TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 FEB -4 AM 11: 05

CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
APPLICATION FOR USE DETERMINATION
FOR POLLUTION CONTROL PROPERTY
12/18/2006

The Texas Commission on Environmental Quality (TCEQ) has the responsibility to determine whether a property is a pollution control property. A person or political subdivision seeking a use determination for pollution control property must complete the attached application or use a copy or similar reproduction. For assistance in completing this form refer to the TCEQ guidelines document, *Property Tax Exemptions for Pollution Control Property,* as well as 30 TAC §17, rules governing this program. For additional assistance please contact the TCEQ Tax Relief for Pollution Control Property Program at (512) 239-6348 or (512)239-1917. The application should be completed and mailed, with the appropriate fee, to: TCEQ MC-214, Cashiers Office, P.O. Box 13088, Austin, Texas 78711-3088.

803558

OC-4 07

1. GENERAL INFORMATION

A. What is the type of ownership of this facility:

[X] Corporation [ ] Sole Proprietor
[ ] Partnership [ ] Utility
[ ] Limited Partnership [ ] Other

B. Size of company: Number of Employees

[ ] 1 to 99 [ ] 1,000 to 1,999
[ ] 100 to 499 [X] 2,000 or more
[ ] 500 to 999

C. Business Description: (Provide a brief description of the type of business or activity at the facility)

2. TYPE OF APPLICATION

A. [X] **Tier I** $150 Application Fee.
B. [ ] **Tier II** $1,000 Application Fee.
C. [ ] **Tier III** $2,500 Application Fee.

NOTE: Enclose a check or money order to the TCEQ along with the application to cover the required fee.

3. NAME OF APPLICANT

A. Company Name: Redi-Mix, LLC.

B. Mailing Address (Street or PO Box): 1001 W Euless Blvd., Suite 100

C. City, State, ZIP: Euless, TX 76040

4. PHYSICAL LOCATION OF PROPERTY REQUESTING A TAX EXEMPTION

A. Name of Facility or Unit: Frisco Ready Mix

B. Type of Mfg.: Process or Service: Ready mix concrete batching operation

C. Street Address: 14800 State Hwy 121

D. City, State, ZIP: Frisco, TX 75035

E. Tracking Number Assigned by Applicant: RM002

F. Customer Number or Regulated Entity Number: RN100716810, RN102695574

07-11103

5. **APPRAISAL DISTRICT WITH TAXING AUTHORITY OVER PROPERTY**

A. Name of Appraisal District: Collin Central Appraisal District

B. Appraisal District Account Number: R-8493-00A-0010-1

6. **CONTACT NAME (must be provided)**

A. Company/Organization Name: Redi-Mix, LLC.

B. Name of Individual to Contact: Ryan Sewell

C. Mailing Address: 406 E Sycamore Street

D. City, State, ZIP: Denton, TX 76205

E. Telephone number and fax number: office: 817-372-7014 / fax: 866-506-7569

F. E-Mail address (if available): rsewell@us-concrete.com

7. **RELEVANT RULE, REGULATION, OR STATUTORY PROVISION**

For each of the pollution control properties listed on this application, select the type of medium or media (air, water, waste) for which the property or device is required. Use the second column to cite the **specific** environmental rule, regulation, and/or law that is being met or exceeded by the installation of this property. The citation should be specific and should include the section and/or subsection of the rule, regulation, and/or law. Do not list permit numbers or registration numbers in this table. If the property or equipment was installed or constructed in response to an agreed order, **do not** list the order — list the rule, regulation, or law that requires the installation or construction of the property.

MEDIUM	RULE/REGULATION/LAW
Air- Environmental Paving, Land	30 TAC 106.201(3); Federal Clean Air Act (FCAA), §111 (Federal New Source Performance Standards); and NSR requirements of the FCAA, Part C and Part D
Water- Environmental Paving, Land	Chapter 26, Texas Water Code; Section 402, Clean Water Act, TPDES General Permit TXG110760

8. **DESCRIPTION OF PROPERTY (See Attachments)**

Provide a description and purpose of the property for which this application is being filed. This description **must include** the anticipated environmental benefits for the prevention, monitoring, control, or reduction of air, water, or land pollution that will be realized by the installation of the property. **Do not simply repeat the description from the predetermined equipment list.** Instead describe the property and how it will be used at your facility. Include sketches of the equipment and flow diagrams of the processes where appropriate.

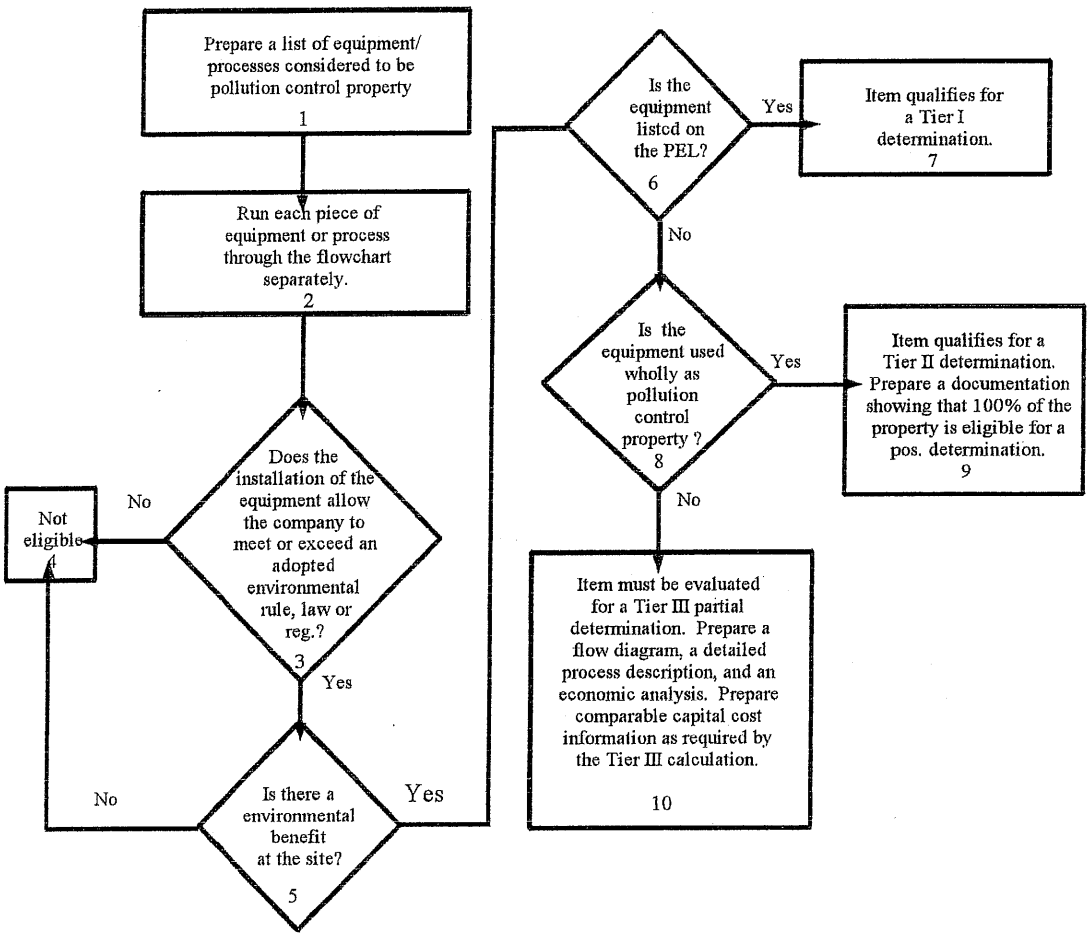
Land: If a use determination is being requested for land, provide a legal description and an accurate drawing of the property in question. Only that land which was purchased after January 1, 1994, and which is actually used for pollution control purposes or that houses pollution control property is eligible for a positive use determination.

9. DECISION FLOWCHART

Each piece of equipment or process change must be processed through the Decision Flow Chart. Each item of property listed on the application must result in a yes answer to boxes 3 and 5. Use the table in section 11 to document which box (7, 9 or 10) was the final destination of each piece of equipment. Instructions for completing this section are

Tax Relief Decision Flow Chart

Applicants must use this flowchart for each piece of equipment or process. In order for a piece of equipment or process to be eligible for a positive use determination the item must generate ☺yes answers to the questions asked in boxes 3 and 5.



located in the instruction section of this document.

10. PARTIAL PERCENTAGE CALCULATION

This section is to be completed only for Tier III applications. Process changes or construction of new process equipment that results in pollution control may result in a partial determination. On one or more separate sheets of paper, explain how the partial percentage was determined using the Cost Analysis Procedure that is described in the

attached *Instructions for Completing Application Form*. Include financial data that demonstrates how this percentage was calculated. Provide as detailed information as possible, since the information provided will be used by the TCEQ to evaluate the use percentage requested in the application. Attach sketches and/or flow diagrams showing the property and its function. Examples of partial determinations are shown in Appendix C of the technical guidelines document.

11. PROPERTY CATEGORIES AND COSTS

Identify the category and the estimated purchase cost of the property listed in Section 8. List each control device or system for which a use determination is being sought. If the application is for property that is listed on the predetermined equipment list, list the appropriate item number(s) in the PEL column. Place an "N" in the second column to certify that the property was not taxable on or before January 1, 1994. Failure to answer this question for each piece of property will result in the issuance of a notice of deficiency letter and the possible rejection of the application. List the which box, (7, 9, or 10), was the final destination of each piece of property. List the estimated or actual purchase cost of the property. If the property is not wholly used for the purpose of pollution control, list the estimated percentage of pollution control calculated using the Partial Determination Cost Analysis Procedure.

Property – West Tract Redi-Mix II Addition, Lot 1, Block A 1.770 Acres (net)	**Property Taxable on or before 1/01/94**	**Decision Flow Chart Box 7, 9, or 10**	**PEL Number**	**Estimated Purchase Cost**	**Partial Percentage**
Land - Environmental Paving (1.65 acres) Redi-Mix, Lot 1, Block A	N	7	M-8	$323,432	100%
Property - Environmental Paving (1.65 acres)	N	7	M-8	$77,000	100%
Totals				$400,432	100%

* Item is listed in: Approved Pollution Control Property by Industry – Building Materials Supplier

12. EMISSION REDUCTION INCENTIVE GRANT

Will an application for an Emission Reduction Incentive Grant be filed for this property/project:

[ ] Yes [X] No

13. APPLICATION DEFICIENCIES

After an initial review of the application, the TCEQ may determine that the information provided with the application is not sufficient to make a use determination. The TCEQ may send a notice of deficiency, requesting additional information that must be provided within 30 days of the written notice.

14. FORMAL REQUEST FOR SIGNATURE

By signing this application, you certify that this information is true to the best of your knowledge and belief.

Ryan Sewell 10/01/07

NAME: Ryan Sewell DATE: 10/01/2007

TITLE: Environmental Compliance Manager

COMPANY: Redi-Mix, LLC

Under Texas Penal Code, Section 37.10, if you make a false statement on this application, you could receive a jail term of up to one year and a fine up to $2,000, or a prison term of two to 10 years and a fine of up to $5,000.

15. DELINQUENT FEE/PENALTY PROTOCOL

This form will not be processed until all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol.(Effective September 1, 2006)

INSTRUCTIONS FOR COMPLETING APPLICATION FORM

The following instructions are intended to provide assistance in completing the TCEQ *Application for Use Determination for Pollution Control Property.*

GENERAL INFORMATION

If you have questions or require additional clarification or assistance please contact the Tax Relief Program at (512) 239-6348 or (512)239-1917, or by email at: txrelief@tceq.state.tx.us

The TCEQ may request additional information by mailing a deficiency letter. This additional information must be provided within 30 days of receipt of the written request or the application will be returned to the applicant.

Applications not accompanied with the proper fee payment will be mailed a deficiency letter. Review of the application will not begin until the proper fee is received.

OBTAINING COPIES OF THE APPLICATION FORM AND OTHER DOCUMENTS

A copy of the official application form is located in Appendix B of the guidelines document. It is also available on the TCEQ Web page. The predetermined equipment list is located in Appendix A of the guidelines document. The most current version of the PEL may be obtained by contacting the TCEQ Tax Relief for Pollution Control Property Program at the phone number or address listed below or by accessing the TCEQ Web page. The documents can be downloaded from the link titled Application Forms and Guidance Documents. The URL is:

http://www.tceq.state.tx.us/assistance/Prop2/prop2.html#apps

Filing Information

Send the completed applications to:

U.S. Mail

TCEQ - Cashiers Office MC-214
Tax Relief Program
PO Box 13088
Austin Texas 78711-3088

Physical Address

TCEQ B Cashiers Office MC-214
Building A
12100 Park 35 Circle
Austin, TX 78753

Other Information

All other written correspondence should be sent to: TCEQ - MC-110, Attention: Tax Relief for Pollution Control Property Program, P.O. Box 13087, Austin, Texas, 78711-3087 or faxed to (512) 239-3165. The telephone numbers for direct contact are (512) 239-6348 or (512) 239-1917.

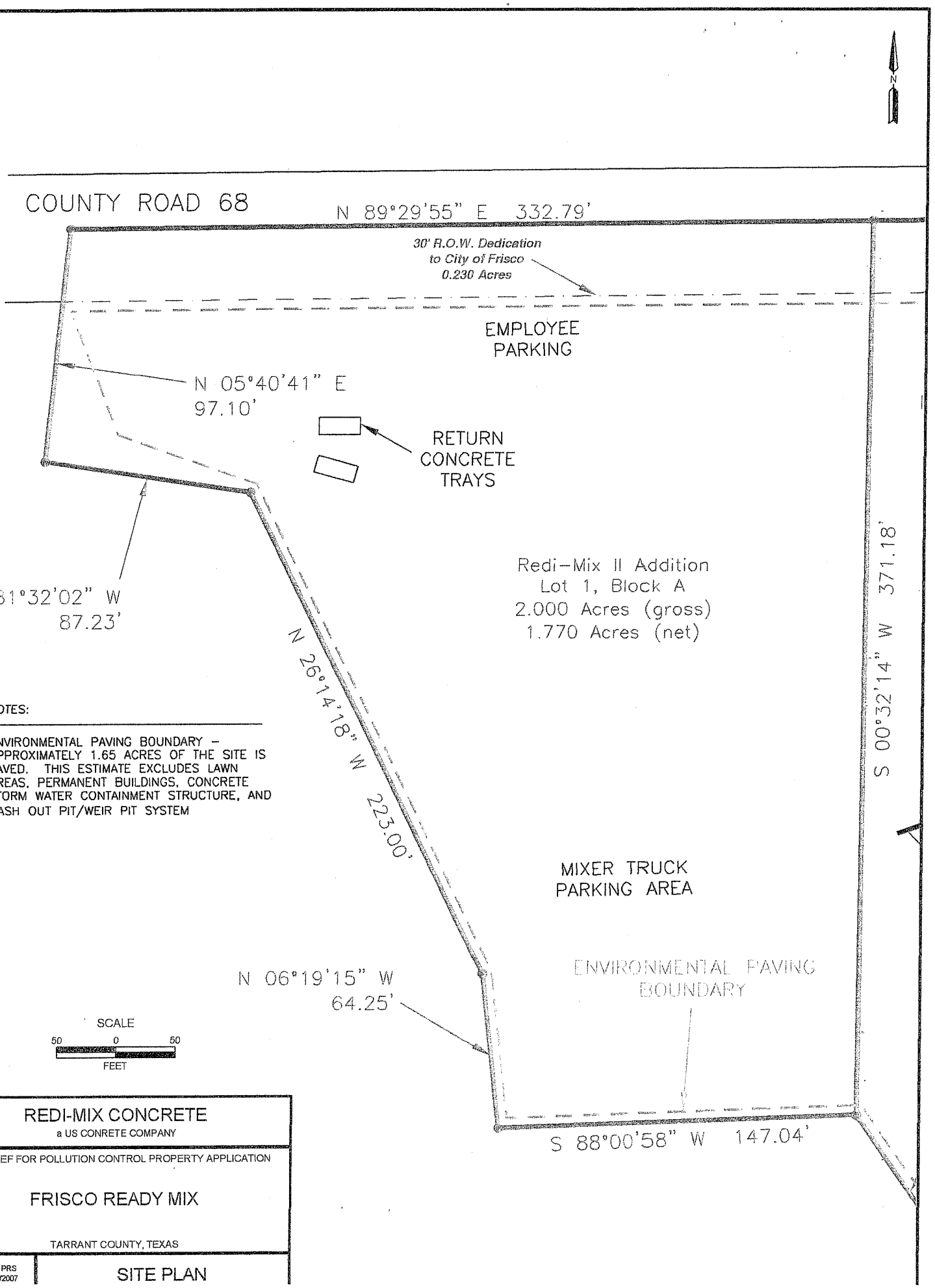
Attachments

8. Description of Property

1. ***Environmental Paving***
   Certain areas of the site are required to be paved by 30 TAC 106.201(3) to achieve maximum control of dust emissions. Paved areas of the facility are regularly swept, washed, and maintained intact to minimize buildup of waste material and minimize particulate emissions from the facility.

   Regular sweeping also assists in maintaining compliance with TPDES Waste Water General Permit TXG110000 by removing fugitive material buildup that could eventually contribute to sediment and high pH in facility effluent.

2. ***Land***
   1.65 acres of the property is covered with environmental paving which was constructed in 2000. The land is used for pollution control and houses pollution control property.



NOTES:

ENVIRONMENTAL PAVING BOUNDARY – APPROXIMATELY 1.65 ACRES OF THE SITE IS PAVED. THIS ESTIMATE EXCLUDES LAWN AREAS, PERMANENT BUILDINGS, CONCRETE STORM WATER CONTAINMENT STRUCTURE, AND WASH OUT PIT/WEIR PIT SYSTEM

REDI-MIX CONCRETE
a US CONRETE COMPANY

TAX RELIEF FOR POLLUTION CONTROL PROPERTY APPLICATION

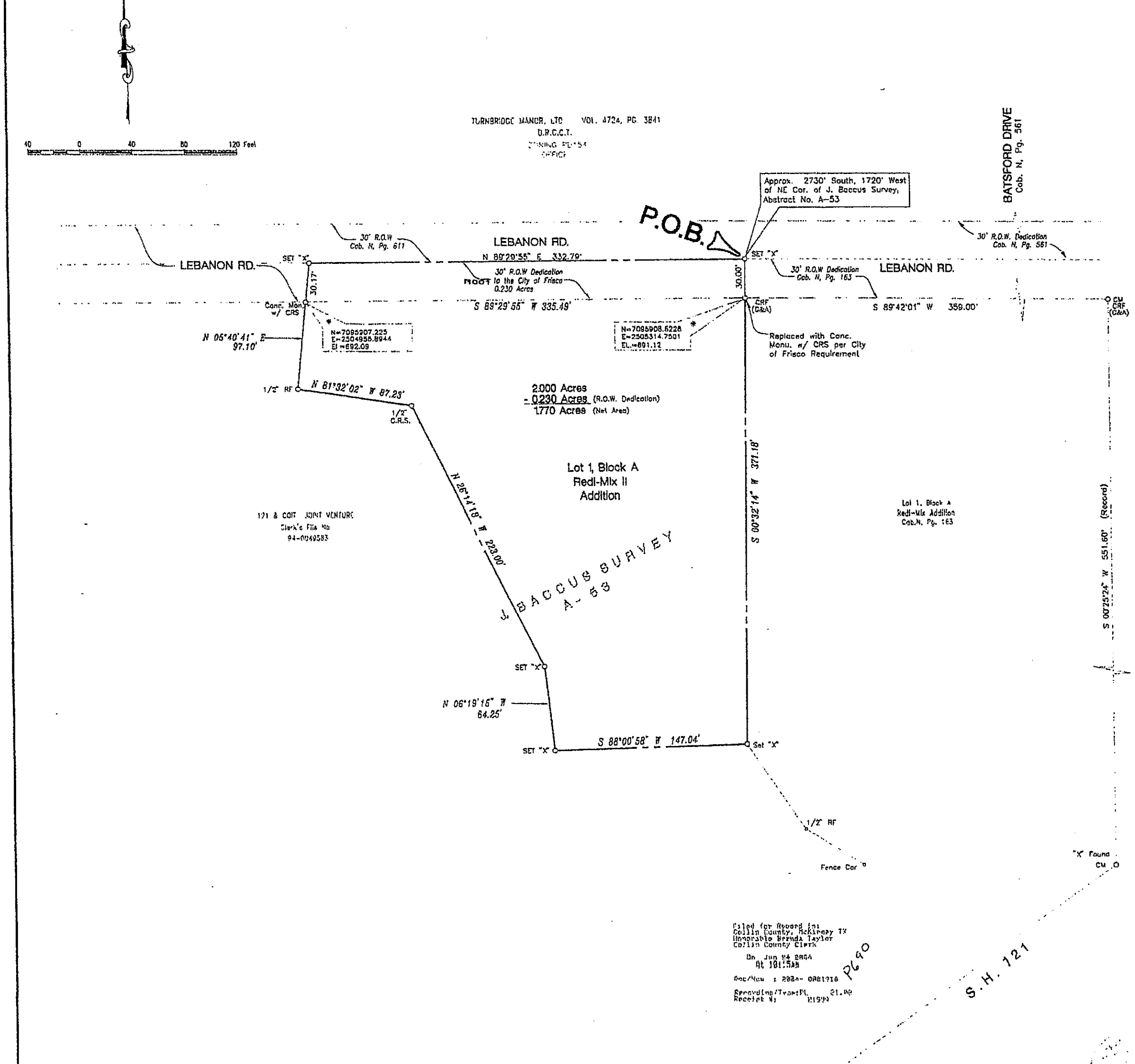
FRISCO READY MIX

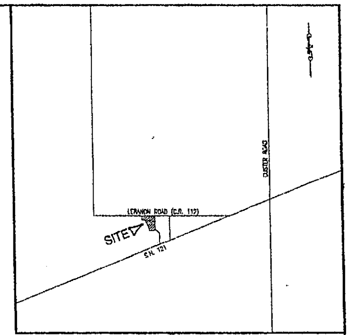
TARRANT COUNTY, TEXAS

DRAWN BY: PRS
DATE: 09/27/2007

SITE PLAN

8493





Vicinity Map 1"=2000'

OWNER'S CERTIFICATE AND DEDICATION

STATE OF TEXAS:
COUNTY OF COLLIN: WHEREAS WE, Redi-Mix, L.P., are the owners of all that certain lot, tract or parcel of land situated in the Jacob Baccus Survey, Abstract Number 53, City of Frisco, Collin County, Texas, being all of that certain called 1.993 acre tract of land described in Boundary Line Agreement between Redi-Mix, L.P. and Lattimore Materials Co. doing business as 121 & Coit Joint Venture recorded in Clerk's File Number 00-0027174 of the Real Property Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at an "X" set in concrete in the center of Lebanon Road (County Road 112), being the northeast corner of said called 1.993 acre tract and the northwest corner of Redi-Mix Addition, an addition to the City of Frisco according to the plat thereof recorded in Cabinet N, Page 163 of the Plat Records of Collin County, Texas, and being on the south line of that certain called 163.8711 acre tract of land described in deed to Turnbridge Manor, Ltd. recorded in Volume 4724, Page 3841 of the Real Property Records of Collin County, Texas;

THENCE S 00°32'14" W, 371.18 feet, along the east line of said called 1.993 acre tract and the west line of said Redi-Mix Addition, to an "X" set in concrete, being the southeast corner of said called 1.993 acre tract, and an ell corner of that certain called 18.845 acre tract of land described in deed to 121 & Coit Joint Venture recorded in Clerk's File Number 94-0049583 of the Real Property Records of Collin County, Texas;

THENCE S 88°00'58" W, 147.04 feet, along the common line between said called 1.993 acre tract and said called 18.845 acre tract, as established by said Boundary Line Agreement, to an "X" set in concrete;

THENCE N 06°19'15" W, 84.25 feet, continuing along said line, to an "X" set in concrete;

THENCE N 26°14'18" W, 223.00 feet, continuing along said line, to a 1/2" capped rebar (G & A) set;

THENCE N 81°32'02" W, 87.23 feet, continuing along said line, to a 1/2" rebar found;

THENCE N 05°40'41" E, 97.10 feet, continuing along said line, to an "X" set in concrete, being the northwest corner of said Redi-Mix, L.P. called 1.993 acre tract, being in Lebanon Road, and being on the south line of said Turnbridge Manor, Ltd. called 163.8711 acre tract;

THENCE N 89°29'55" E, 332.79 feet, along the north line of said called 1.993 acre tract, the south line of said called 163.8711 acre tract, and in Lebanon Road, to the POINT OF BEGINNING and containing approximately 2.000 acres of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS : THAT WE, Redi-Mix, L. P., acting through our duly authorized representative, do hereby adopt this Final Plat designating the hereinabove described tract of land as Redi-Mix II Addition, Block A, Lot 1, an addition to the City of Frisco and do hereby dedicate to the public use forever, the streets and alleys shown thereon. Redi-Mix, L.P. does hereby certify the following:

1. The streets and alleys are dedicated for street and alley purposes.
2. All public improvements and dedications shall be free and clear of all debt, liens and/or encumbrances.
3. The easements and public use areas, as shown, are dedicated for the public use forever for the purposes indicated on this plat.
4. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements if approved by the City of Frisco.
5. The City of Frisco is not responsible for replacing any improvements in, under, or over any easements caused by maintenance or repair.
6. Utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Frisco's use thereof.
7. The City of Frisco and public utilities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with the construction, maintenance or efficiency of their respective systems in the easements.
8. The City of Frisco and public utilities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or and adding to or removing all or parts of their respective systems without the necessity at any time of procuring permission from anyone.
9. Any modifications to this document shall be by means of plat and approved by the City of Frisco.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Frisco, Texas.

"Notice: Selling a portion of this addition by metes and bounds is a violation of city ordinance and state law and is subject to fines and withholding of utilities and building permits"

WITNESS our hand this 10 day of February 2004.

BY: [signature]
John Hoelscher, Authorized Representative
Redi-Mix, L.P.

STATE OF TEXAS:
COUNTY OF DENTON:

BEFORE ME, THE UNDERSIGNED AUTHORITY, personally appeared John Hoelscher, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 10 day of February, 2004

[signature]
Notary Public
State of Texas

KELLI MORGAN
NOTARY PUBLIC
STATE OF TEXAS
My Comm. Exp. 1-28-2007

My commission expires the 28 day of January 2007

Approved this 17th day of March 2004 by the Planning and Zoning Commissioner of the City of Frisco, Texas.

[signature] Planning and Zoning Commissioner

[signature] City Secretary

[signature] City Engineer

[signature] Planning Dept.

SEAL OF THE CITY OF FRISCO, TEXAS

SURVEYOR'S CERTIFICATE

Known All Men by These Presents:

That I, Kent M. Mobley, do hereby certify that I prepared this plat and the field notes made a part thereof from an actual survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision Regulations of the City of Frisco, Texas.

Dated this the 30th day of January, 2004

[signature]
Kent M. Mobley, Registered Professional Land Surveyor
Texas Registration # 4796

STATE OF TEXAS REGISTERED KENT M. MOBLEY 4796 PROFESSIONAL LAND SURVEYOR

STATE OF TEXAS:
COUNTY OF DENTON:

BEFORE ME, the undersigned, a Notary Public in and for The State of Texas, on this day personally appeared, Kent M. Mobley, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 30 day of January, 2004

[signature]
Notary Public, State of Texas

KELLI MORGAN
NOTARY PUBLIC
STATE OF TEXAS
My Comm. Exp. 1-28-2007

S8493

FINAL PLAT
Redi-Mix II Addition
Block A, Lot 1
2.000 Acres
In the
JACOB BACCUS SURVEY, ABSTRACT NO. 53
CITY OF FRISCO
COLLIN COUNTY, TEXAS

G & A Consultants, Inc.
SITE PLANNING • PLATTING
CIVIL ENGINEERING • LAND SURVEYING
LANDSCAPE ARCHITECTURE
Phone (972) 436-9712 • Fax (972) 436-9715
P.O. Box 1388 • Lewisville, Texas 75067

Revised: 01/28/04
Revised: 12/05/03
Revised: 04/08/03

DRAWN BY: C.H. DATE: 02/24/03 SCALE: 1"=40' JOB NO. 99107

OWNER
Redi Mix, L.P.
1445 MacArthur Drive, Suite 136
Carrollton, TX 75007
Phone: (972) 242-4450
Fax: (972) 323-0759
Contact: John Hoelscher

Filed for Record in:
Collin County, McKinney TX
Honorable Brenda Taylor
Collin County Clerk
On Jun 24 2004
At 10:15am
Doc/Num : 2004- 0081718
Recording/Type:PL 21.00
Receipt #: 11999

P 690

FOR 2005
FROM: 2653-000-0090-1 AC: 0.697
FROM: 2653-000-0100-1 AC: 1.392
FROM: ______ AC: ______

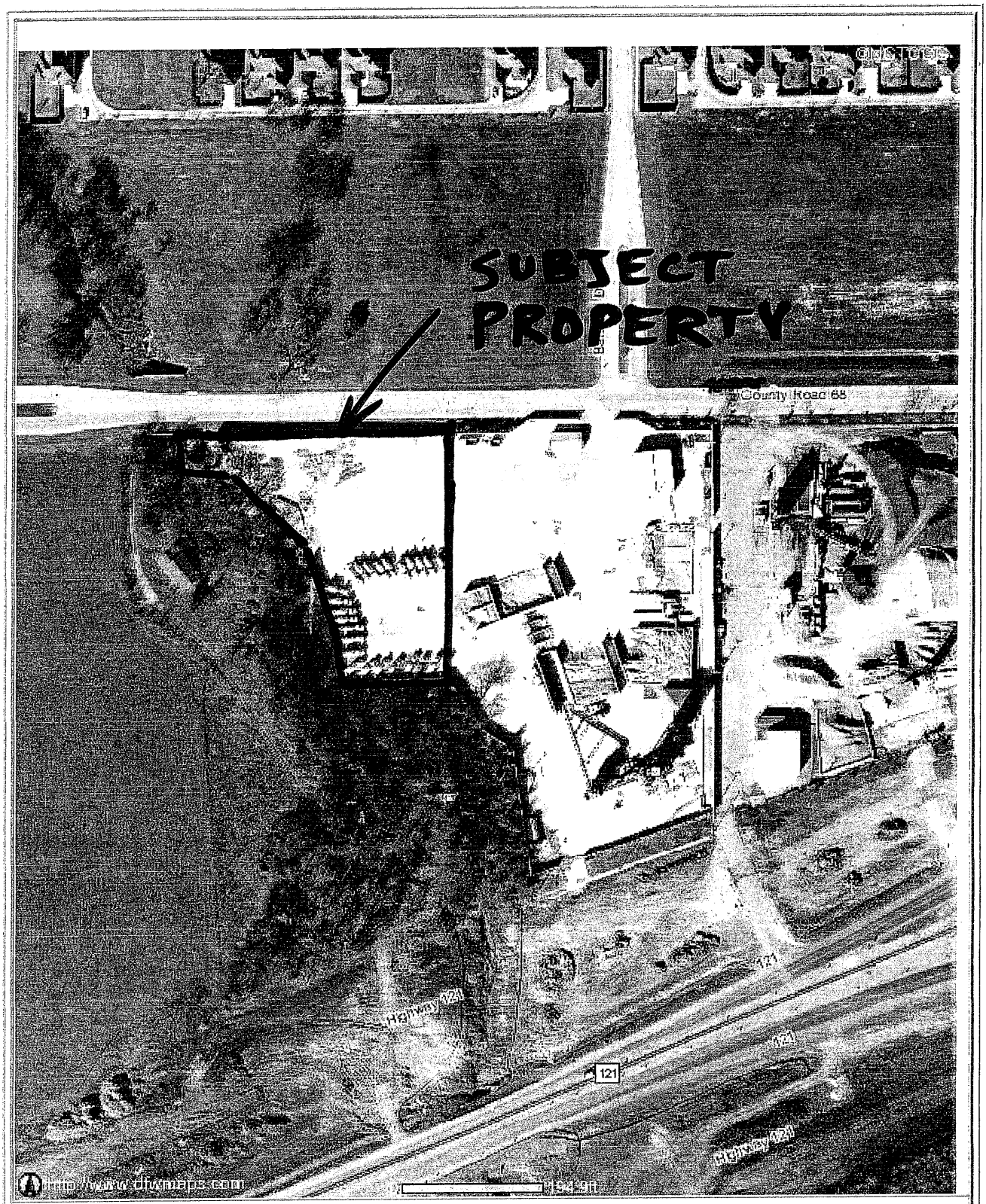
LEGEND

RF	=	REBAR FOUND
CRS	=	CAPPED REBAR SET G&A
B.L.	=	BUILDING LINE
U.E.	=	UTILITY EASEMENT
CRF	=	CAPPED REBAR FOUND
P.O.B.	=	POINT OF BEGINNING
CM	=	CONTROLLING MONUMENT
PP	=	POWER POLE
WV	=	WATER VALVE
FH	=	FIRE HYDRANT

Note: No portion of subject property appears to lie in a Special Flood Hazard Zone according to Flood Insurance Rate Map No. 48085C 0430G, dated January 19, 1996 for Collin County, Texas and Incorporated Areas.

Bearings based on record bearing of east line of Redi-Mix Addition, as shown.

* Coordinates for the northeast and northwest corners of Lot 1, Block A, Redi-Mix II Addition are grid values referred to the Texas Coordinate System, North Central Zone expressed in NAD '83 projection. Elevations are orthometric heights. The monuments were tied by GPS to Station Numbers 15 and 3 of the City of Frisco official control monument system with coordinates thereof provided by the City of Frisco



NCTCOG Maps
www.dfwmaps.com

DISCLAIMER
This data has been compiled for NCTCOG. Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as

N

di-Mix Concrete
: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TXCOMM)

Check Number: 0000052420
Date: September 30, 2007

voice No.	Date	Description	Amount	Discount	Paid Amount
E 092707	9/30/2007	AP FEE TAX EXE	$300.00	$.00	$300.00
		TOTALS:	$300.00	$.00	$300.00

Bank of America
88-130/1119 TX

Redi-Mix Concrete

0000052420

1100 Westpark Way
Euless, TX 76040
(817) 835-4000 X 0000

September 30, 2007

$300.00

Three Hundred Dollars And 00 Cents

PAY TO THE ORDER OF

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
PO BOX 13088

AUSTIN, TX 78711

TWO SIGNATURES REQUIRED OVER $5,000.00

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

⑈0000052420⑈ ⑆111901302⑆ 0023309423 73⑈

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Glenn Shankle, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

12/22/2007

REDI-MIX LLC
RYAN SEWELL
406 E SYCAMORE ST
DENTON TX 76205

This letter is to inform you that on 12/22/2007 the technical review of Use Determination Application, 07-11103, for:

REDI-MIX LLC
FRISCO READY MIX
14800 HWY 121
FRISCO TX 75035

was completed. The use determination is included with this letter. In order to request an exemption, a copy of this Use Determination, along with a completed exemption request form #50-248 (can be found at www.cpa.state.tx.us), must be provided to the Chief Appraiser of the appropriate appraisal district. This request must be made by April 30.

House Bill 3121, enacted during the 77th Legislative Session, established a process for appealing a use determination. The Texas Commission on Environmental Quality (TCEQ) rules that implement the appeals process.are at 30 TAC 17.25. Pursuant to 17.25(a)(1), an appeal must be filed within 20 days of receipt of the use determination. Should you choose to appeal the use determination, please submit a copy of your appeal to the TCEQ Tax Relief for Pollution Control Property program at the time of filing the appeal with the Chief Clerk of the commission.

If you have any questions or require any additional information please contact the Tax Relief for Pollution Control Property Program at (512) 239-3100.

Sincerely,

David Greer
Team Leader, Pollution Prevention

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Glenn Shankle, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

12/22/2007

CHIEF APPRAISER
COLLIN COUNTY APPRAISAL DISTRICT
250 W ELDORADO PKWY
MCKINNEY TX 75069

This letter is to inform you that on 12/22/2007 a final determination was issued with regard to Use Determination application 07-11103 filed by:

REDI-MIX LLC
FRISCO READY MIX
14800 HWY 121
FRISCO TX 75035

A copy of the use determination is included with this letter. House Bill 3121, enacted during the 77th Legislature Session, established a process for appealing a use determination. The Texas Commission on Environmental Quality (TCEQ) rules that implement the appeals process are at 30 TAC 17.25. Pursuant to 17.25(a)(1), an appeal must be filed within 20 days of receipt of the use determination. Should you choose to appeal the use determination, please submit a copy of your appeal to the TCEQ Tax Relief for Pollution Control Property program at the time of filing the appeal with the Chief Clerk of the commission.

In order to qualify for a tax exemption the applicant must file an exemption request with your appraisal district. This exemption request must be accompanied by a copy of the positive use determination issued by the TCEQ. If you have any questions regarding this Use Determination or the appeals process please call me at 512/239-3100.

Sincerely;

David Greer
Team Leader, Pollution Prevention

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Glenn Shankle, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

USE DETERMINATION

The Texas Commission on Environmental Quality has reviewed Use Determination Application, 07-11103, filed by:

REDI-MIX LLC
FRISCO READY MIX
14800 HWY 121
FRISCO TX 75035

The pollution control property/project listed in the Use Determination Application is:

1.65 acres of environmental paving including the land underneath.

The outcome of the review is:

A positive use determination for 100% of the 1.65 acres of paving. A negative determination for the land.

This equipment is considered to be pollution control equipment and was installed to meet or exceed federal or state regulations.

Executive Director

12/22/2007
Date

TAX RELIEF FOR POLLUTION CONTROL PROPERTY: TECHNICAL REVIEW DOCUMENT

Reviewed By: GEM App. No.: 07 - 11103 Review Start Date: 11/19/2007
Company Name: REDI-MIX LLC
Facility Name: FRISCO READY MIX

TIER LEVEL
What Tier is this application? The application was filed as a Tier I application.

The application is for property contained on the PEL, so it is a Tier I.

RELEVANT RULE, REGULATION, OR STATUTORY PROVISION
The rule listed in the application is:
30 TAC 106.201(3)

The facility was constructed under Permit-By-Rule which was governed by 30 TAC 106.201 for concrete batch plants. Since then, rule changes moved concrete batch plants under standard permits (30 TAC 116). However, the original rule under which the facility was constructed is the appropriate guideline.

DESCRIPTION OF PROPERTY
Description: Is an adequate description and purpose of the property provided? Does it list the anticipated environmental benefits? Are sketches and flow diagrams provided if needed?

The property is described as:

1.65 acres of environmental paving including the land underneath.

The property description is detailed enough for review.

DECISION FLOWCHART

Mark the appropriate boxes: Box 3 Y Box 5 Y Box 7 Y Box 9 Box 10
Reason this box was chosen:
Meets an environmental rule for Box 3. Has an environmental benfit at the site for Box 5. Property is contained on the PEL for Box 7.
TIER III or IV APPLICATIONS
Did the applicant use the CAP? Recalculate the CAP. Does your calculation agree with the applicants?

Not applicable.

PROPERTY CATEGORIES AND COSTS

Is the table completed correctly? Has the applicant certified that all listed property became taxable for the first time after January 1, 1994? Is all information necessary for conducting the technical review included.

The correct boxes are checked.

TECHNICAL REVIEW
Is the application technically complete? If the answer is no, what is missing? Provide the language used in the NOD letter. If yes then develop the use determination language.

Technically complete when received: Y

NOD RESPONSE

Full Property Description:

1.65 acres of the facility were paved in order to achieve maximum control of dust emissions in compliance with provisions of the Permit By Rule for a concrete batch plant. The land underneath the paving is also included in the application

DETERMINATION

Provide the reason for your determination.

Environmental paving at an industrial site is authorized under PEL number M-8. The land does not qualify. It does not meet the definition of qualifying land.

Provide the language for the final determination.
A positive use determination for 100% of the 1.65 acres of paving. A negative determination for the land.

********** ED Approval Required: N **********

Reviewed: Ronald Hall Date: 12/17/2007

Peer Reviewed: Date:

Team Leader: Date: 12/19/07

Division Director: Date:

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Glenn Shankle, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 12, 2007

Mr. Ryan Sewell
Redi-Mix LLC
406 E. Sycamore St
Denton TX 76205

Re: Tax Relief Applications 07-11103, 11104, 11121, and 11122

Mr. Sewell,

This past June the Texas Commission on Environmental Quality (TCEQ) formed a work group which was charged with looking at the Tax Relief Program's Predetermined Equipment List. The group was formed in response both to requirements contained in HB 3732 and suggestions made to the commission during an appeal. The commission charged the work group with evaluating all of the items listed on the current predetermined equipment list to determine if the item belonged on the list and if the correct use determination percentage was listed.

One of the items that the work group was specifically requested to look at was the listing for environmental paving. In order to qualify for a positive determination the property must, by statute, meet the following conditions: 'A person is entitled to an exemption from taxation of all or part of real and personal property that the person owns and that is used wholly or partly as a facility, device, or method for the control of air, water, or land pollution' where facility, device, or method for the control of air, water, or land pollution is further defined as 'land that is acquired after January 1, 1994, or any structure, building, installation, excavation, machinery, equipment, or device, and any attachment or addition to or reconstruction, replacement, or improvement of that property, that is used, constructed, acquired, or installed wholly or partly to meet or exceed rules or regulations adopted by any environmental protection agency of the United States, this state, or a political subdivision of this state for the prevention, monitoring, control, or reduction of air, water, or land pollution.'

As a result of the review we have determined that the statute intends for land to be determined to be pollution control property. Since land can be neither constructed nor installed in order for it to qualify it must be either used or acquired for pollution control purposes. In response to our review we have implemented the following policy with regard to land:

> Land <u>may</u> be eligible for a positive determination, but it is restricted to land that actually contains only pollution control property, or is property that is used solely for pollution control purposes, or is property which was specifically purchased solely for pollution control purpose. Examples of the first condition include the actual square footage of land that contains a bag-house, or scrubber. An example of the second condition is the land used for a stormwater or waste water containment

pond. An example of the third condition is the purchase of adjacent land which will be used solely for pollution control purposes.

When evaluating the land listed on your applications we reached the conclusion that it is not eligible for a positive use determination. The first option is not met since your production equipment and operations are located on the land. The second option isn't met since your production vehicles use the paved areas. The third option is not met since the land was not purchased solely for pollution control purposes.

This letter is to let you know that we are going to issue positive use determinations for the property listed in the applications except for the land. Negative determinations will be issued for the land which is listed on the four applications which the TCEQ currently has in-house and on any future applications which we receive. The determinations will be issued by the end of this week. If you have any questions or wish to discuss this issue please feel free top contact me at 512-239-3100.

Sincerely,

Ronald Hatlett

Ronald Hatlett
Senior Member
Tax Relief for Pollution Control Property Team