know this for a fact -- where this water is  
14 going to end up. Because there's no requirement in  
15 Harford County to clean, you know, water -- water retain  
16 ponds -- retention ponds. And that seems to be -- if  
17 we're going to double the amount of water going into it,  
18 that's a problem.

19 And, again, if you go to the neighbors, if you  
20 take the water from the mountain area, that's another  
21 problem with the neighbors. And, also, I think we need

19

1 an extension on this because, again, if you've ever read  
2 the Aegis, you know nobody reads it. It's just --

3 MS. HEAFEY: It's a state statute that we're  
4 required to follow.

5 MR. TEMMINK: I'm not arguing -- I'm not  
6 arguing your point. I'm saying that it doesn't work. I  
7 know you're -- it's what you're supposed to do. But if  
8 you don't have normal legal operations, you don't read it  
9 all the time. And so that explains why people are kind  
10 of just finding out about it.

11 MS. HEAFEY: Okay.

12 MR. TEMMINK: Also, just one -- your study,  
13 there's a lot of self-reporting requirements. Is there  
14 -- and this is more of a question than an answer, but it  
15 looked like on -- to the extent I could read what was on  
16 the website, there was a lot of violations and no fines.  
17 And that's -- if that's self-reporting, I don't know what  
18 happens if you have -- you guys have got to do some  
19 investigative reporting, I think. That's my comment.

20 MS. HEAFEY: Okay.

21 MR. TEMMINK: There'd be -- systematic

20

1 investigations would be useful since seemingly you  
2 haven't been doing that.

3 MS. HEAFEY: Okay. Okay, great. Thank you.  
4 Okay.

5 Eric Gephardt?

6 MR. GEPHARDT: Thank you for the opportunity to  
7 talk. Right now I'd like to defer. I have no comment at  
8 this time.

9 MS. HEAFEY: Oh, that's fine. That's fine.  
10 Thank you. You have plenty of time to submit comments.

11 MR. GEPHARDT: Thank you.

12 MS. HEAFEY: Let's see. Georgia Rodriguez?

13 MS. RODRIGUEZ: Hi. Mine's more questions, so  
14 I'll put it in an email to you.

15 MS. HEAFEY: Oh, that's perfect.

16 MS. RODRIGUEZ: I've sent you pictures of  
17 what's happening in the back of my property.

18 MS. HEAFEY: Yes, we do have those.

19 MS. RODRIGUEZ: And I have more.

20 MS. HEAFEY: Okay.

21 MS. RODRIGUEZ: So mine is more questions to

21

1 get answered.  
 2 MS. HEAFEY: Okay. Absolutely. Send them in.  
 3 MS. RODRIGUEZ: And it has to do with the air  
 4 because I do have the report where it was really high.  
 5 MS. HEAFEY: Mm-hmm.  
 6 MS. RODRIGUEZ: The air quality. And then I'm  
 7 two doors down from this. And I have four grandchildren  
 8 five and under that I'm very concerned about. And I've  
 9 had to replace my well pump twice in three years. So I  
 10 will send you an email, Shannon --  
 11 MS. HEAFEY: Mm-hmm, absolutely.  
 12 MS. RODRIGUEZ: -- with all of this concerns.  
 13 MS. HEAFEY: Okay. That would be great.  
 14 MS. RODRIGUEZ: Okay, yeah. And the hours of  
 15 operation. I mean, they're working in the middle of the  
 16 night. And you just stated eight hours. When is it  
 17 going to start, 7:00 to 7:00? You know.  
 18 MS. HEAFEY: Oh, okay.  
 19 MS. RODRIGUEZ: And weekends, it's all day,  
 20 every day.  
 21 MS. HEAFEY: Okay.

22

1 MS. RODRIGUEZ: We can't even let the children  
 2 go out on the street to ride their bikes.  
 3 MS. HEAFEY: Okay. Okay, thank you.  
 4 MS. RODRIGUEZ: Thank you. I'm sorry.  
 5 MS. HEAFEY: No. My goodness, no, no, no, not  
 6 at all.  
 7 The next person I have listed is -- I have no  
 8 idea. Is it James Lyons?  
 9 MR. LYONS: Yeah. I happen to sit on the Joppa  
 10 -- Joppa Town Community Planning Council, and this has  
 11 been brought up. So I know that the Harford County  
 12 Health Department has issued to folks in the area dust  
 13 screening --  
 14 MS. RODRIGUEZ: The purple monitor. I have  
 15 one.  
 16 MR. LYONS: Yeah, John Ship (ph) behind me, I  
 17 know that they got one. And from what I understand,  
 18 they've -- it's exceeded the limits multiple times. Do  
 19 you have the report from the Harford County Health  
 20 Department, or have they reported to you, or have you  
 21 gone to them? Yes or no?

23

1 MS. HEAFEY: Again, all the questions are going  
 2 to be addressed at the end of the comment period. We can  
 3 talk more later actually because I want to talk about the  
 4 purple air monitors separate from this with you guys.  
 5 MR. LYONS: I live about a mile away downhill  
 6 from them on the Gunpowder River side, but that's been a  
 7 concern with the dust. And Harford County gave these  
 8 folks dust monitors. And from what I know, this has  
 9 exceeded it multiple times a week, let alone the round-  
 10 the-clock operations they've all talked about. So I  
 11 don't know how you can frankly issue any permit to  
 12 approve it without hearing from the folks first. And  
 13 hopefully you have some reports from the Harford County  
 14 Health Department.  
 15 Now, the other question is where are they  
 16 getting this water from? Because right now they're  
 17 hauling out of Harford County water system, either up on  
 18 U.S. 1 or down by the firehouse or Route 7. They've got  
 19 to pump it out of the wells again. It's going to cost  
 20 these folks to drill more wells or run out of well water  
 21 altogether like it did. It's cost them serious money,

24

1 and I'm -- I'm talking about, like, \$10,000 and more that  
 2 he hasn't paid them back or compensated them for. So I  
 3 -- there's two key things here. Where is this water  
 4 actually coming from, right, and the runoff that these  
 5 folks talked about, or the riverkeeper, that water is  
 6 going to run down into Winters Run, which then also  
 7 supplies the Department of Army with drinking water as  
 8 (inaudible). So hopefully those things have been taken  
 9 into consideration.  
 10 MS. HEAFEY: Okay. Thank you.  
 11 The next folks I have are -- let's see, Debbie  
 12 and John Tripp. Does one of you want to go first?  
 13 MS. TRIPP: Yeah, I'll talk.  
 14 MS. HEAFEY: Okay.  
 15 MS. TRIPP: Concerning the purple monitors, if  
 16 you notice on the map, if you get on the map, you'll see  
 17 we have the highest levels in reference to other purple  
 18 monitors in the area, and down in Baltimore City, and  
 19 there's a whole map full of purple monitors. And our  
 20 area, our street, our monitors, we have the highest --  
 21 highest monitor -- highest levels. And that's a concern.



25

1 And we just want to make sure that you all have  
2 reviewed all of that, which I'm sure you're looking into  
3 it, but that's our concern, is how come we have the  
4 highest levels compared to all the other monitors around?

5 MS. HEAFEY: Okay.

6 MS. TRIPP: And, of course, the hours of  
7 operation you mentioned, you know, eight hours a day, is  
8 that morning, is that night? Will they be any more  
9 specific about that?

10 And you said the self-monitoring -- and there  
11 has been violations, you know, is it going to be more  
12 than just once a year checking those records? And how  
13 can we be sure that they're going to follow everything?  
14 You know, we're all out working every day, and, you know,  
15 we just want to make sure that they're being watched or  
16 monitored.

17 MS. HEAFEY: Okay. John, did you want to add  
18 anything to that, or --

19 MR. TRIPP: Well, them purple monitors, like I  
20 said, I mean, we had spikes where my -- like, 471, and it  
21 says anything over 300 is, like, an emergency. And we're

26

1 almost off the scale.

2 MS. HEAFEY: Okay.

3 MR. TRIPP: It's so high. Why is that? Do you  
4 -- have you guys put up any air monitors up around this  
5 thing? Is there any -- how about in the ball field,  
6 that's where all the little kids play, over there on  
7 Singer Road. If the dust floats over there, these kids  
8 are out there playing in this dust.

9 Again, and how about -- you know, if the dust  
10 is coming from that place over there, how far is it  
11 carrying? If these purple monitors are going off the  
12 scale in a danger zone, I think that's a very concerning  
13 factor for the whole area, where this concrete crusher  
14 is.

15 MS. HEAFEY: Okay.

16 MR. TRIPP: I mean, if it's going on your  
17 property, you're getting hazardous material put on your  
18 property. Who is going to clean that up? If you're  
19 outside cutting the grass, you're stirring the dust back  
20 up. It's like you take a bag of flour and dump it in  
21 your kitchen and you don't clean it up, it's going to go

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1 throughout your whole house. I mean, it's going to be  
2 all over our properties now if this is -- if we're  
3 getting concrete dust, if it's not being monitored from  
4 some type of air quality monitoring system 24 hours a day  
5 on their property, or right on the outside of there all  
6 the way around.

7 If that's not being monitored, then when we get  
8 wind through there, it's not being wet down 24 hours a  
9 day, the wind is going to blow the dust right on through  
10 the whole area. What happens if it covers three miles  
11 down the road? Would people start getting cancer from  
12 this stuff?

13 And, you know, back in the '60s, this stuff --  
14 '60s and early '70s, it contains asbestos. And when you  
15 got asbestos floating through the air, now what? And  
16 what's being hauled in? These little dump trucks come in  
17 there all times of the night, and they dump it all the  
18 time, and I'm sure that's not getting investigated. What  
19 do they got on them? Probably asbestos that's floating  
20 through the air, it's going in the concrete crusher.

21 And when you're dumping this concrete, crushed

28

1 concrete in the back on these dump trucks, it's not being  
2 wet down. It's -- how do you ever control it on that  
3 property? You will never, ever control it unless you  
4 have a 24-hour wet system that keeps the whole area wet,  
5 which there is no water up there.

6 MS. HEAFEY: Okay. Is there anything else you  
7 wanted to add tonight?

8 MR. TRIPP: Not yet, but I can think of some  
9 more.

10 MS. HEAFEY: Okay. And that's fine. That is  
11 fine.

12 Okay. So that's everyone I had who had signed  
13 in to speak. Would anyone else like to speak?

14 Okay. You just need to state your name and  
15 spell it for us.

16 MR. MOBERLY: Austin Moberly, —o-b-e-r-l-y.  
17 With this upgrade from this crushing system, just out of  
18 curiosity, what is this going to do to the traffic in  
19 that area? And I ask that because that is probably the  
20 worst area of Mountain Road, between 95 and Belair Road.  
21 In the 30-some years I have lived in this area, I have

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1 been rear-ended five times. And it's uncalled for. You  
2 know, I know people don't pay attention, but in the  
3 morning there is a lot of heavy traffic to and from, and  
4 then again in the afternoon from about 3:00 to 6:00.

5 MR. LYONS: How about trying 8:00. That's --

6 MR. MOBERLY: Yeah, okay. I mean, I'm amazed  
7 sometimes coming home and it's a solid line, and it will  
8 run almost from Belair Road all the way down to 40,  
9 unbroke.

10 MS. HEAFEY: Okay.

11 MR. MOBERLY: And that to me is a concern.

12 MS. HEAFEY: Mm-hmm. Okay. Is there anyone  
13 else who would like to speak?

14 Sir?

15 MR. GEPHARDT: My name is Eric Gephardt. Thank  
16 you for earlier letting me defer my time. A couple --  
17 one question that I do have. On the permit, it states  
18 eight hours of usage per day. Again, is that eight hours  
19 for the machines are running, or is that eight hours for  
20 the whole operation to run? And then is there  
21 requirements that require at what times the machine is

30

1 able to run? I do know that quiet time is 11:00, I  
2 believe, in Harford County. And so are they running the  
3 machine from 6:00 at night for eight hours, and then that  
4 will take it to 4:00 in the morning? Do they pick the  
5 times the machine is being ran, or no?

6 The other question that I had was the traffic  
7 that was brought up on 152 and the water suppression.  
8 They do -- if they do use water suppression, we have  
9 vehicles that are bringing -- trucks that are bringing  
10 crushed concrete out of the facility, turning them onto  
11 152, and then when they go down 152 the majority of their  
12 trucks are covered, but if it's not suppressed at that  
13 point, all the air is blowing through that crushed  
14 concrete, creating the dust, and then carrying it not  
15 from our area, but to other areas, also.

16 Has there been any research done on the air  
17 quality -- on the trucks coming out and then being  
18 suppressed with water to lessen the dust coming out? If  
19 you ever drove down 152 on a summer day and you look to  
20 the right, which is the -- I believe it used to be a  
21 storage area. And when they would go on 95 there's a lot

31

1 of concrete pipes back there on the south side of 152.  
2 And on the north side of whatever the tree place is, you  
3 ever take a look at those trees, you will see a lot of  
4 dust being on those trees. And then, you know, further  
5 down the road you will see the dust being tracked on a  
6 rainy day down the road.

7 Also, the suppression, they say that they --  
8 excuse me, with water suppression, they say that they  
9 clean and they use sweepers. And you do see a sweeper  
10 every now and then, but that's not including all the dust  
11 particles that are left out on the road, which creates  
12 slippery conditions.

13 I know that's not air quality, but it kind of  
14 is air quality, because with vehicles going through that  
15 dust, stirring it up, you know, it gets on peoples' cars  
16 and stuff like that, goes back to their homes. So keep  
17 that in mind.

18 MS. HEAFEY: Mm-hmm.

19 MR. GEPHARDT: I think that's it right now.

20 MS. HEAFEY: Okay.

21 MR. GEPHARDT: I'm sorry, thank you for

32

1 deferring my time.

2 MS. HEAFEY: Oh, no, no. No problem at all.

3 Is there anyone else who would like to make a  
4 statement?

5 MR. SMITH: Yes, my name is Donald Smith, and I  
6 have lived here for 40 years or more. And, like I said,  
7 you couldn't even open your windows in the summer, it's  
8 dust all over the house and stuff. And with this bigger  
9 crusher, of course it's going to -- of course it's a  
10 whole lot bigger, it could be making more noise and  
11 creating a whole lot more dust.

12 Now, how many gallons an hour does it take to  
13 keep the dust down on this new one? Does it take 100  
14 gallons an hour when it's being run? Does it take 200  
15 gallons an hour? Is there any log being kept to see if  
16 it coincides with the hours they're using? And where are  
17 they getting this water? Is there any kind of records?

18 I mean, you can't run -- use 1,000 gallons a  
19 day and at the end of the week use 2,000, or the end of  
20 month using 5,000. Is it going to be -- is somebody  
21 checking on this water and how much they're using and

1 where they're -- where they're getting it? There's a lot  
2 of people -- I know I've lost my well. Where is it  
3 coming from? So do you have to have a record when you  
4 get it out of hydrants? It seems like they do whatever  
5 they want. Because the state dump their stuff there, the  
6 county, so why would they turn it down? It seems like  
7 it's written before it even gets here.

8 MS. HEAFEY: Okay. Okay. Thank you, Mr.  
9 Smith.

10 Would anyone else like to add to a statement or  
11 make a new one?

12 MS. RODRIGUEZ: When you say -- excuse me --  
13 eight hours a day, is that Monday through Friday or  
14 Monday through Sunday?

15 MS. HEAFEY: Let me add that to -- okay. Okay,  
16 great.

17 MR. TEMMINK: I'd like to add one more thing.

18 MS. HEAFEY: Sure, sure, mm-hmm.

19 MR. TEMMINK: Theoretically, I'm in favor of  
20 recycling. And this would be a good operation if you  
21 guys put any caps on it. When would you want the eight

1 hours to be? How are you going to monitor the people  
2 bringing the dust in and unloading, and people going out  
3 and unloading? You guys have to put some caps on this  
4 stuff and you guys actually have to actually enforce it.  
5 I know you've got to issue the permit and it's going to  
6 the enforcement, but I would think the permit would have  
7 enforcement written in, and it doesn't seem like it has  
8 anything. That's it.

9 MS. HEAFEY: Okay. No, no, no, that's fine.

10 MR. TEMMINK: You can't be a good neighbor --  
11 if you can't be a good neighbor, then recycling goes out  
12 the window.

13 MS. HEAFEY: Okay.

14 MS. GEPHARDT: I'd like to make a comment.

15 MS. HEAFEY: Sure, absolutely.

16 MS. GEPHARDT: Gina Gephardt. My thing, too,  
17 is just in the 11 years that we've lived there, how much  
18 more the site has grown as far as the amount of traffic,  
19 the noise, being 24/7, seven days a week. You guys give  
20 them this permit, they're just going to keep asking for  
21 more.

1 MS. HEAFEY: Okay. Okay. I just want to  
2 clarify, when you said that they were -- that they have  
3 grown so much and the operations are 24/7, do you mean  
4 the physical site or the length of their --

5 MS. GEPHARDT: Well, the way it looks just  
6 driving the down road even, the physical site -- I mean,  
7 it seems like they just expand more and more in that area  
8 that they have anyway.

9 MS. HEAFEY: Mm-hmm.

10 MS. GEPHARDT: Opening up more to where it's  
11 not as contained -- I mean, you can see it more from the  
12 roads where there were more trees there at one time when  
13 we first moved in and you couldn't see it as well. You  
14 could have five trucks lined up in front of your house,  
15 and now you have 10 to 15 trucks lined up in front of  
16 your house.

17 MS. HEAFEY: Okay.

18 They surely don't do the speed limit.

19 MS. GEPHARDT: Yeah. That's the other thing.  
20 I mean, we --

21 UNIDENTIFIED MALE: I live right on that road.

1 They do not do the speed limit. I don't care who is here  
2 from Allan Meyers, they do not do the speed limit.

3 MS. GEPHARDT: Nope.

4 UNIDENTIFIED MALE: They don't do the speed  
5 limit, and the subcontractors you have driving for you,  
6 they definitely don't do it. There's about seven or  
7 eight little kids living on that road, and if they hit  
8 one of them, somebody is going to have a bad, bad day.

9 MS. RODRIGUEZ: I put a sign up that says slow  
10 down, children playing.

11 MS. GEPHARDT: They'll sit parked next to each  
12 other --

13 MS. HEAFEY: Okay. Before we start doing that,  
14 I want to keep going with the formal part of this. And  
15 if anyone hasn't made a statement that would like to,  
16 that would be -- please, let me know now.

17 Sir?

18 MR. GEPHARDT: Just a couple of things I want  
19 to add. I'm sorry. Through all the research, what  
20 studies have you done on the extent of wildlife,  
21 preservation of wildlife in the area? Especially with

37

1 the marshland and the pond on the other side of Route  
2 152, the water and drainage into that pond, wildlife,  
3 turtles. I believe there's bass in there, so on and so  
4 forth. I haven't seen anything for the study for that.

5 MS. HEAFEY: Okay. And, I'm sorry, I've  
6 forgotten your name, sir.

7 MR. GEPHARDT: Eric Gephardt.

8 MS. HEAFEY: Oh, you have it. Okay, great,  
9 great. Thank you.

10 MR. GEPHARDT: Thank you. I'm sorry.

11 MS. HEAFEY: Oh, no, no.

12 MR. GEPHARDT: Certain things are running  
13 through my head as everybody is talking, and --

14 MS. HEAFEY: No, no, absolutely.

15 MR. GEPHARDT: -- I don't want to walk out  
16 without --

17 MS. HEAFEY: No, absolutely. Great. I  
18 appreciate that. Okay. All right. I'm trying to  
19 scribble as quickly as I can, but I want to be able to  
20 read my handwriting, too.

21 Okay. Is there anything else we'd like to add

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1 tonight?

2 (No response.)

3 MS. HEAFEY: You don't have to say anything  
4 tonight. You can send something in writing to me. My  
5 business cards are on the table that have my email  
6 address on them, and you can send any comments in  
7 writing.

8 And since we're going to be getting a request  
9 in writing for an extension to the comment period, that's  
10 going to be February 21st -- as close to February 21st as  
11 a business day is. I'll have to look it up on my  
12 calendar.

13 So -- and we'll be sending something out in  
14 writing to everybody to let them know by --

15 MR. TEMMINK: So you're saying you will approve  
16 that if there's a request?

17 MS. HEAFEY: Huh?

18 MR. TEMMINK: You're saying you will approve it  
19 if there is a request?

20 MS. HEAFEY: Yeah. And since he's going to  
21 send the request in writing, we'll be doing that,

39

1 definitely.

2 MR. TRIPP: I have a question. How many people  
3 do you send out in the area? I mean, just a couple of  
4 people who you have on your email address, or all the  
5 residents on -- in that area?

6 MS. HEAFEY: I have a continually updated list  
7 of people who are interested in certain facilities or  
8 certain types of facilities. So I have a list of  
9 everyone who was interested in the informational meeting,  
10 which I think were 35 or 40 people. And we sent out the  
11 notifications to that list of people, which is how you  
12 all got your notices.

13 And if there's anyone who hasn't or didn't get  
14 a notice but would like, I'm going to be adding everyone  
15 tonight to this list to keep it going. And I will always  
16 say, please, if you know somebody who wants to  
17 participate and either didn't know about it or couldn't  
18 come tonight, have them give me a call. Take a card for  
19 them and have them give me a call. I'd be happy to walk  
20 them through what to do for sending comments in.  
21 Absolutely. So I update it as we go, yeah.

40

1 Okay. So I'm going to call the hearing --

2 MS. RODRIGUEZ: I have one -- just one  
3 question.

4 MS. HEAFEY: Oh.

5 MS. RODRIGUEZ: One of the neighbors called me  
6 and told me that the crusher has arrived.

7 MS. HEAFEY: Okay. Let me -- let me close the  
8 hearing and then we can chat a bit, if that works for  
9 everybody.

10 MS. RODRIGUEZ: Okay.

11 MS. HEAFEY: So it is -- I don't even know what  
12 time it is -- 6:13 -- no, wait a minute. 6:18. Okay.  
13 So I'm going to close the hearing officially at 6:18.  
14 Thank you all for coming out. And, again, we will have  
15 this extension as soon as I get it in writing. I'll be  
16 sending a notification out to everybody. It will go up  
17 online on the docket so people will see that there's an  
18 extension that way, too. And we'll be sending letters to  
19 the local elected officials, which we did for this  
20 meeting as well -- I mean, this hearing as well.

21 So -- okay. What did I say, February 21st-ish.

1     Until we -- okay. So now we can close that.  
 2             (Whereupon, at 6:18 p.m., the hearing was  
 3     concluded.)  
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<b>weekends</b> 21:19	<hr/> <b>1</b> <hr/>	<hr/> <b>4</b> <hr/>	
<b>Welcome</b> 15:15	<b>1</b> 23:18	<b>4</b> 3:3	
<b>wells</b> 23:19,20	<b>1,000</b> 32:18	<b>4:00</b> 30:4	
<b>wet</b> 11:6 13:4 16:19	<b>10</b> 35:15	<b>40</b> 3:6 29:8 32:6	
27:8 28:2,4,4		39:10	
<b>what's</b> 15:6 20:17		<b>400</b> 1:7 14:1	
27:16		<b>400-</b> 5:19	
<b>wildlife</b> 36:20,21		<b>400-ton</b> 10:15 11:1	

Larry Hogan  
Governor

Horacio Tablada  
Secretary

*State of*



*Maryland*

**DEPARTMENT OF THE ENVIRONMENT**

Air and Radiation Administration  
1800 Washington Boulevard, Suite 720  
Baltimore, MD 21230

Construction Permit

Operating Permit

PERMIT NO. 025-0662-0546

DATE ISSUED OCT 20 2022

PERMIT FEE \$2,000.00 (Paid)

EXPIRATION DATE In accordance with COMAR 26.11.02.04B

**LEGAL OWNER & ADDRESS**

Allan Myers MD, Inc.  
PO Box 278  
Fallston, MD 21047  
Attn: Mr. Rick Tisa  
General Superintendent

**SITE**

Allan Myers MD - Jenkins Property  
2203 Old Mountain Rd.  
Joppa, MD 21085  
Premises # 025-0662  
AI # 22049

**SOURCE DESCRIPTION**

This Permit authorizes the installation of:

One (1) 400 ton per hour crushing and screening plant equipped with wet suppression and powered by diesel engines.

This Permit to Construct also serves as a Temporary Permit to Operate the crushing and screening plant that expires 180 days after initiating operation of the plant.

This Permit supersedes all previous Permits to Construct issued to Premises No. 025-0662

This Permit includes limitations on premises-wide emissions of NOx in order that Allan Myers MD, Inc. may be recognized as a synthetic minor source with respect to Title V of the Clean Air Act.

This source is subject to the conditions described on the attached pages.

Program Manager

Director, Air and Radiation Administration

**ALLAN MYERS MD, INC  
2203 OLD MOUNTAIN ROAD  
JOPPA, MARYLAND 21085  
PERMIT-TO-CONSTRUCT CONDITIONS  
PERMIT No. 025-0662-6-0546**

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- Part D – Operating and Monitoring Conditions
- Part E – Notification and Testing
- Part F – Record Keeping and Reporting
- Part G – Temporary Permit-To-Operate Conditions

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This permit is issued to cover the following registered installation:

<b>ARA Registration No.</b>	<b>Description</b>	<b>Date of Installation</b>
025-0662-6-0546	One (1) 400 tph crushing and screening plant consisting of no more than one (1) crusher and one (1) screen powered by tier 3 or better diesel engines not to exceed a combined rating of 475hp.	Initial installation in 2021 with equivalent replacement equipment brought on-site as needed

**Part A – General Provisions**

- (1) The following Air and Radiation Administration (ARA) permit-to-construct applications and supplemental information are incorporated into this permit by reference:
  - (a) Application for Processing or Manufacturing Equipment (Form 5) received January 25, 2021.
  - (b) Emissions Point Data (Form 5 EP) received January 25, 2021.
  - (c) Toxic Air Pollutant (TAP) Emissions Summary and Compliance Demonstration (Form 5T) received January 25, 2021.
  - (d) Application for Internal Combustion Engines (Form 44) received January 25, 2021.
  - (e) Supplemental Information; evidence of zoning approval, vendor literature, and plant diagram received January 25, 2021.

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If there are any conflicts between representations in this permit and representations in the applications, the representations in the permit shall govern. Estimates of dimensions, volumes, emissions rates, operating rates, feed rates and hours of operation included in the applications do not constitute enforceable numeric limits beyond the extent necessary for compliance with applicable requirements.

- (2) Upon presentation of credentials, representatives of the Maryland Department of the Environment ("MDE" or the "Department") and the Harford County Health Department shall at any reasonable time be granted, without delay and without prior notification, access to the Permittee's property and permitted to:
  - (a) inspect any construction authorized by this permit;
  - (b) sample, as necessary to determine compliance with requirements of this permit, any materials stored or processed on-site, any waste materials, and any discharge into the environment;
  - (c) inspect any monitoring equipment required by this permit;
  - (d) review and copy any records, including all documents required to be maintained by this permit, relevant to a determination of compliance with requirements of this permit; and
  - (e) obtain any photographic documentation or evidence necessary to determine compliance with the requirements of this permit.
- (3) The Permittee shall notify the Department prior to increasing quantities and/or changing the types of any materials referenced in the application or limited by this permit. If the Department determines that such increases or changes constitute a modification, the Permittee shall obtain a permit-to-construct prior to implementing the modification.
- (4) This permit supersedes all previous permits to construct issued to Premises No. 025-0662
- (5) Nothing in this permit authorizes the violation of any rule or regulation or the creation of a nuisance or air pollution.
- (6) If any provision of this permit is declared by proper authority to be invalid, the remaining provisions of the permit shall remain in effect.

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- (7) Subsequent to issuance of this permit, the Department may impose additional and modified requirements that are incorporated into a State permit-to-operate issued pursuant to COMAR 26.11.02.13.

**Part B – Applicable Regulations**

- (1) This source is subject to all applicable federal air pollution control requirements including, but not limited to, the following:
- (a) All applicable terms, provisions, emissions standards, testing, monitoring and record keeping and reporting requirements included in federal New Source Performance Standards (NSPS) promulgated under 40 CFR 60, Subparts A (General Provisions) and Subpart OOO for Nonmetallic Mineral Processing Plants.
  - (b) All notifications required under 40 CFR 60, Subparts A and OOO shall be submitted to both of the following:

The Administrator  
Compliance Program  
Maryland Department of the Environment  
Air and Radiation Administration  
1800 Washington Boulevard, STE 715  
Baltimore MD 21230

and

Director, Air Protection Division  
U.S. EPA – Region 3  
Mail Code 3AP00  
1650 Arch Street  
Philadelphia, PA 19103-2029

- (2) This source is subject to all applicable federally enforceable State air pollution control requirements including, but not limited to, the following regulations:
- (a) COMAR 26.11.01.07C, which requires that the Permittee report to the Department occurrences of excess emissions.



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- (b) COMAR 26.11.02.04B, which states that a permit to construct or an approval expires if, as determined by the Department:
  - (i) Substantial construction or modification is not commenced within 18 months after the date of issuance of the permit or approval, unless the Department specifies a longer period in the permit or approval;
  - (ii) Construction or modification is substantially discontinued for a period of 18 months after the construction or modification has commenced; or
  - (iii) The source for which the permit or approval was issued is not completed within a reasonable period after the date of issuance of the permit or approval.
- (c) COMAR 26.11.02.09A, which requires that the Permittee obtain a permit-to-construct if an installation is to be modified in a manner that would cause changes in the quantity, nature, or characteristics of emissions from the installation as referenced in this permit.
- (d) COMAR 26.11.06.03C & D, which requires that the Permittee take reasonable precautions to prevent particulate matter from unconfined sources and materials handling and construction operations from becoming airborne.
- (e) COMAR 26.11.06.12 which states that a person may not construct, modify, or operate, or cause to be constructed, modified, or operated, a New Source Performance Standard (NSPS) source in a manner which results or will result in violation of the provisions of 40 CFR, Part 60.
- (f) COMAR 26.11.09.05E, which limits visible emissions from the diesel engines to 10% and 40% opacity during idle and operating modes, respectively. Exceptions to these opacity limits are as follows:
  - (i) The 10% opacity limit during idle mode does not apply for a period of 2 consecutive minutes after a period of idling of 15 minutes for the purpose of clearing the exhaust system;

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- (ii) The 10% opacity limit during idle mode does not apply to emissions resulting directly from a cold engine start-up and warm-up for the following maximum periods:
  - (A) Engines that are idling continuously when not in service: 30 minutes;
  - (B) All other engines: 15 minutes.
- (iii) The 10% and 40% opacity limits do not apply while maintenance, repair, or testing is being performed by qualified mechanics.
- (g) COMAR 26.11.09.07A(2), which limits the sulfur content of distillate fuel oils to not more than 0.3 percent by weight.
- (3) This source is subject to all applicable State-only enforceable air pollution control requirements including, but not limited to, the following regulations:
  - (a) COMAR 26.11.02.13A(16), which requires that the Permittee obtain from the Department, and maintain and renew as required, a valid State permit-to-operate.
  - (b) COMAR 26.11.02.19C & D, which require that the Permittee submit to the Department annual certifications of emissions, and that the Permittee maintain sufficient records to support the emissions information presented in such submittals.
  - (c) COMAR 26.11.06.08 and 26.11.06.09, which generally prohibit the discharge of emissions beyond the property line in such a manner that a nuisance or air pollution is created.
  - (d) COMAR 26.11.15.05, which requires that the Permittee implement "Best Available Control Technology for Toxics" (T – BACT) to control emissions of toxic air pollutants.
  - (e) COMAR 26.11.15.06, which prohibits the discharge of toxic air pollutants to the extent that such emissions would unreasonably endanger human health.

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**Part C – Construction Conditions**

- (1) Except as otherwise provided in this part, the installation of the 400 ton per hour crushing and screening plant shall be constructed in accordance with the specifications included in the incorporated applications.
- (2) The 400 ton per hour crushing and screening plant shall be equipped with wet suppression systems as needed to meet the fugitive particulate matter regulations of COMAR 26.11.06.03C&D and the opacity requirements of 40 CFR, Part 60, Subpart OOO.

**Part D – Operating and Monitoring Conditions**

- (1) Except as otherwise provided in this part, the 400 ton per hour crushing and screening plant shall be operated in accordance with specifications included in the application and any operating procedures recommended by equipment vendors unless the Permittee obtains from the Department written authorization for alternative operating procedures.
- (2) Premises wide emissions of oxides of nitrogen (NOx) shall be less than 25 tons in any rolling 12-month period.
- (3) The Permittee shall comply with the following operating limits unless the Permittee can demonstrate, to the satisfaction of the Department, that premises wide emissions of NOx are less than 25 tons in any rolling 12-month period and compliance with the National Ambient Air Quality Standard for particulate matter (as PM-10) can be achieved at other operating conditions:
  - (a) The Permittee shall operate: one (1) crusher, and one (1) screen at any one time;
  - (b) The crushing and screening plant may not be operated more than 8 hours per calendar day;
  - (c) The crushing and screening plant shall not exceed 400 ton per hour of throughput; and
  - (d) The crushing and screening plant may have up to two (2) diesel engines rated at tier 3 or better, not to exceed a combined total of 475 Horsepower.

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- (4) Wet suppression systems shall be used as needed to comply with the fugitive particulate matter requirements of COMAR 26.11.06.03C and COMAR 26.11.06.03D and the following opacity limits for nonmetallic mineral processing plants that commenced construction, modification, or reconstruction on or after April 22, 2008, as specified in 40 CFR, Part 60, Subpart OOO:
- (a) No more than 12 percent opacity from each crusher; and
- (b) No more than 7 percent opacity from all other fugitive sources.  
**[Reference: 40 CFR §60.672(b) and Table 3 to 40 CFR 60 Subpart OOO]**
- (5) The Permittee shall perform monthly periodic inspections to check that water is flowing to discharge spray nozzles in the wet suppression systems. The Permittee must initiate corrective action within 24 hours and complete corrective action as expediently as practical if the Permittee finds that water is not flowing properly during an inspection of the water spray nozzles. **[Reference: 40 CFR §60.674(b)]**
- (6) The Permittee shall only process recycled asphalt pavement (RAP), waste concrete, and rock in the crushing and screening plant.
- (7) The Permittee shall comply with the following requirements of the Department-approved Fugitive Dust Plan, unless an alternate plan is approved by the Department:

**OPERATION AND MAINTENANCE OF PROCESSING EQUIPMENT AND ASSOCIATED AIR POLLUTION CONTROL EQUIPMENT**

- (a) Spray bars and nozzles shall be kept in good working order and inspected a minimum of once a month.
- (i) The spray bars shall be operated as per the original equipment manufacturer's recommended water delivery pressure in pounds per square inch and volumetric flow rate in gallons per hour.
- (ii) The spray bar nozzles shall be checked as required by the New Source Performance Standard for Non-Metallic Mineral Processing Plants (40 CFR 60, Subpart OOO) for clogs and cleaned as needed to maintain a uniform spray pattern.

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- (b) Accumulated material around the crusher shall be removed on a regular basis. Spillage and residual materials from the process shall be picked up regularly and returned to the raw material stockpiles for reuse.

**SITE MAINTENANCE**

- (c) Dust in areas where equipment traffic will travel shall be controlled by application of water. Additional water shall be applied to control fugitive dust. In the event alternative dust suppressant aids are used, they will be applied according to the manufacturer's specifications for quantity and frequency.
- (d) The speed of heavy equipment associated with the crushing and screening operation will be limited to no more than 15 miles per hour to minimize airborne dust.
- (e) Dust from stockpiles associated with the crushing and screening operation shall be controlled. The stockpiles are built up as material is conveyed from the crushing equipment, any dust that might rise off the stockpiles shall be controlled with water to prevent dust beyond property lines.
- (f) Complaints by community members can be reported to the site manager and will be reviewed for permit compliance under the permit. Corrective actions will be performed as required.

**OTHER**

- (g) The loader operator shall be directed to avoid overfilling the bucket of the loader and the feed hopper and to minimize the drop height of the material when loading the feed hopper.
  - (h) The stockpiles shall not be worked more than necessary to keep the materials contained within their defined areas. Stockpile heights shall be kept to a minimum.
- (8) Soils contaminated with petroleum based fuels, metals, or other volatile organic compounds shall not be processed at the plant.

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- (9) All engines at the premises shall be nonroad engines, as defined in 40 CFR §1068.30, unless the Permittee complies with the stationary engine requirements of 40 CFR 60, Subpart IIII and 40 CFR 63, Subpart ZZZZ, as applicable, for the engines.

**Part E – Notifications and Testing**

- (1) The Permittee shall submit written or electronic notification to the Department of the actual date of arrival of any crushing and screening plant, within 15 days after such date. **[Reference: 40 CFR §60.7(a)(3) and §60.676(i)]**
- (2) Within 60 days after a crushing and screening plant is in operation, the Permittee shall demonstrate compliance with all applicable opacity standards. A valid Method 9 test demonstrating compliance for this equipment at another premises, may be used to satisfy this requirement. **[Reference: 40 CFR §60.11(b) and §60.672(b)]**
- (3) During the compliance demonstration, the plant shall be operated at 90% or higher, of the normal operational throughput or at other operating conditions approved by the Department.
- (4) The Permittee shall use Method 9 of Appendix A-4 to 40 CFR, Part 60 and the procedures in 40 CFR §60.11, with the following additions:
- (a) The minimum distance between the observer and the emission source shall be 4.57 meters (15 feet).
- (b) The observer shall, when possible, select a position that minimizes interference from other fugitive emission sources (e.g., road dust). The required observer position relative to the sun (Method 9 of Appendix A-4 of this part, Section 2.1) must be followed.
- (c) For affected facilities using wet dust suppression for particulate matter control, a visible mist is sometimes generated by the spray. The water mist must not be confused with particulate matter emissions and is not to be considered a visible emission. When a water mist of this nature is present, the observation of emissions is to be made at a point in the plume where the mist is no longer visible.  
**[Reference: 40 CFR §60.675(c)(1)]**

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- (5) The duration of the Method 9 (40 CFR, Part 60, Appendix A-4) observations must be 30 minutes (five 6-minute averages). Compliance with the applicable opacity standards must be based on the average of the five 6-minute averages. **[Reference: 40 CFR §60.675(c)(3)]**
- (6) The Permittee shall submit notification of the intended date of the required Method 9 observations to the Department at least 30 days prior to that date.
- (7) Within 45 days following the required Method 9 observations, the Permittee shall submit the results to the Department.

**Part F – Record Keeping and Reporting**

- (1) The Permittee shall maintain for at least five (5) years, and shall make available to the Department upon request, records of the following information:
  - (a) manufacturer specifications for each crushing and screening plant brought on site;
  - (b) the hours of operation for each piece of equipment for each operating day;
  - (c) the amount and types of materials processed in the crushing and screening plant in tons per month;
  - (d) the amount of diesel fuel burned in each diesel engine each month;
  - (e) a copy of the Fugitive Dust Plan as approved by the Department;
  - (f) all opacity observation test results; and
  - (g) a log of each periodic inspection of the wet suppression systems including dates and any corrective actions taken.
- (2) The Permittee shall maintain at the facility for at least five (5) years, and shall make available to the Department upon request, records necessary to support annual certifications of emissions and demonstrations of compliance for toxic air pollutants. Such records shall include, if applicable, the following:

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- (a) mass emissions rates for each regulated pollutant, and the total mass emissions rate for all regulated pollutants for each registered source of emissions;
- (b) accounts of the methods and assumptions used to quantify emissions;
- (c) all operating data, including operating schedules and production data, that were used in determinations of emissions;
- (d) amounts, types, and analyses of all fuels used;
- (e) any records, the maintenance of which is required by this permit or by State or federal regulations, that pertain to the operation and maintenance of continuous emissions monitors, including:
  - (i) all emissions data generated by such monitors;
  - (ii) all monitor calibration data;
  - (iii) information regarding the percentage of time each monitor was available for service; and
  - (iv) information concerning any equipment malfunctions.
- (f) information concerning operation, maintenance, and performance of air pollution control equipment and compliance monitoring equipment, including:
  - (i) identifications and descriptions of all such equipment;
  - (ii) operating schedules for each item of such equipment;
  - (iii) accounts of any significant maintenance performed;
  - (iv) accounts of all malfunctions and outages; and
  - (v) accounts of any episodes of reduced efficiency.
- (g) limitations on source operation or any work practice standards that significantly affect emissions; and



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- (h) other relevant information as required by the Department.
- (3) The Permittee shall submit to the Department by April 1 of each year a certification of emissions for the previous calendar year. The certifications shall be prepared in accordance with requirements, as applicable, adopted under COMAR 26.11.01.05 – 1 and COMAR 26.11.02.19D.
- (a) Certifications of emissions shall be submitted on forms obtained from the Department.
- (b) A certification of emissions shall include mass emissions rates for each regulated pollutant, and the total mass emissions rate for all regulated pollutants for each of the facility's registered sources of emissions.
- (c) The person responsible for a certification of emissions shall certify the submittal to the Department in the following manner:
- "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- (4) The Permittee shall submit to the Department by April 1 of each year a written certification of the results of an analysis of emissions of toxic air pollutants from the Permittee's facility during the previous calendar year. Such analysis shall include either:
- (a) a statement that previously submitted compliance demonstrations for emissions of toxic air pollutants remain valid; or
- (b) a revised compliance demonstration, developed in accordance with requirements included under COMAR 26.11.15 & 16, that accounts for changes in operations, analytical methods, emissions determinations, or other factors that have invalidated previous demonstrations.

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- (5) The Permittee shall report, in accordance with requirements under COMAR 26.11.01.07, occurrences of excess emissions to the Compliance Program of the Air and Radiation Administration.

**Part G – Temporary Permit-to-Operate Conditions**

- (1) This permit-to-construct shall also serve as a temporary permit-to-operate that confers upon the Permittee authorization to operate the 400 ton per hour crushing and screening plant for a period of up to 180 days after initiating operation of the 400 ton per hour crushing and screening plant.
- (2) The Permittee shall provide the Department with written or electronic notification of the date on which operation of the 400 ton per hour crushing and screening plant is initiated. Such notification shall be provided within 15 business days of the date to be reported.
- (3) During the effective period of the temporary permit-to-operate the Permittee shall operate the new installation as required by the applicable terms and conditions of this permit-to-construct, and in accordance with operating procedures and recommendations provided by equipment vendors.
- (4) The Permittee shall submit to the Department an application for a State permit-to-operate no later than 60 days prior to expiration of the effective period of the temporary permit-to-operate.