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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 JUN 12 PM 4:56
CHIEF CLERKS OFFICE

June 12, 2008

Via Hand Delivery
LaDonna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
Office of Chief Clerk
12100 Park 35 Circle, Bldg. F-1
Austin, Texas 78711-3087

Re: Redi-Mix, L.L.C.
TCEQ Docket Nos. 2008-0208-MIS-U (UD 07-11103/Frisco Ready Mix – Collin County); 2008-0209-MIS-U (UD 07-11104/Prosper Ready Mix – Collin County); 2008-0210-MIS-U (UD 07-11121/Frisco Ready Mix – Collin County); 2008-0211-MIS-U (UD 07-11122/Alliance Ready Mix – Denton County)
Reply of Redi-Mix, L.L.C. to the Executive Director's Response to Appeals of Use Determinations

Dear Ms. Castanuela:

Enclosed please find the original and 11 copies of the Reply of Redi-Mix, L.L.C. to the Executive Director's Response to Appeals of Use Determinations regarding the above-referenced matter. Please file-stamp these documents and return one complete set to me.

If you have any questions, please do not hesitate to contact me.

Yours very truly,

Ashley Phillips for

James B. Harris

JBH/tkh
Enclosures

cc: Timothy J. Reidy/D.A. Chris Ekoh, *Via Hand Delivery*
Chief Appraiser, Colling County Appraisal District, *Via First Class Mail*
Chief Appraiser, Denton County Appraisal District, *Via First Class Mail*
Mr. David Greer/Ronald Hatlett, *Via Hand Hand Delivery*
Garrett Arthur, *Via Hand Delivery*

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 JUN 12 PM 4: 56

CHIEF CLERKS OFFICE

TCEQ Docket Numbers
2008-0208-MIS-U (UD 07-11103/Frisco Ready Mix – Collin County)
2008-0209-MIS-U (UD 07-11104/Prosper Ready Mix – Collin County)
2008-0210-MIS-U (UD 07-11121/Frisco Ready Mix – Collin County)
2008-0211-MIS-U (UD 07-11122/Alliance Ready Mix – Denton County)

APPEAL OF THE:	§	**BEFORE THE**
EXECUTIVE DIRECTOR'S USE	§	
DETERMINATIONS ISSUED TO	§	**TEXAS COMMISSION ON**
REDI-MIX, L.L.C., APPLICATION	§	
NUMBERS 07-11103, 07-11104,	§	
07-11121, & 07-11122	§	**ENVIRONMENTAL QUALITY**

REPLY OF REDI-MIX, L.L.C. TO
THE EXECUTIVE DIRECTOR'S RESPONSE
TO APPEALS OF USE DETERMINATIONS

FACTUAL BACKGROUND

By applications dated August 27, 2007, October 2, 2007, and October 17, 2007, Redi-Mix, L.L.C. ("Redi-Mix") sought property tax exemptions for pollution control property at four Redi-Mix plants located in the North Texas area. Attached as Exhibit 1 is a map depicting each of these four locations. Attached as Exhibits 2, 3, and 4, are the applications. Attached as Exhibits 5, 6, 7, 8, and 9, are the use determinations for each plant. A positive use determination was made for a plant in Lewisville (see Exhibits 2 and 5). A negative determination was made for the other three plants. Only the negative determinations are the subject of this appeal.

The sole issue presented by this appeal is whether land at each Redi-Mix plant subject to a negative determination on which paving is located in order to prevent, control or reduce air and water pollution (the "Redi-Mix Land") is exempt from taxation. There is no dispute that the paving in question is required by regulations governing air emissions from the Redi-Mix plants, as well as the Texas Commission on Environmental Quality's ("TCEQ") general permit

regulating storm water discharges from industrial facilities.[1] There is no dispute that the Redi-Mix Land was acquired after January 1, 1994. The land for the plant with the positive use determination is shaded on an aerial photograph that is Exhibit 11, and the Redi-Mix Land for the negative use determination plants is shaded on the aerial photographs that are Exhibits 12, 13, and 14.

WHAT IS IN ISSUE?

The Executive Director believes that draft guidelines related to use determinations, effective February 7, 2008 (the "2008 Guidelines"), attached as Exhibit 2 to the Executive Director's Response Brief, control Redi-Mix's applications and require that the request for an exemption of the Redi-Mix Land be denied.

Redi-Mix disagrees for three reasons. First, the position advanced by the Executive Director, as set forth in the 2008 Guidelines, is inconsistent with the plain meaning of the constitutional, statutory, and regulatory provisions governing use determinations related to land containing pollution control equipment and is contrary to the TCEQ's longstanding application of these provisions. Second, the 2008 Guidelines were not effective at the time that the use determinations were made on the Redi-Mix applications and could not be used in making those determinations. Third, if TCEQ intends to change its interpretation of the circumstances in which land is entitled to an exemption, then it can only do so through notice and comment rulemaking.

[1] Attached as Exhibit 10 is a page from the Storm Water Pollution Plan that is used at each of the four plants. Under "Good Housekeeping" Redi-Mix is required to pave all areas of the plant subject to vehicle traffic.

CONSTITUTIONAL, STATUTORY, REGULATORY, AND GUIDANCE BACKGROUND

On November 2, 1993, the voters of Texas adopted a constitutional amendment providing for an exemption from *ad valorem* taxation for certain property used for the control of air, water or land pollution which provides in pertinent part:

> § 1-l.(a) the legislature by general law may exempt from *ad valorem* taxation all or part of real and personal property 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.

Tex. Const. art. 8, § 1-l

Prior to November 2, 1993, the Legislature had adopted § 11.31 of the Texas Property Tax Code to become effective if the constitutional amendment was adopted. The portion of that statutory provision applicable to this dispute, which has remained unchanged since 1993, reads as follows:

> (a) 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...
>
> (b) In this section, "facility, device, or method for the control of air, water, or land pollution" means land that is acquired after January 1, 1994...that is used...to meet or exceed rules or regulations, adopted by any environmental protection agency in 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.

Tex. Tax Code Ann. § 11.31.

On September 30, 1994, TCEQ's predecessor, the Texas Natural Resource Conservation Commission, adopted rules to implement § 11.31. 19 Tex. Reg. 7793 (1994). The provision in those regulations applicable to this dispute, which was originally found in 30 Tex. Admin. Code,

§ 277.4(a)(2) and is now found in 30 Tex. Admin. Code § 17.4(a)(2), has remained unchanged since its initial adoption in 1994 and reads as follows:

> (2) Land must include only the portion of the land acquired after January 1, 1994, that actually contains pollution control property.

At the time Redi-Mix filed the applications that have led to this appeal, a "Guidelines Document for Preparation of Use Determination Applications" adopted in 2006 (the "2006 Guidelines"), and attached as Exhibit 1 to the Executive Director's Response Brief, was in effect. With respect to what land qualified for an exemption, the 2006 Guidelines specified:

> Land may be eligible for a positive determination, but it is restricted to land that actually contains pollution control property. Examples include the actual square footage of land that contains a baghouse, scrubber, settling pond, or waste water containment. The land must have been acquired after January 1, 1994.

2006 Guidelines at 2.

The application form that was part of the 2006 Guidelines provided the following with respect to how to describe land for which an exemption was sought:

> 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.

2006 Guidelines at B-2.

In 2008, TCEQ changed positions on when land is entitled to an exemption. The 2008 Guidelines changed the description of qualifying land to read as follows:

> Land may be eligible for a positive determination, but it is restricted to land that actually contains only pollution control property, or property that is used solely for pollution control purposes, or is property which was specifically purchased solely for pollution control purposes. Examples of the first condition include actual square footage of land that contains a baghouse or scrubber. An example of the second condition is the land used for a storm water 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. The land must have been acquired after January 1, 1994.

2008 Guidelines at 3. Additionally, the 2008 Guidelines revised Predetermined Equipment List M-8, governing environmental paving located at industrial facilities, to make clear that it did not include "paving of parking areas or driveways for convenience purposes." 2008 Guidelines at 41. Finally, the description of property section of the form application attached to the 2008 Guidelines, as it related to land, was revised to read as follows:

> Land: Provide a legal description and an accurate plot plan of the land in question.

2008 Guidelines at 22.

ARGUMENT AND AUTHORITIES

A. Under the plain meaning of § 11.31, the regulations implementing it, and the 2006 Guidelines, the Redi-Mix Land is entitled to an exemption.

While exemptions from taxation are to be strictly construed, *Baptist Mem'ls Geriatric Center v. Tom Green County Appraisal Dist.*, 851 S.W. 2d 938, 942 (Tex. App. – Austin 1993, writ denied), it is also true that an unambiguous statute will be construed as written. *State v. Gonzalez*, 82 S.W. 3d 322, 327 (Tex. 2002). Therefore, strict construction cannot be employed to construe a tax exemption contrary to its plain meaning.

Here the language of § 11.31(a) and (b) is unambiguous on the degree of use required to qualify for an exemption. That language makes clear that Redi-Mix is "entitled to an exemption" of: (1) all real estate whether used wholly or partly to control air, water, or land pollution; or a part of real estate used wholly or partly to control air, water, or land pollution. Stated somewhat differently, the language of § 11.31(a) and (b) establishes that any portion of land owned by Redi-Mix that is used either continuously or occasionally to control air, water or land pollution is entitled to an exemption. In essence then, as long as land is used at all for pollution control purposes it is entitled to an exemption, but only that portion of the land used for such purpose.

This conclusion is supported by TCEQ's regulations that provide, and have provided since 1994, that a positive use determination is required for that portion of land acquired after January 1, 1994, that "actually contains pollution control property." 30 Tex. Admin. Code § 17.4(a)(2). This language could not be clearer. The degree of use plays no role in determining if an exemption is available. The land need only contain a pollution control device. How often that device operates or what else might occur on the land is of no significance. If it were, the regulation would have said so.

Here, the Redi-Mix Land was acquired after January 1, 1994, it "actually contains" pollution control property (paving), and that land is used continually to contain such property. Under the plain language of the statute and regulations it is entitled to an exemption.

The Executive Director misreads the "wholly or partly" language of § 11.31 as a limitation on the exemption when, in fact, that phrase ensures that property is entitled to an exemption regardless of the degree of use, but only for that part that is actually used for pollution control. The Executive Director's understanding would make superfluous the modifiers "all or part" that front the phrase "of real and personal property" in § 11.31(a). Stated somewhat differently, § 11.31(a)-(b) provide that only property that is not used at all for pollution control purpose is ineligible for an exemption. Of course, only the part used for some pollution control purpose can qualify. Determining what part qualifies is conducted through the partial use determination specified in the regulations, 30 Tex. Admin. Code § 17.17, although the methodology employed makes clear that as to land, if it is used at all, the full value is entitled to an exemption.

The Executive Director's position also cannot be squared with the applicable provisions of the regulations implementing § 11.31 and the 2006 Guidelines, both of which only require that land "contain" pollution control property, not that it "only" contain pollution control property.

Finally, if the Executive Director's position is correct, then the instructions accompanying the application for a positive use determination in effect when Redi-Mix sought the exemption are wrong, requiring as they do that the land only be actually "used for pollution control purposes or house pollution control property," not that such use be the only use.

In short, the plain meaning ascribed to § 11.31(a)-(b) by Redi-Mix is supported by the regulations, the 2006 Guidelines, and the application form applicable when Redi-Mix sought an exemption.

B. The Redi-Mix application should have been evaluated under the 2006 Guidelines.

In his response, the Executive Director assumes that the 2008 Guidelines apply to this appeal. They do not. The Redi-Mix applications were filed in August through October of 2007 and were resolved prior to the end of 2007. Exhibits 2 – 9. The 2008 Guidelines did not become effective until February 7, 2008. www.tceq.state.tx.us/assistance/Prop2/tax.relief.html (the page specifically provides a heading "Effective February 7, 2008" below which is a copy of the 2008 Guidelines). The 2008 Guidelines then had no application to a positive use determination on the Redi-Mix applications.[2]

That the 2006 Guidelines controlled the Redi-Mix applications is also established by the fact they were filed on the application form attached to the 2006 Guidelines. If those applications had been evaluated under the 2006 Guidelines, there is no question but that a

[2] The decision of when to implement the 2008 Guidelines is necessarily an institutional decision by TCEQ. Therefore, Ronald Hatlett's letter of December 12, 2007, attached as Exhibit 15, cannot represent action by the Commission, which did not occur until February of 2008. Moreover, as Mr. Hatlett's letter makes clear the changed policy was only going to be applied prospectively so it could not have applied to applications prior to the date of his letter.

positive use determination would have been provided for the Redi-Mix Land. In fact, the initial application filed by Redi-Mix, attached as Exhibit 2, was resolved under the 2006 Guidelines, and the land covered by paving was found to be exempt from *ad valorem* taxation in the use determination attached as Exhibit 5. Additionally, based on a cursory review of available agency records, Redi-Mix has identified six other applications decided in or earlier than 2007 in which land underlying paving was granted an exemption from *ad valorem* taxation. Summaries of the actions on those applications are attached as Exhibit 16.

Such results are not surprising given the plain language of § 11.31, the applicable regulations, the 2006 Guidelines, and the instructions in the positive use determination application in effect in 2007 and before.

C. To the extent the TCEQ intends to overrule its previous understanding of when land used for pollution control purposes is entitled to an exemption from *ad valorem* taxation it must accomplish that change through notice and comment rulemaking.

The 2008 Guidelines cannot be used against regulated parties unless and until adopted through notice and comment rulemaking for two reasons. First, the 2008 Guidelines represent a reversal of the TCEQ's prior position on granting *ad valorem* taxation exemptions for land containing pollution control property. Second, because the 2008 Guidelines represent final agency action reflecting a settled position that is binding on the regulated community it is a legislative rule that can be adopted only through notice and comment rulemaking.

As to the first argument, *Shell Offshore Inc. v. Babbitt*, 238 F.3d 622 (5th Cir. 2001) provides a well reasoned on-point discussion of why an agency's material change in position can only be accomplished through notice and comment rulemaking. In *Shell Offshore*, the Department of Interior changed its policy on what was required of a mineral lessee of federal lands before tariffs for transporting crude oil were "safe harbored." According to the Fifth Circuit, based on the definition of the word "rule" in the Federal Administrative Procedure Act,

which is virtually identical to the definition of "rule" in the Texas Administrative Procedure Act (compare 5 U.S.C. § 551(4) with Tex. Gov't Code Ann. § 2001.003(6)), significantly changing a longstanding agency policy represents an amendment to a rule that can only be accomplished through notice and comment rulemaking. Here, there is no question but that the change in the 2008 Guidelines was significant because it changed the outcome on Redi-Mix's application for exemption.[3] As such, the 2008 Guidelines on which the denial of Redi-Mix's exemption was based were of no force and effect. A decision based on those guidelines would be wrong.

As to the second argument, *Appalachian Power Company v. EPA*, 2008 F.3d 1015 (D.C. Cir. 2000) convincingly explains why a policy statement that is treated as a rule must be adopted as a rule. Not unlike the 2008 Guidelines at issue in this appeal, EPA argued that its guidance was merely interpretive because it was "draft" and included a disclaimer indicating it was not binding. The D.C. Circuit had little trouble separating the pretext from reality. Finding that the disclaimer was unpersuasive boiler plate, the actual guidance was final because it represented the end of a decision making process from which legal consequences flowed, and the guidance was outcome determinative and not suggestive, led to the conclusion that the "guidance" was in fact a rule. Likewise, here the disclaimer is boiler plate and as evidenced by the Hatlett letter, Exhibit 15, the 2008 Guidelines are considered final and outcome determinative. As such, the 2008 Guidelines represent a legislative rule invalid because not adopted through notice and comment rulemaking.

[3] Recall that the exemption application Redi-Mix filed on August 17, 2007, was granted as to land on which paving was located. Exhibit 5. Applications for identical treatment at three other Redi-Mix plants also in North Texas were denied. Exhibits 6, 7, 8, and 9. The only explanation for the different outcome was the policy applied to the applications.

CONCLUSION

The denial of exemptions for land in the three plants at issue here was wrong and at odds with the grant of the exemption for a fourth plant. The Commission should reverse the denial of the exemptions.

Respectfully submitted,

THOMPSON & KNIGHT L.L.P.

By: Ashley Phillips for

James B. Harris
State Bar No. 09065400
Matt Knifton
State Bar No. 00796898

1700 Pacific Avenue, Suite 3300
Dallas, Texas 75201
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ATTORNEYS FOR REDI-MIX LLC

CERTIFICATE OF SERVICE

I certify that on June 12, 2008, the original and 11 copies of the "Reply of Redi-Mix, L.L.C. to the Executive Director's Response to Appeals of Use Determinations" was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk, and was served by first-class mail or hand delivery to all persons on the attached mailing list.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 JUN 12 PM 4:56
CHIEF CLERK'S OFFICE

Ashley Phillips for
James B. Harris

Mailing List
Redi-Mix, L.L.C.
TCEQ Docket Nos.
2008-0208-MIS-U (UD 07-11103/Frisco Ready Mix – Collin County)
2008-0209-MIS-U (UD 07-11104/Prosper Ready Mix – Collin County)
2008-0210-MIS-U (UD 07-11121/Frisco Ready Mix – Collin County)
2008-0211-MIS-U (UD 07-11122/Alliance Ready Mix – Denton County)

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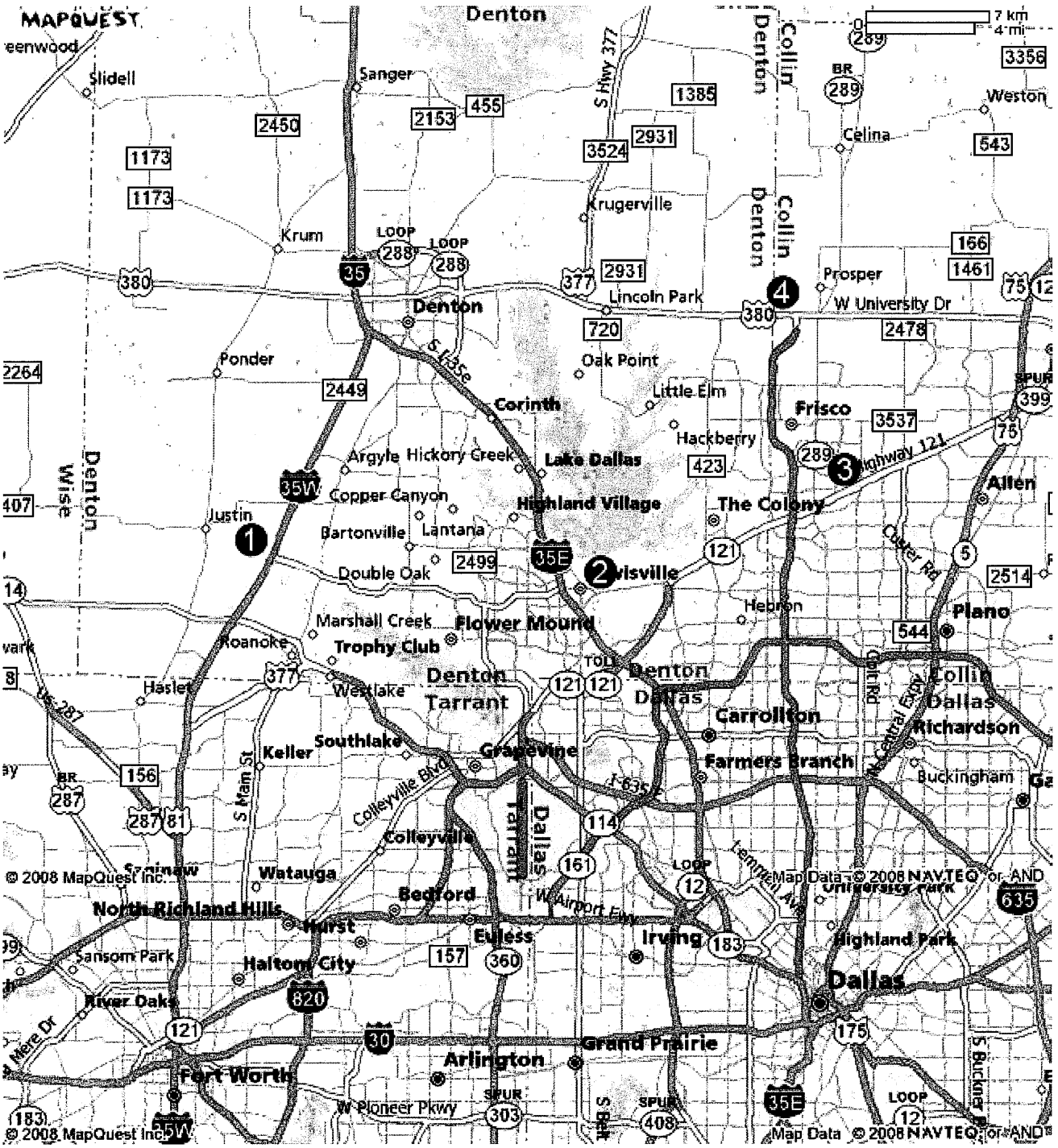
(Hand Delivery)

513522 000002 DALLAS 2359908.1

Redi-Mix Concrete
Facility Location Map



Facility (Use Determination No.)

1. Alliance Ready Mix (UD 07-11122)
2. Lewisville Ready Mix (UD 07-11102)
3. Frisco Ready Mix (UD 07-11103, UD 07-11121)
4. Prosper Ready Mix (UD 07-11104)

Redi-Mix, LLC.
a U.S. Concrete Company
1001 W. Euless Blvd., Ste. 100
Euless, TX 76040

August 27, 2007

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

RE: LEWISVILLE READY MIX (RN102743523) –
APPLICATION FOR USE DETERMINATION FOR POLLUTION CONTROL PROPERTY

Mr. McArthur:

Please find attached a completed Application for Use Determination for Pollution Control Property for Redi-Mix, L.L.C. – Lewisville Ready Mix (RN102743523).

Lewisville Ready Mix is an integrated operation which provides ready mix concrete to Lewisville and surrounding areas. The site is home to a regional maintenance shop, a concrete batch plant, and serves as a regional hub for supporting mixer trucks and material haul trucks. The operation is authorized under TPDES General Permit TXG110640 and PBR 106.201 (No. 40370). We feel the property and equipment included in this application are essential for meeting the conditions of our permits and therefore warrant exemption under the tax relief program.

If you have any questions or require additional information, please contact me either by phone at 817-372-7014 or email at rsewell@us-concrete.com.

Sincerely,

Ryan Sewell
Environmental Compliance Manager

Enclosures

Application and Instructions for Use Determination for Pollution Control Property &Predetermined Equipment List

(MICROSOFT WORD VERSION)

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.

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: Lewisville Ready Mix

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

C. Street Address: 725 E College

D. City, State, ZIP: Lewisville, TX 75067

E. Tracking Number Assigned by Applicant: RM001

F. Customer Number or Regulated Entity Number: RN102743523

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

A. Name of Appraisal District: Denton Central Appraisal District

B. Appraisal District Account Number: R202713

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, Dust Collector, Baghouses, Exhaust Ductwork, Water Truck, Sweeper Truck, 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, Storm Water Containment Structure, Waste Water Recycling System, Weir Pit System, Wash Out Pit, Pumps, Tanks, Basins, Land	Chapter 26, Texas Water Code; Section 402, Clean Water Act, TPDES General Permit TXG110000

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

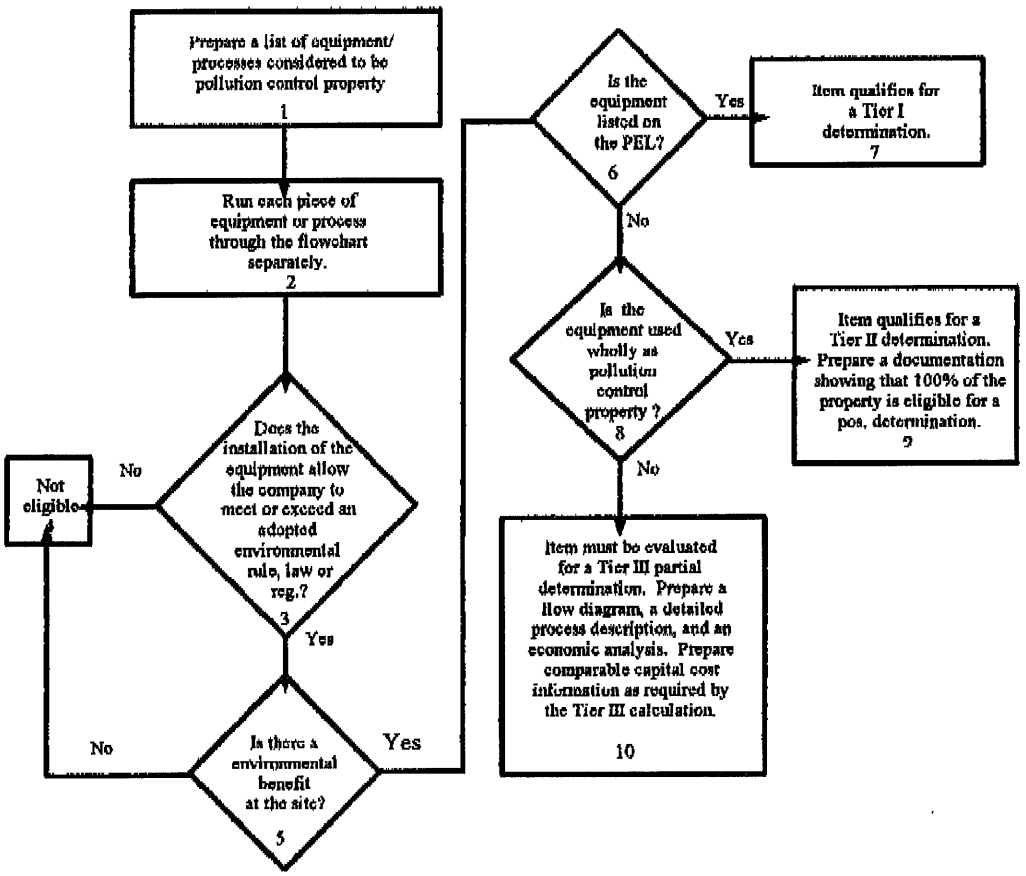
after January 1, 1994, and which is actually used for pollution control purposes or that houses pollution control property is eligible for a positive use determination.

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	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 (9.8 acres) Stockard Addn, Block A, Lot 2A	N	7	M-8	$500,000	100%
Property - Environmental Paving (9.8 acres)	N	7	M-8	$300,000	100%
Property - Dust Collectors, Baghouses	N	7	A-1	$50,000	100%
Property - Exhaust Ductwork	N	7	*	$10,000	100%
Land - Storm Water Containment Structure / Waste Water Recycling System (20,884 ft2)	N	7	W-65	$17,000	100%
Property - Storm Water Containment Structure / Waste Water Recycling System	N	7	W-65	$30,000	100%
Property - Weir Pit System / Washout Pit	N	7	*	$20,000	100%
Property - Water Truck / Sweeper Truck	N	7	*	$200,000	100%
Totals				$1,127,000	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.

NAME: Ryan Sewell DATE: 08/21/2007 8/21/2007

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

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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. ***Dust Collector***
   The mixer truck loadout is vented to a central dust collector which minimizes particulate emissions.

3. ***Baghouses***
   Each cement and fly ash silo is vented to a baghouse or cartridge type air filter to minimize particulate emissions while material is being pneumatically conveyed from bulk material delivery trucks.

4. ***Exhaust Ductwork***
   The mixer truck loadout and exhaust from silos is vented to abatement equipment (dust collector, baghouse, cartridge filter) via ductwork.

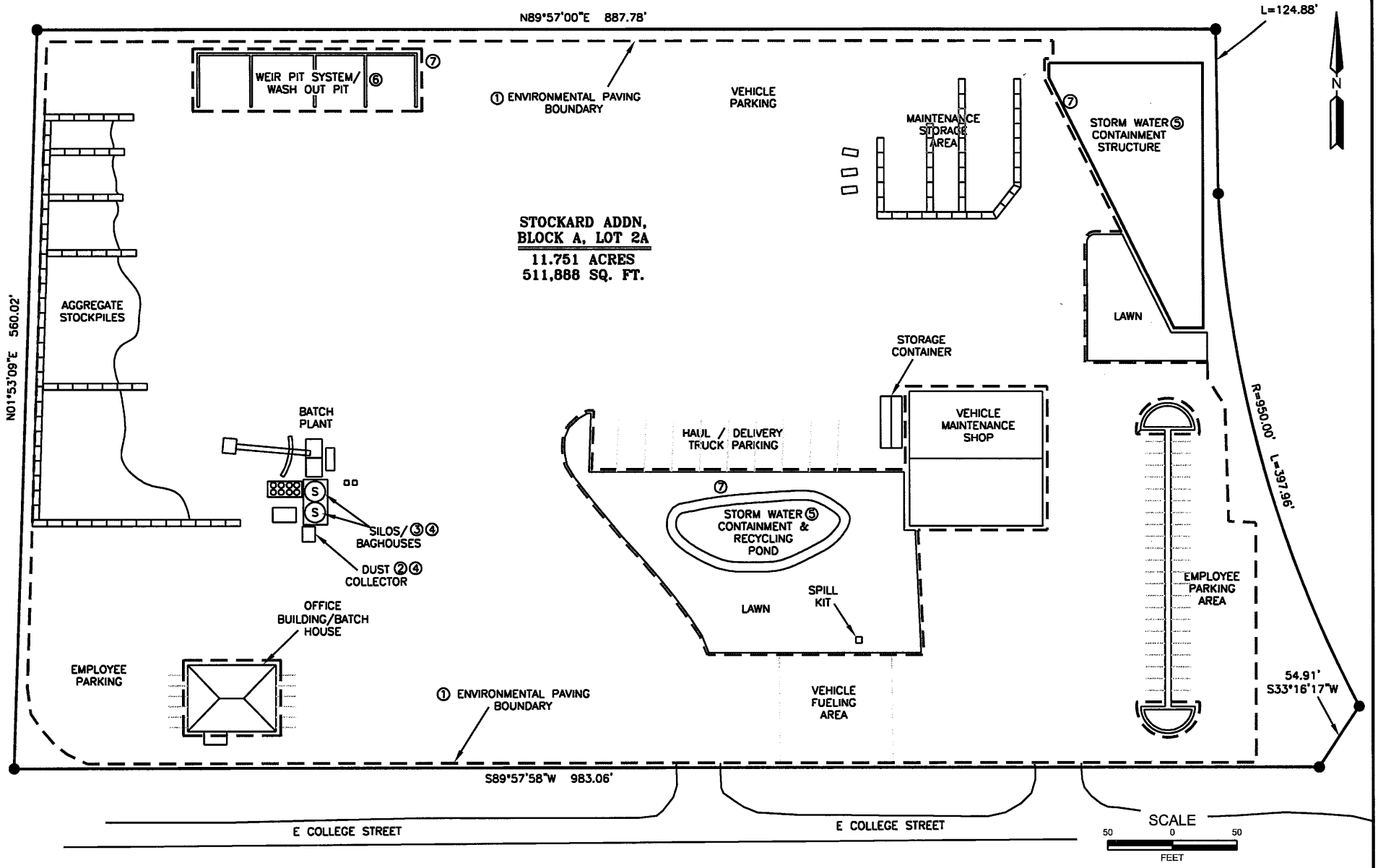
5. ***Storm Water Containment Structures / Waste Water Recycle System***
   The concrete containment structure near the northeast corner of the facility is used to recycle collected storm water and process water associated with facility operations. The system reduces discharge events and acts as a settling basin to reduce sediment and improve water quality.

6. ***Weir Pit System / Wash Out Pit***
   The pit system near the northwest corner of the facility is designed to reduce sediment and particulate matter in process water associated with washing out mixer trucks. Several sequential settling pits are connected by a series of weirs which act to maximize collection of solids. Process water which has passed through the pit system is recycled by the facility. The recycled water can be used to sprinkle aggregate stockpiles, paved areas, or used to batch concrete. Recycling of process water reduces the amount of water accumulated in the containment structure and assists in maintaining compliance with air permits.

7. ***Water Truck / Sweeper Truck***
   A water truck is used in conjunction with a sweeper truck to reduce fugitive material buildup and facilitate compliance with wastewater and air permits.

8. ***Conveyances, Pumps, Sumps, Tanks, Basins***
   Water is pumped to recycle process water and storm water from multiple collection points within the facility.

9. ***Land***
   9.8 acres of the property, which was purchased in 1999, is covered with environmental paving. This acreage calculation excludes lawn areas, buildings, storm water containment structures, process water recycling systems, and washout pits / weir pit systems. In addition to paving, multiple items listed on the PEL are housed on site. The land is used for pollution control and houses pollution control property.



NOTES:

ENVIRONMENTAL PAVING BOUNDARY – APPROXIMATELY 9.8 ACRES OF THE PLANT SITE ARE PAVED. THIS ESTIMATE EXCLUDES LAWN AREAS, BUILDINGS, CONCRETE STORM WATER CONTAINMENT STRUCTURE, AND WASH OUT PIT/WEIR PIT SYSTEM

ALL ACCESSIBLE PAVED AREAS OF THE PLANT ARE WATERED AND SWEPT REGULARLY

LEGEND:

① ENVIRONMENTAL PAVING
② DUST COLLECTOR
③ BAGHOUSES
④ EXHAUST DUCTWORK
⑤ STORM WATER CONTAINMENT STRUCTURES/ WATER RECYCLING SYSTEM
⑥ WEIR PIT SYSTEM / WASH OUT PIT
⑦ PUMP

REDI-MIX CONCRETE
a US CONRETE COMPANY

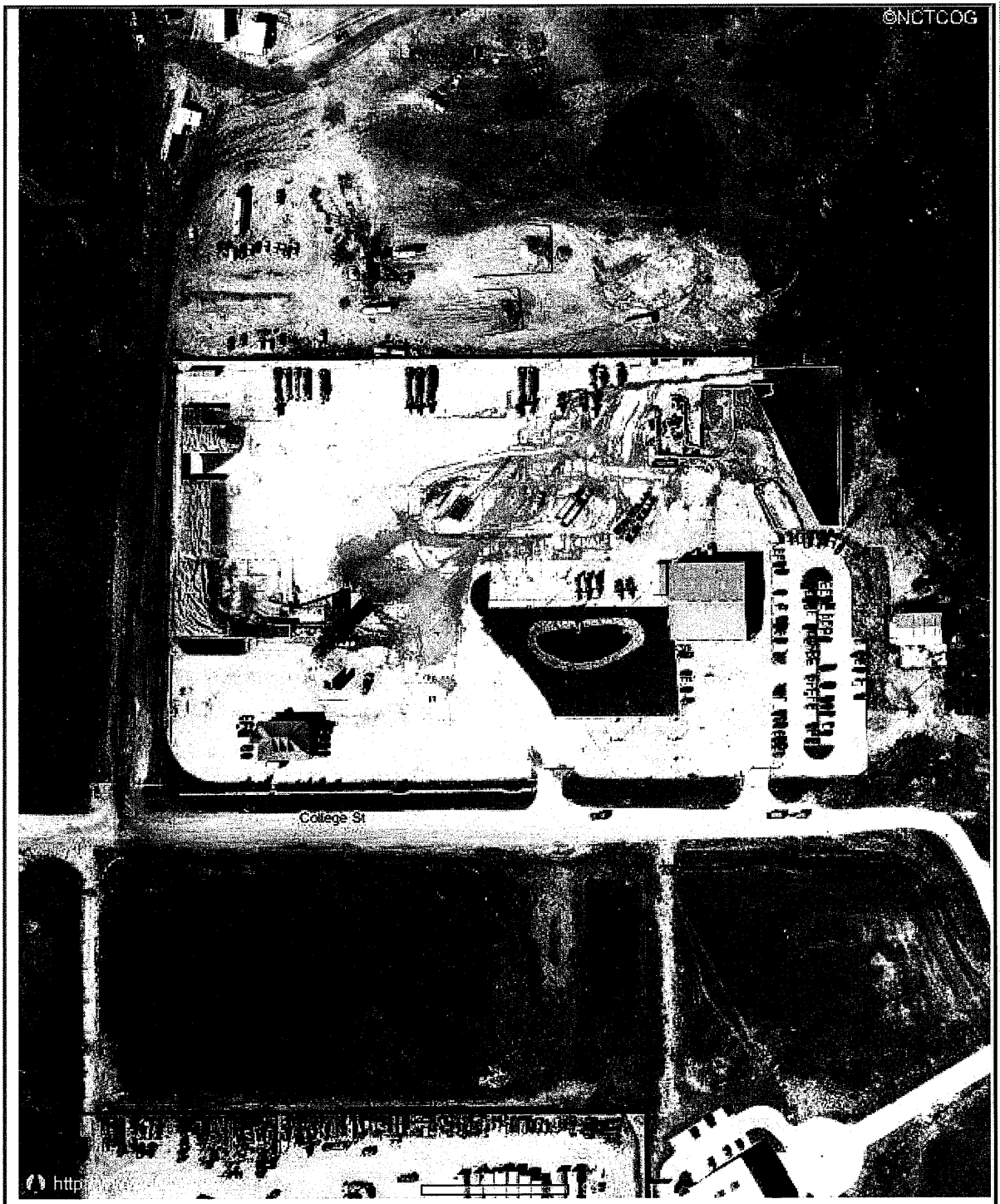
TAX RELIEF FOR POLLUTION CONTROL PROPERTY APPLICATION

LEWISVILLE READY MIX

DENTON COUNTY, TEXAS

DRAWN BY: PRS
CHECKED BY:
DATE: 07/02/2007

SITE MAP



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 to the accuracy of said data.

N

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

Check Number: 0000051342
Date: August 21, 2007

Invoice No.	Date	Description	Amount	Discount	Paid Amount
APPLICATION 082107	8/21/2007	APP USE DETERMINATION	$150.00	$.00	$150.00
		TOTALS:	$150.00	$.00	$150.00

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

Bank of America
88 130/1119 TX

Redi-Mix Concrete

0000051342

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

August 21, 2007

$150.00

One Hundred Fifty Dollars And 00 Cents

PAY TO THE ORDER OF

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
PO BOX 13089

AUSTIN, TX 78711

TWO SIGNATURES REQUIRED OVER $5,000.00

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

⑈0000051342⑈ ⑆111901302⑆ 0023309423 73⑈

REDI-MIX CONCRETE
a US CONCRETE company

Redi-Mix, LLC.
a U.S. Concrete Company
1001 W. Euless Blvd., Ste. 100
Euless, TX 76040

October 2, 2007

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

RE: FRISCO READY MIX (RN100716810, RN102695574),
PROSPER READY MIX (RN105187884, RN100736149)
APPLICATION FOR USE DETERMINATION FOR POLLUTION CONTROL PROPERTY

Mr. McArthur:

Please find attached completed Applications for Use Determination for Pollution Control Property for Redi-Mix, L.L.C. – Frisco Ready Mix and Prosper Ready Mix.

Frisco Ready Mix operates on two tracts of land near the intersection of Lebanon Road and Hwy 121 in Frisco, TX. The larger tract was purchased in 1980 which makes the property ineligible for tax exemption and is not included in this application. When the operation expanded in 2000 the smaller 1.770 acre tract (which is included in this application) was purchased and paved. Frisco Ready Mix is authorized under TPDES General Permit TXG110760 and PBR 106.201 (Registration No. 40847).

Prosper Ready Mix was purchased and constructed in 1999. The site is home to a regional maintenance shop and a concrete batch plant. The operation is authorized under TPDES General Permit TXG110746 and Air Quality Standard Permit for Concrete Batch Plants (Permit No. 80464).

If you have any questions or require additional information, please contact me either by phone at 817-372-7014 or email at rsewell@us-concrete.com.

Sincerely,

Ryan Sewell
Environmental Compliance Manager

Enclosures

Application and Instructions for Use Determination for Pollution Control Property &Predetermined Equipment List

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.

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

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.

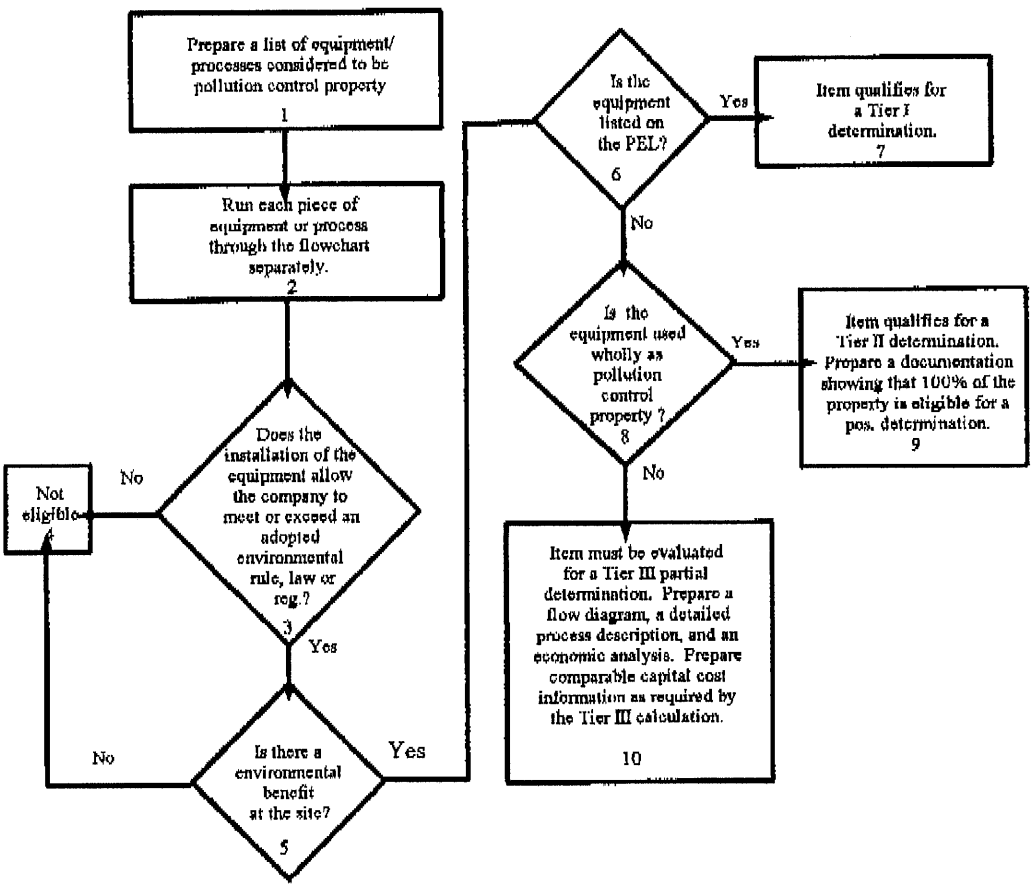
Land: If a use determination is being requested for land, provide a legal description and an accurate drawing of the property in question. Only that land which was purchased after January 1, 1994, and which is actually used for pollution control purposes or that houses pollution control property is eligible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

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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.

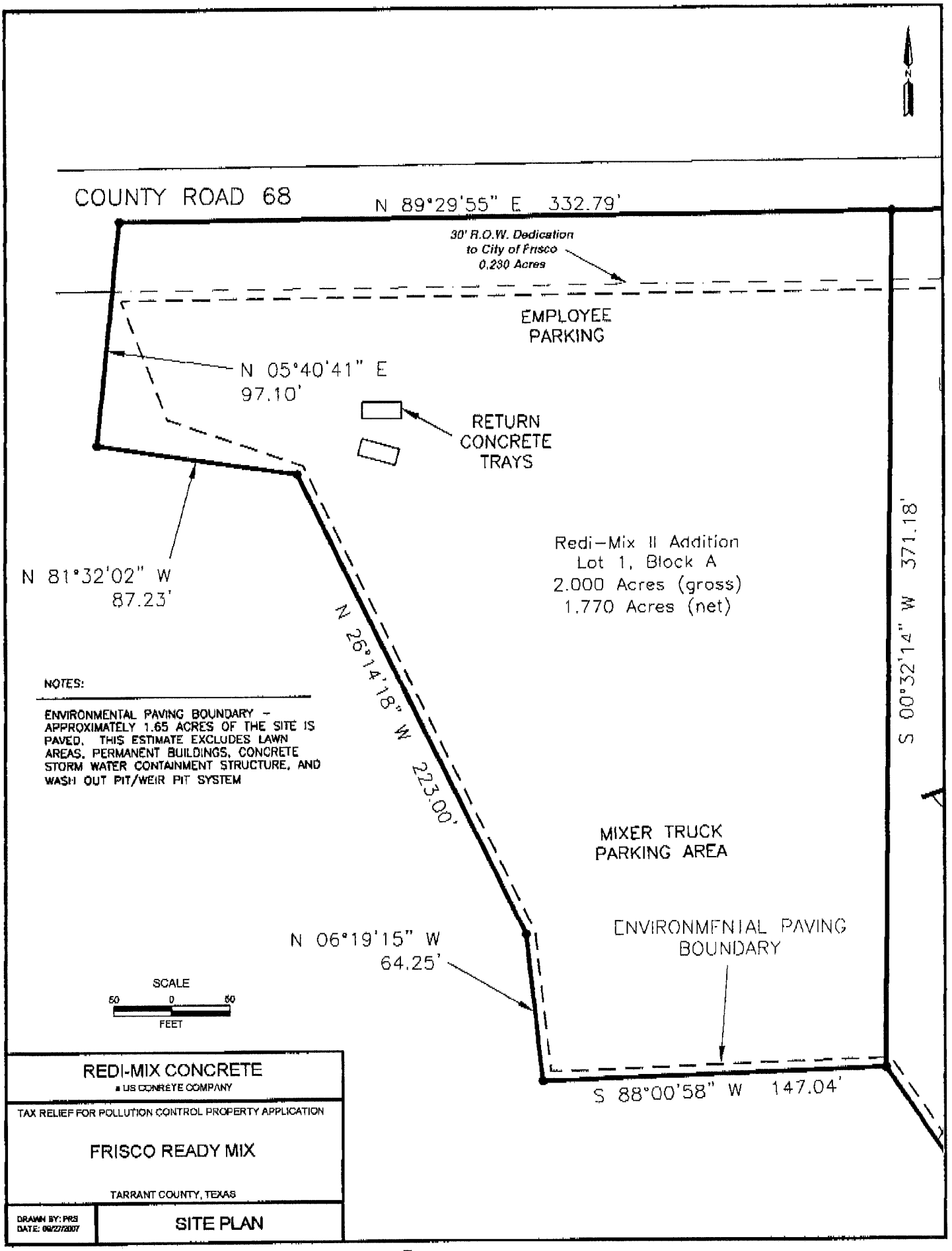
Attachments

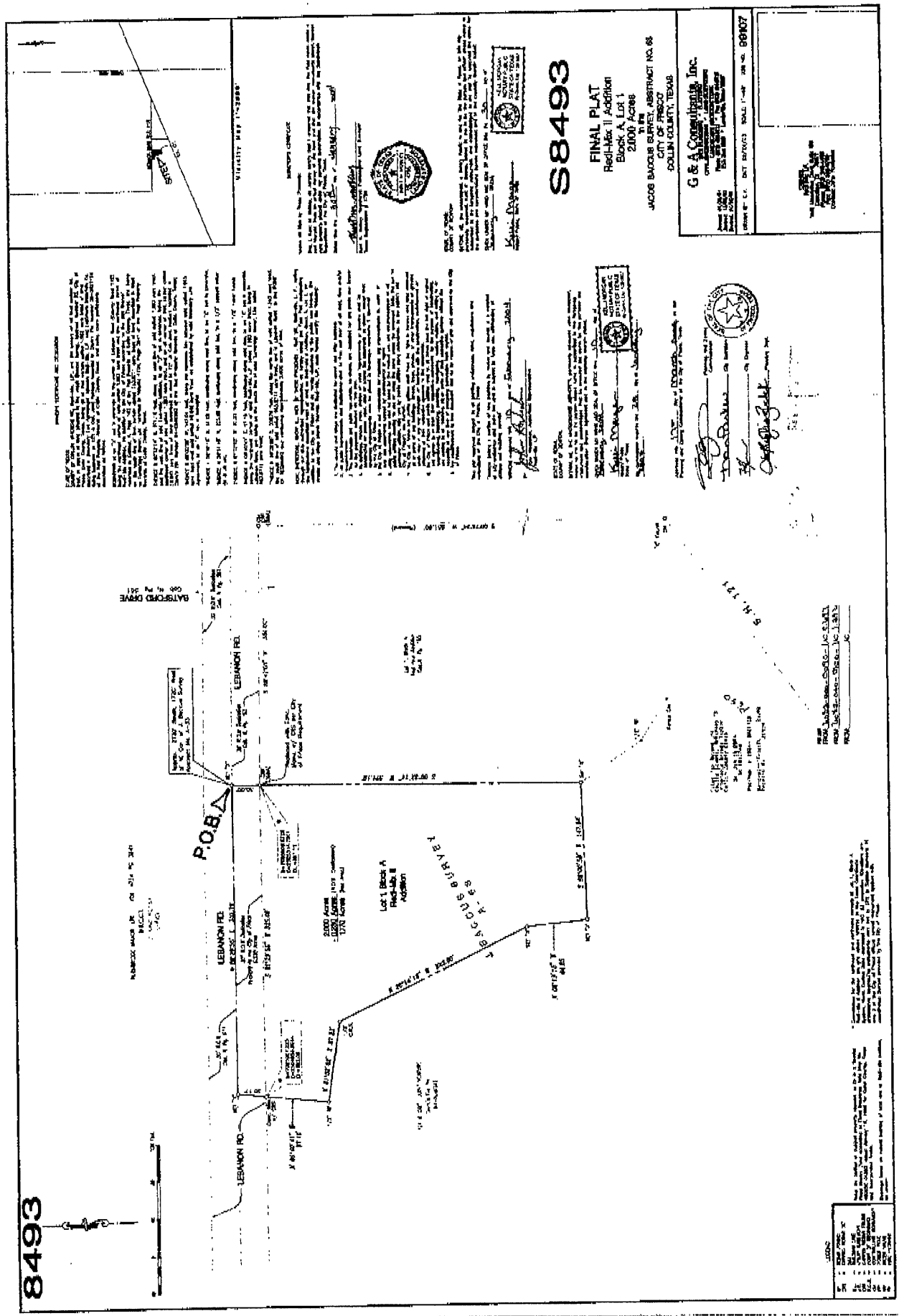
8. Description of Property

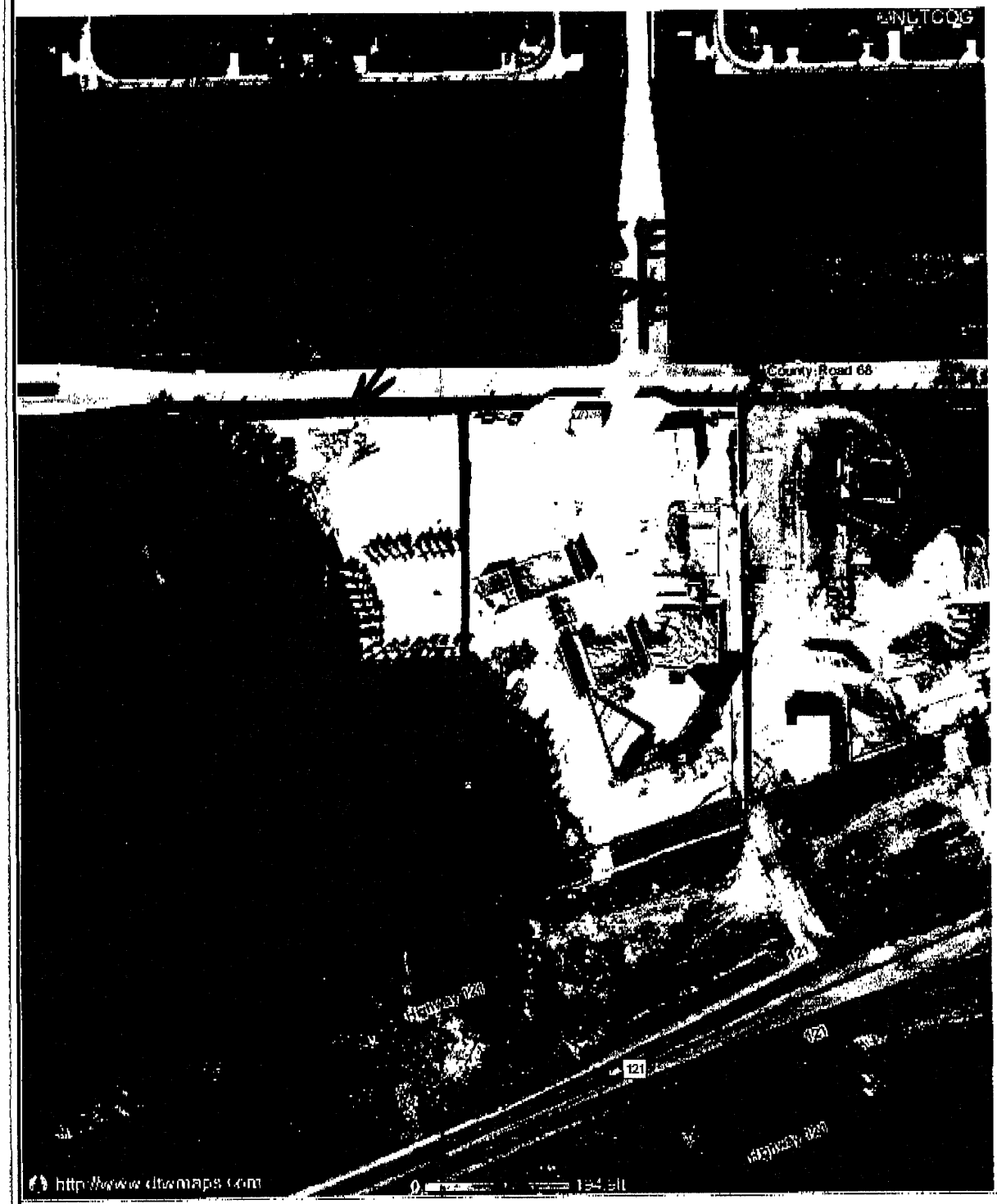
1. ***Environmental Paving***
   Certain areas of the site are required to be paved by 30 TAC 106.201(3) to achieve maximum control of dust emissions. Paved areas of the facility are regularly swept, washed, and maintained intact to minimize buildup of waste material and minimize particulate emissions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


COUNTY ROAD 68
N 89°29'55" E 332.79'
30' R.O.W. Dedication
to City of Frisco
0.230 Acres
EMPLOYEE
PARKING
N 05°40'41" E
97.10'
RETURN
CONCRETE
TRAYS
N 81°32'02" W
87.23'
Redi-Mix II Addition
Lot 1, Block A
2.000 Acres (gross)
1.770 Acres (net)
S 00°32'14" W 371.18'
N 26°14'18" W 223.00'
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
MIXER TRUCK
PARKING AREA
N 06°19'15" W
64.25'
ENVIRONMENTAL PAVING
BOUNDARY
SCALE
50 0 50
FEET
S 88°00'58" W 147.04'
REDI-MIX CONCRETE
A US CONREYE COMPANY
TAX RELIEF FOR POLLUTION CONTROL PROPERTY APPLICATION
FRISCO READY MIX
TARRANT COUNTY, TEXAS
DRAWN BY: PRS
DATE: 09/27/2007
SITE PLAN


S8493
FINAL PLAT
Redi-Mix II Addition
Block A, Lot 1
2.000 Acres
JACOB BACCUS SURVEY, ABSTRACT NO. 68
CITY OF PRESCO
COLLIN COUNTY, TEXAS
G & A Consultants, Inc.
LEBANON RD.
BATSFORD DRIVE
P.O.B.
Lot 1 Block A
Redi-Mix II
Addition
BACCUS SURVEY
8493



NCTCOG Maps
www.dfwmaps.com

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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 EXEMP	$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

⑈0000052420⑈ ⑆111901302⑆ 0023309423 73⑈

Application and Instructions for Use Determination for Pollution Control Property &Predetermined Equipment List

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

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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: Prosper Ready Mix
B. Type of Mfg.: Process or Service: Ready mix concrete batching operation
C. Street Address: 706 Dallas Pkwy S
D. City, State, ZIP: Prosper, TX 75078
E. Tracking Number Assigned by Applicant: RM003
F. Customer Number or Regulated Entity Number: RN105187884, RN100736149

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

A. Name of Appraisal District: Collin Central Appraisal District

B. Appraisal District Account Number: R-6147-004-0330-1

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, Dust Collector, Exhaust Ductwork, Water Truck, Sweeper Truck, Land	30 TAC 116, Subchapter F, Control of Air Pollution by Permits for New Construction or Modification; Air Quality Standard Permit for Concrete Batch Plants, 3(E) & 6(C).
Water- Environmental Paving, Storm Water Containment Structure, Waste Water Recycling System, Weir Pit System, Wash Out Pit, Pumps, Tanks, Basins, Land	Chapter 26, Texas Water Code; Section 402, Clean Water Act, TPDES General Permit TXG110746

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

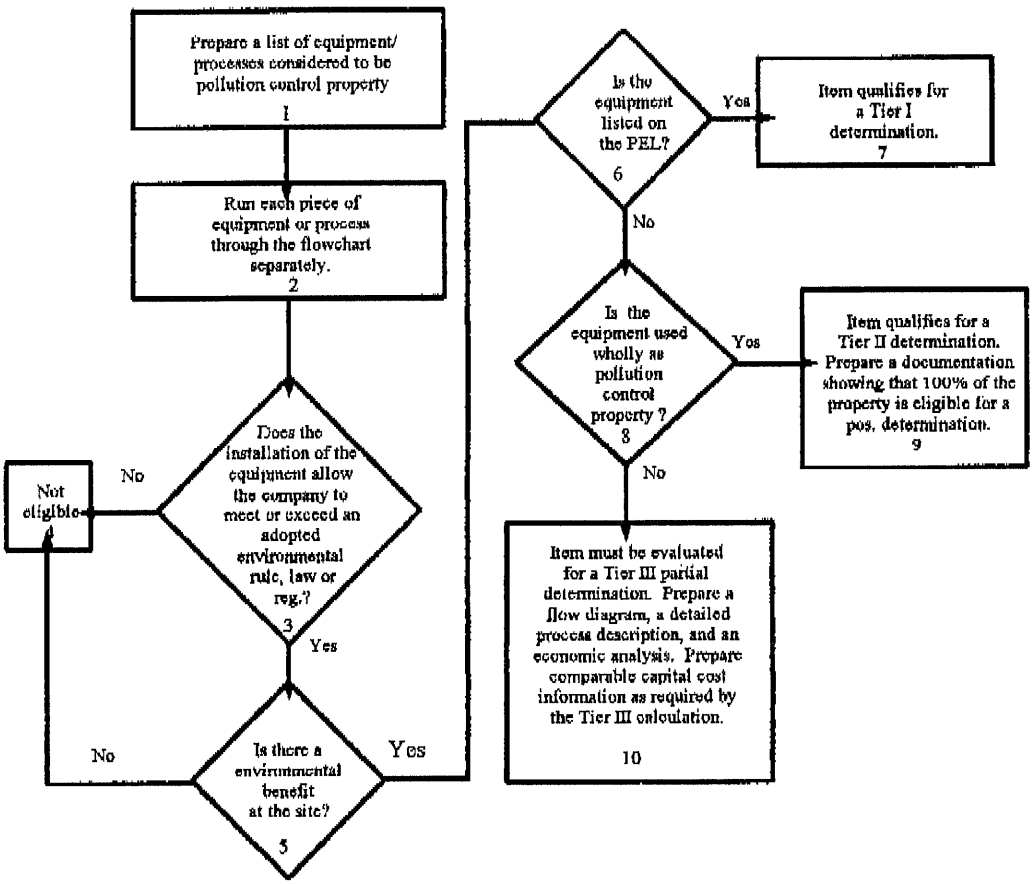
after January 1, 1994, and which is actually used for pollution control purposes or that houses pollution control property is eligible for a positive use determination.

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	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 (8.9 acres) Stockard Addn, Block A, Lot 2A	N	7	M-8	$1,164,803	100%
Property - Environmental Paving (8.9 acres)	N	7	M-8	$100,000	100%
Property - Dust Collectors	N	7	A-1	$50,000	100%
Property - Exhaust Ductwork	N	7	*	$10,000	100%
Land - Storm Water Containment Structure / Waste Water Recycling System (8,301 ft2 / .19 acres)	N	7	W-65	$24,903	100%
Property - Storm Water Containment Structure / Waste Water Recycling System	N	7	W-65	$30,000	100%
Property - Weir Pit System / Washout Pit	N	7	*	$20,000	100%
Totals				**$1,399,706**	**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 10/1/07

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***
   The Air Quality Standard Permit for Concrete Batch Plants issued under 30 TAC 116 indicates that dust emissions from all all-in-plant roads and traffic areas associated with the operation of the concrete batch plant must be minimized at all times by utilizing at least one of three designated methods. In accordance with 3(E)(iv) and 6(C) of the Standard Permit, Prosper Ready Mix has paved all traffic areas of the facility, associated with operations, with a cohesive hard surface that is maintained intact and cleaned. Paved areas of the facility are regularly swept, washed, and maintained intact to minimize buildup of waste material and minimize fugitive 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. ***Dust Collector***
   The mixer truck loadout is vented to a central dust collector which minimizes particulate emissions.

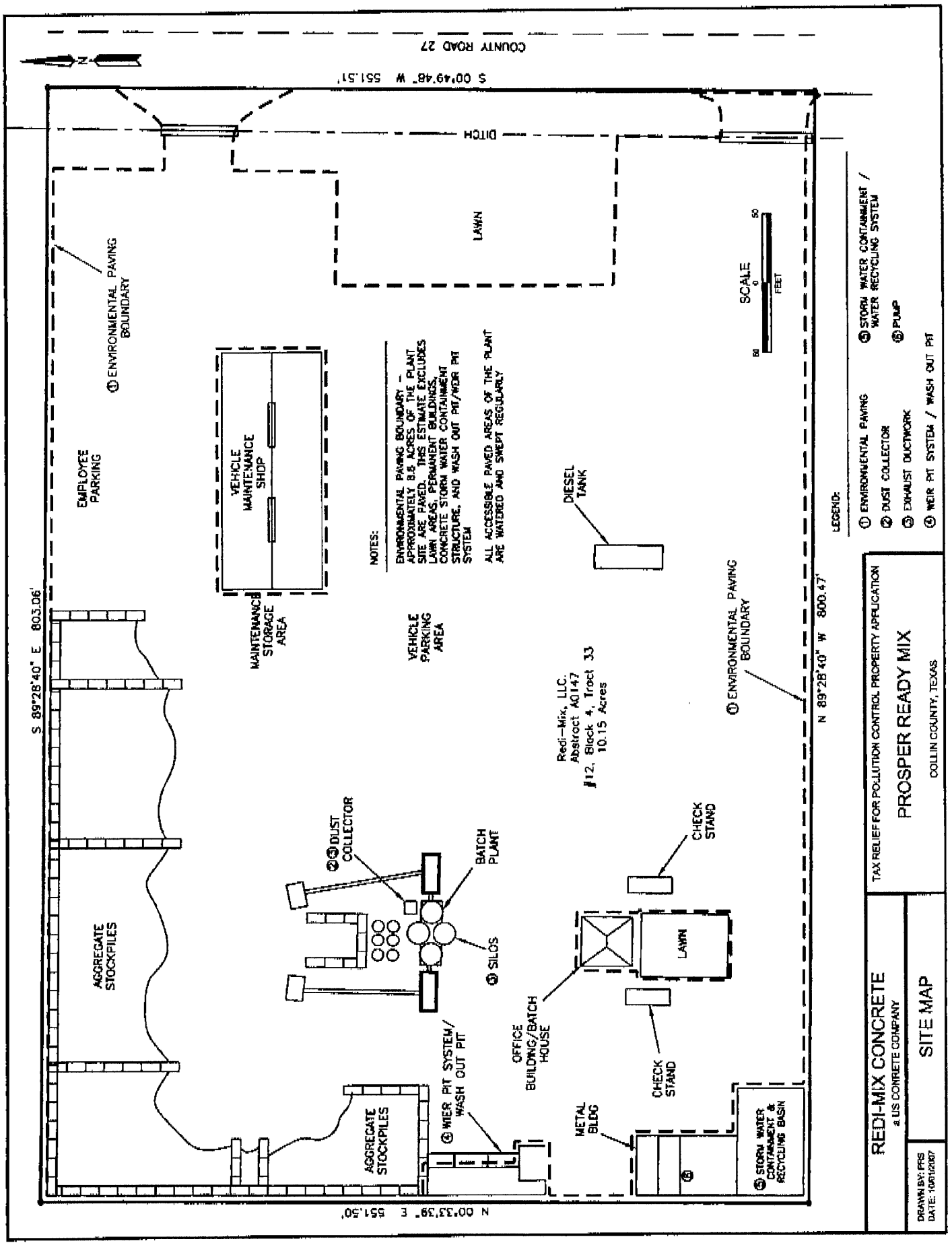
3. ***Exhaust Ductwork***
   The mixer truck loadout and exhaust from silos is vented to abatement equipment (dust collector, baghouse, cartridge filter) via ductwork.

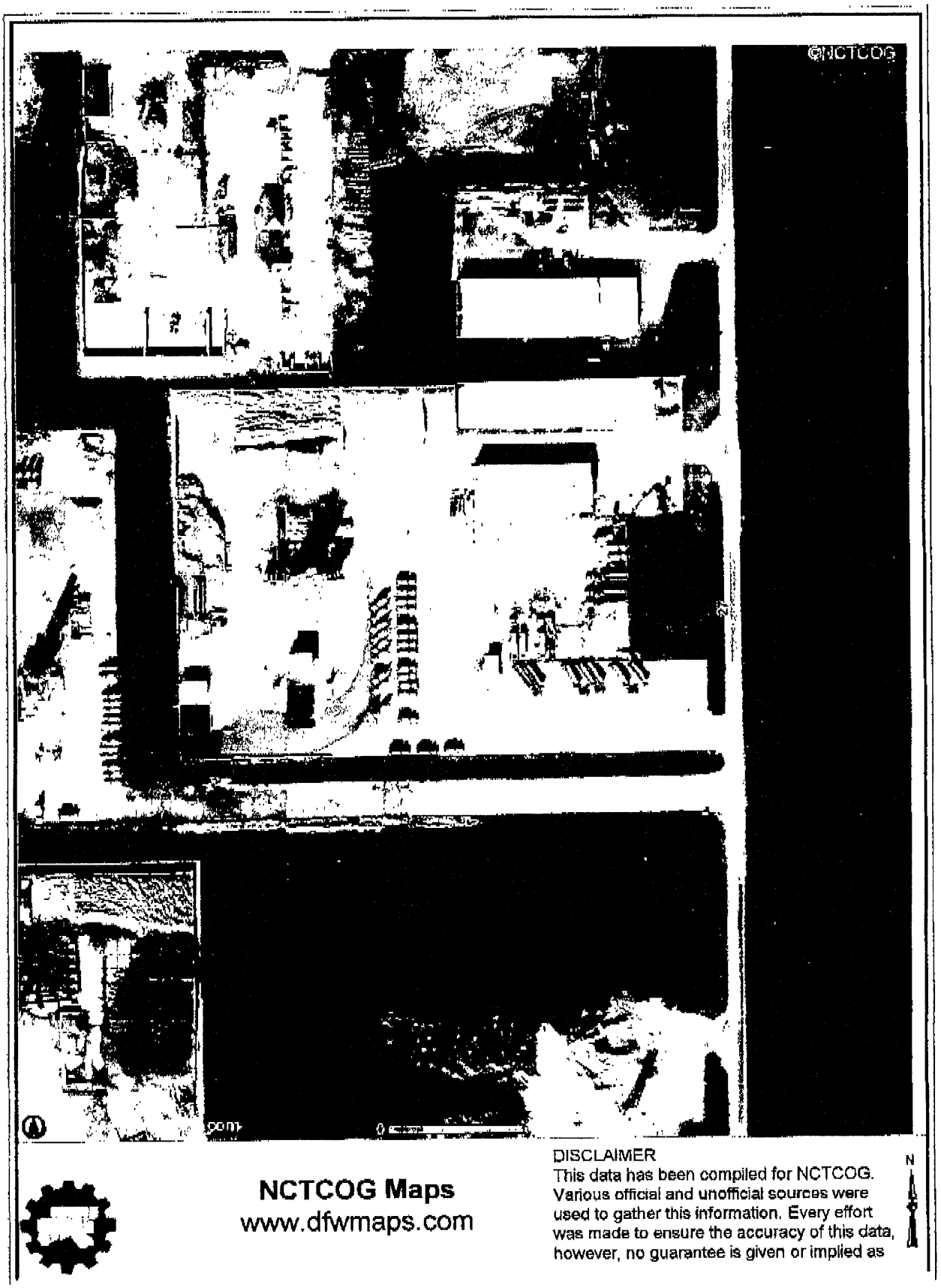
4. ***Weir Pit System / Wash Out Pit***
   The pit system near the eastern boundary of the facility is designed to reduce sediment and particulate matter in process water associated with washing out mixer trucks. Several sequential settling pits are connected by a series of weirs which act to maximize collection of solids. Process water which has passed through the pit system is recycled by the facility. The recycled water can be used to sprinkle aggregate stockpiles, paved areas, or used to batch concrete. Recycling of process water reduces the amount of water accumulated in the containment structure and assists in maintaining compliance with air permits.

5. ***Storm Water Containment Structures / Waste Water Recycle System***
   The concrete containment structure near the southwest corner of the facility is used to recycle collected storm water and process water associated with facility operations. The system reduces discharge events and acts as a settling basin to reduce sediment and improve water quality.

6. ***Conveyances, Pumps, Sumps, Tanks, Basins***
   Water is pumped to recycle process water and storm water from multiple collection points within the facility.

7. ***Land***
   8.9 acres of the property, which was purchased in 1999, is covered with environmental paving. Also, 0.19 acres of the property is utilized as a Storm Water Containment Structure and a Waste Water Recycling System. A total of approximately 9.1 acres is utilized as pollution control property. This acreage calculation excludes lawn areas and permanent buildings.


COUNTY ROAD 27
S 00°49'48" W 551.51'
DITCH
LAWN
SCALE
FEET
① ENVIRONMENTAL PAVING BOUNDARY
EMPLOYEE PARKING
VEHICLE MAINTENANCE SHOP
MAINTENANCE STORAGE AREA
VEHICLE PARKING AREA
NOTES:
ENVIRONMENTAL PAVING BOUNDARY - APPROXIMATELY 8.8 ACRES OF THE PLANT SITE ARE PAVED. THIS ESTIMATE EXCLUDES LAWN AREAS, PERMANENT BUILDINGS, CONCRETE STORM WATER CONTAINMENT STRUCTURE, AND WASH OUT PIT/WEIR PIT SYSTEM
ALL ACCESSIBLE PAVED AREAS OF THE PLANT ARE WATERED AND SWEPT REGULARLY
DIESEL TANK
LEGEND:
① ENVIRONMENTAL PAVING
② DUST COLLECTOR
③ EXHAUST DUCTWORK
④ WEIR PIT SYSTEM / WASH OUT PIT
⑤ STORM WATER CONTAINMENT / WATER RECYCLING SYSTEM
⑥ PUMP
S 89°28'40" E 803.06'
N 89°28'40" W 800.47'
① ENVIRONMENTAL PAVING BOUNDARY
Redi-Mix, LLC.
Abstract A0147
#12, Block 4, Tract 33
10.15 Acres
②③ DUST COLLECTOR
BATCH PLANT
⑤ SILOS
CHECK STAND
LAWN
OFFICE BUILDING/BATCH HOUSE
CHECK STAND
AGGREGATE STOCKPILES
AGGREGATE STOCKPILES
④ WIER PIT SYSTEM/ WASH OUT PIT
METAL BLDG
⑥
⑤ STORM WATER CONTAINMENT & RECYCLING BASIN
N 00°33'39" E 551.50'
TAX RELIEF FOR POLLUTION CONTROL PROPERTY APPLICATION
PROSPER READY MIX
COLLIN COUNTY, TEXAS
REDI-MIX CONCRETE
a US CONCRETE COMPANY
SITE MAP
DRAWN BY: FRS
DATE: 10/01/2007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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

EXHIBIT A

All that certain lot, tract or parcel of land lying and being situated in Collin County, Texas, a part of the COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 147, and being out of and a part of a called 80 acre tract described in a Deed to James Ross Perkins of record in Volume 1051, page 526 of the Deed Records of Collin County, said tract or parcel of land is herein described as follows; to wit:

COMMENCING at a 60D nail found in the center of County Road No. 27 for the Southeast corner of said called 80 acre tract;

THENCE North 00 degrees 49 minutes 48 seconds East 751.95 feet to a point in said Road for the most Easterly Northeast corner of a 9.50 acre tract described in a Deed to Pioneer Concrete of Texas, as recorded under Collin County Clerk's File No. 97-0097032, said corner being the Southeast corner and Place of BEGINNING of the premises hereinafter described;

THENCE North 89 degrees 28 minutes 40 seconds West at 40.00 feet passing an one-half inch iron rod found in the West margin of said Roadway and in all a total distance of 800.47 feet to an one-half inch iron rod found at a re-entrant corner of said 9.50 acre tract for a corner hereof;

THENCE North 00 degrees 33 minutes 39 seconds East 551.50 feet to an one-half inch iron rod found at the most Northerly Northeast corner of said 9.50 acre tract for a corner hereof;

THENCE South 89 degrees 28 minutes 40 seconds East 803.06 feet to a point in said Roadway on the East line of said called 80 acre tract, an one-half iron rod set in the West margin of said Roadway bears North 89 degrees 28 minutes 40 seconds West 40.00 feet;

THENCE South 00 degrees 49 minutes 48 seconds West a distance of 551.51 feet to the Place of BEGINNING and containing 10.15 acres of land.

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

Check Number: 0000052420
Date: September 30, 2007

nvoice No.	Date	Description	Amount	Discount	Paid Amount
EE 092707	9/30/2007	AP FEE TAX EXEMP	$300.00	$.00	$300.00
		TOTALS:	$300.00	$.00	$300.00

Bank of America
88-130/1119 TX

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

0000052420

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

⑈0000052420⑈ ⑆111901302⑆ 0023309423 73⑈

REDI-MIX CONCRETE
a US CONCRETE company

Redi-Mix, LLC.
a U.S. Concrete Company
1001 W. Euless Blvd., Ste. 100
Euless, TX 76040

October 17, 2007

TCEQ Cashiers Office (MC-214)
Tax Relief Program
P.O. Box 13088
Austin, TX 78711-3088

RE: FRISCO READY MIX (RN100716810, RN102695574),
ALLIANCE READY MIX (RN102707643, RN102302189, RN104188917)
APPLICATION FOR USE DETERMINATION FOR POLLUTION CONTROL PROPERTY

Mr. McArthur:

Please find attached completed Applications for Use Determination for Pollution Control Property for Redi-Mix, L.L.C. – Frisco Ready Mix and Alliance Ready Mix.

The land upon which Frisco Ready Mix (RN100716810, RN102695574) operates was originally purchased and developed by Redi-Mix Concrete in 1980. Redi-Mix constructed and operated a concrete batch plant on the site for the next twenty years. In 2000, Redi-Mix completely renovated and expanded the operation. In response to local market demands, a new higher volume concrete batch plant was constructed, the waste recycling structures and wash out pits were installed, and the entire site was repaved. None of the pollution control property listed in this application was taxable or present onsite before January 1, 1994. Also, Redi-Mix Concrete was purchased in June 2006 and is now wholly owned and operated by U.S. Concrete, Inc. Frisco Ready Mix was part of that acquisition. While this may be an unusual scenario, we feel that the applicability requirements described in 30 TAC 17.4 are clearly met. The site is currently authorized under TPDES General Permit TXG110760 and PBR 106.201 (Registration No. 40847).

Alliance Ready Mix (RN102707643, RN102302189, RN104188917) was purchased and constructed in 2000. The site is home to a regional maintenance shop and a concrete batch plant. The operation is authorized under TPDES General Permit TXG110756 and PBR 106.201 (Registration Nos. 43689 and 43690).

If you have any questions or require additional information, please contact me either by phone at 817-372-7014 or email at rsewell@us-concrete.com.

Sincerely,

Ryan Sewell

Ryan Sewell
Environmental Compliance Manager

Attachments

Use Determination Application

Alliance Ready Mix

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.

1. GENERAL INFORMATION

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

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

B. Size of company: Number of Employees

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

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., Ste. 100

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

4. PHYSICAL LOCATION OF PROPERTY REQUESTING A TAX EXEMPTION

A. Name of Facility or Unit: Alliance Ready Mix

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

C. Street Address: 13624 FM 1171

D. City, State, ZIP: Roanoke, TX 76262

E. Tracking Number Assigned by Applicant: RM004

F. Customer Number or Regulated Entity Number: RN102707643, RN102302189, RN104188917

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

A. Name of Appraisal District: Denton Central Appraisal District

B. Appraisal District Account Number: R226301, R226302

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, Dust Collector, Baghouses, Exhaust Ductwork, Water Truck, Sweeper Truck, 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, Storm Water Containment Structure, Waste Water Recycling System, Weir Pit System, Wash Out Pit, Pumps, Tanks, Basins, Land	Chapter 26, Texas Water Code; Section 402, Clean Water Act, TPDES General Permit TXG110000

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.

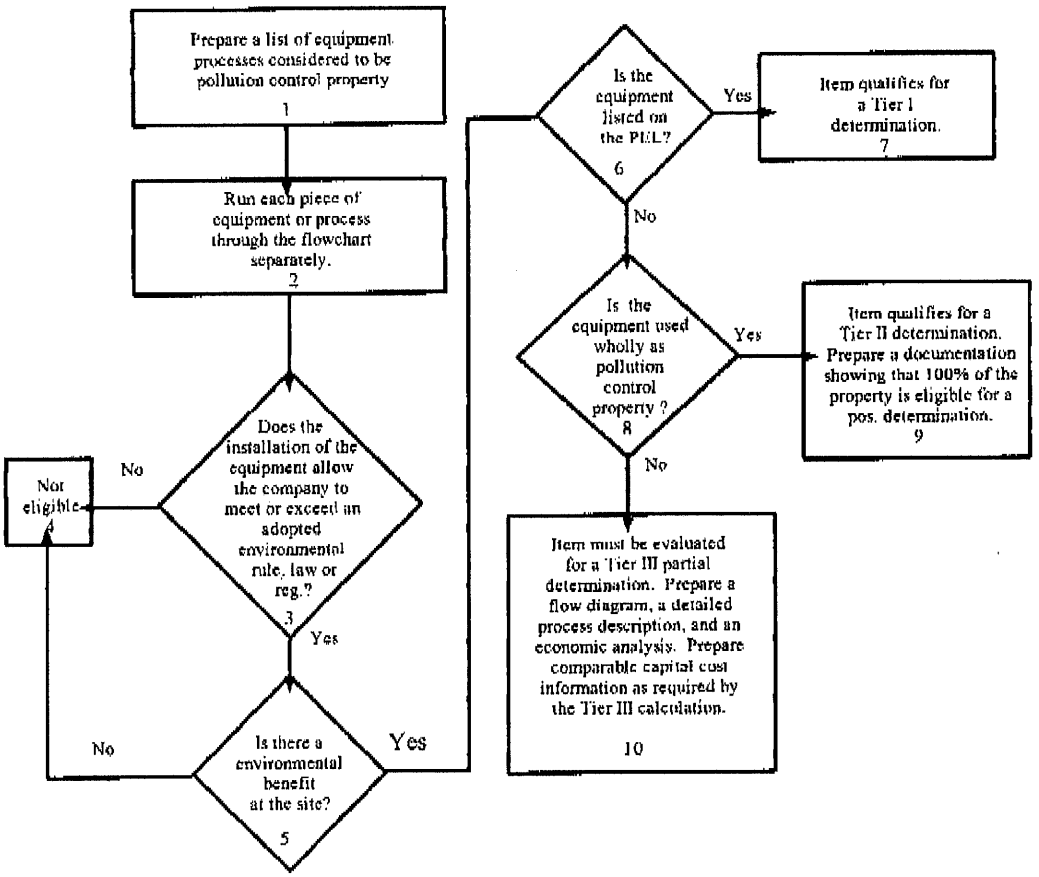
Land: If a use determination is being requested for land, provide a legal description and an accurate drawing of the property in question. Only that land which was purchased after January 1, 1994, and which is actually used for pollution control purposes or that houses pollution control property is eligible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

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.



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	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 (5.78 acres) A1616A, G. Gibbs, Tract 7A, R226302	N	7	M-8	$50,000	100%
Land - Environmental Paving (0.77 acres) A1549A, T.R. Lively, Tract 1A, R226301	N	7	M-8	$15,000	100%
Property - Environmental Paving (278,348ft^2; 5.78 acres) – G. Gibbs, Tract 7A	N	7	M-8	$500,000	100%
Property - Environmental Paving (33,541ft^2; 0.77 acres) – T.R. Lively, Tract 1A	N	7	M-8	$50,000	
Property - Dust Collectors, Baghouses	N	7	A-1	$10,000	100%
Property - Exhaust Ductwork	N	7	*	$10,000	100%
Land - Storm Water Containment Structure / Waste Water Recycling System (15,288 ft^2; .35 acres)	N	7	W-65	$5,000	100%
Property - Storm Water Containment Structure / Waste Water Recycling System	N	7	W-65	$10,000	100%
Property - Weir Pit System / Washout Pit	N	7	*	$10,000	100%
Totals				$660,000	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 10/15/2007

NAME: Ryan Sewell DATE: 10/15/2007

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)

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. ***Dust Collector***
   The mixer truck loadout is vented to a central dust collector which minimizes particulate emissions.

3. ***Exhaust Ductwork***
   The mixer truck loadout and exhaust from silos is vented to abatement equipment (dust collector, baghouse, cartridge filter) via ductwork.

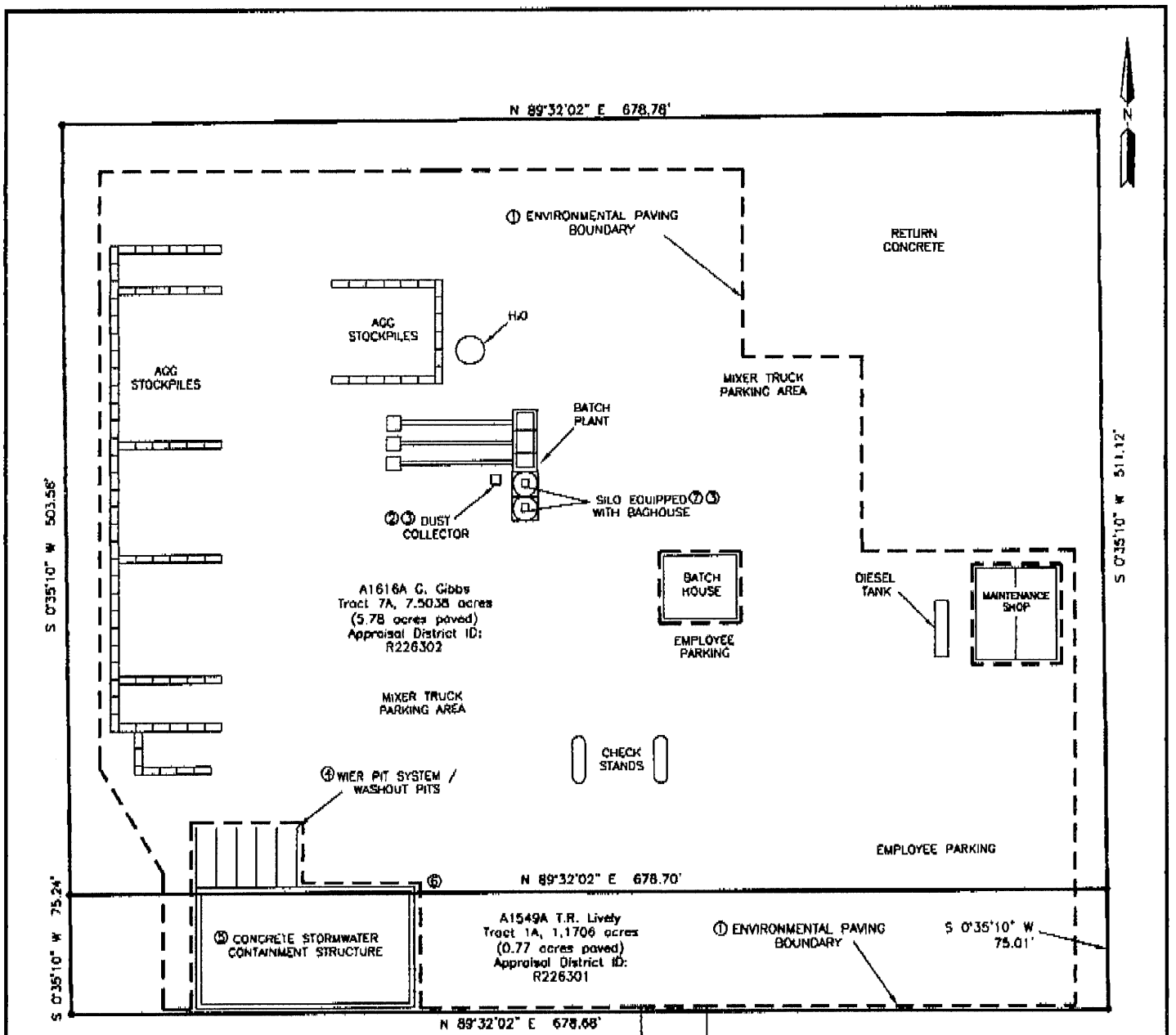
4. ***Weir Pit System / Wash Out Pit***
   The pit system near the southwest corner of the facility is designed to reduce sediment and particulate matter in process water associated with washing out mixer trucks. Several sequential settling pits are connected by a series of weirs which act to maximize collection of solids. Process water which has passed through the pit system is collected in the adjoining containment structure then recycled by the facility.

5. ***Storm Water Containment Structures / Waste Water Recycle System***
   The concrete containment structure near the southeast corner of the facility is used to recycle collected storm water and process water associated with facility operations. The system reduces discharge events and acts as a settling basin to reduce sediment and improve water quality. Collected waters are pumped back to the facility for recycling. The recycled water can be used to sprinkle aggregate stockpiles, paved areas, or used to batch concrete. Recycling of process water reduces the amount of water accumulated in the containment structure and assists in maintaining compliance with air permits.

6. ***Conveyances, Pumps, Sumps, Tanks, Basins***
   Water is pumped to recycle process water and storm water from multiple collection points within the facility.

7. ***Baghouses***
   Each cement and fly ash silo is vented to a baghouse or cartridge type air filter to minimize particulate emissions while material is being pneumatically conveyed from bulk material delivery trucks.

8. ***Land***
   6.55 acres (285,211 ft^2) of the property, which was purchased in 2000, is covered with environmental paving. Also, 0.35 acres (15,288 ft2) of the property is utilized as a Storm Water Containment Structure and Waste Water Recycling System. These acreage calculations exclude lawn areas and buildings. In addition to paving and containment recycling structures, multiple items listed on the PEL are housed on site. The land is used for pollution control and houses pollution control property.



NOTES:

ENVIRONMENTAL PAVING BOUNDARY – APPROXIMATELY 6.55 ACRES OF THE PLANT SITE ARE PAVED. THIS ESTIMATE EXCLUDES LAWN AREAS, PERMANENT BUILDINGS, CONCRETE STORM WATER CONTAINMENT STRUCTURE, AND WASH OUT PIT/WEIR PIT SYSTEM

ALL ACCESSIBLE PAVED AREAS OF THE PLANT ARE WATERED AND SWEPT REGULARLY

LEGEND:

① ENVIRONMENTAL PAVING

② DUST COLLECTOR

③ EXHAUST DUCTWORK

④ WEIR PIT SYSTEM / WASH OUT PIT

⑤ STORM WATER CONTAINMENT / WATER RECYCLING SYSTEM

⑥ PUMP

⑦ BAGHOUSE

SCALE

50 0 50

FEET

REDI-MIX CONCRETE

a US CONRETE COMPANY

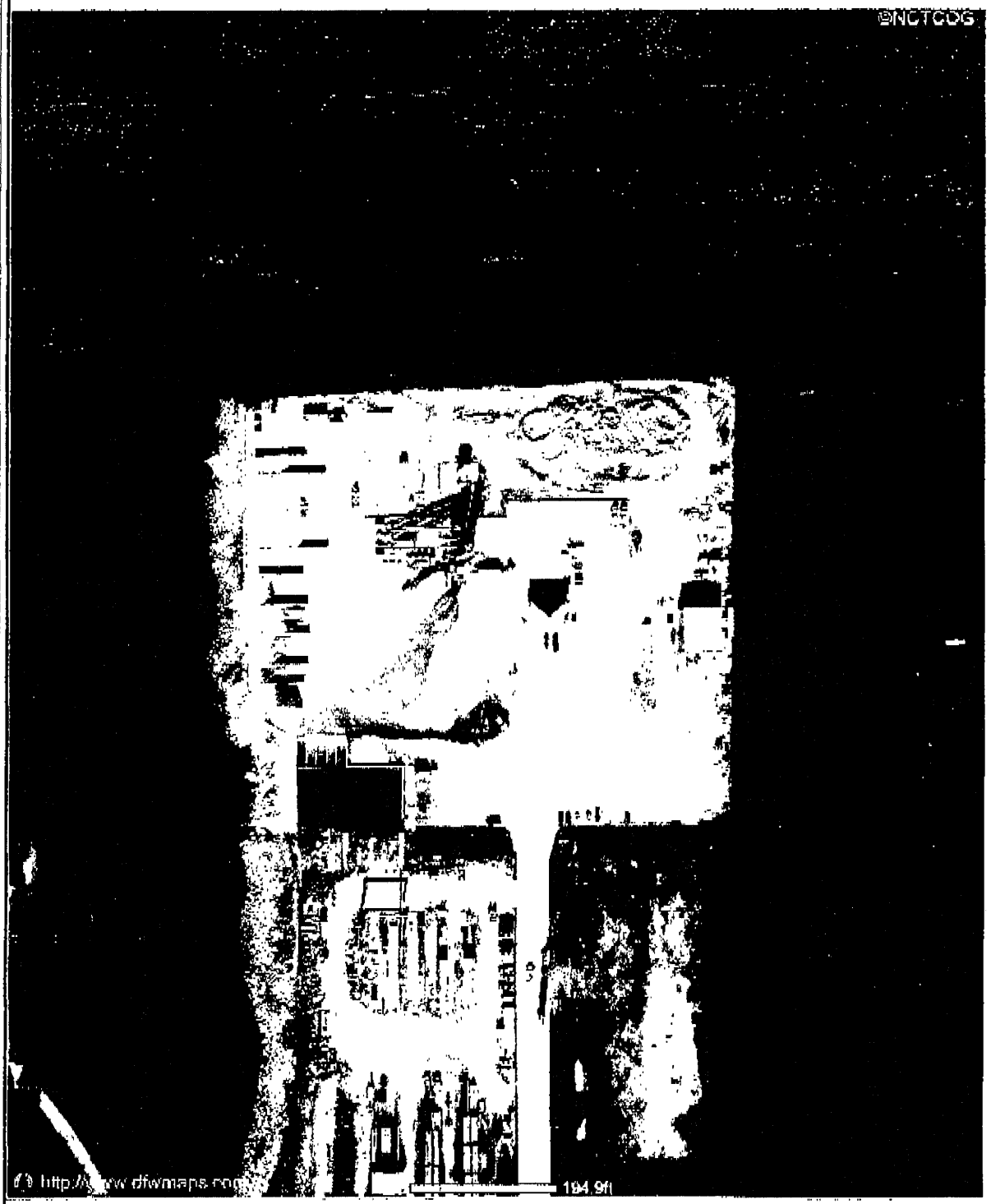
TAX RELIEF FOR POLLUTION CONTROL PROPERTY APPLICATION

ALLIANCE READY MIX

DENTON COUNTY, TEXAS

DRAWN BY: PRS
DATE: 10/12/2007

SITE PLAN



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

Use Determination Application

Frisco Ready Mix

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.

1. GENERAL INFORMATION

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

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

B. Size of company: Number of Employees

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

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: U.S. Concrete, Inc.

B. Mailing Address (Street or PO Box): 2925 Briarpark, Suite 1050

C. City, State, ZIP: Houston, Texas 77042

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: RM005

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

5. APPRAISAL DISTRICT WITH TAXING AUTHORITY OVER PROPERTY

A. Name of Appraisal District: Collin Central Appraisal District

B. Appraisal District Account Number: R-4823-00A-0010-1

6. CONTACT NAME (must be provided)

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

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.

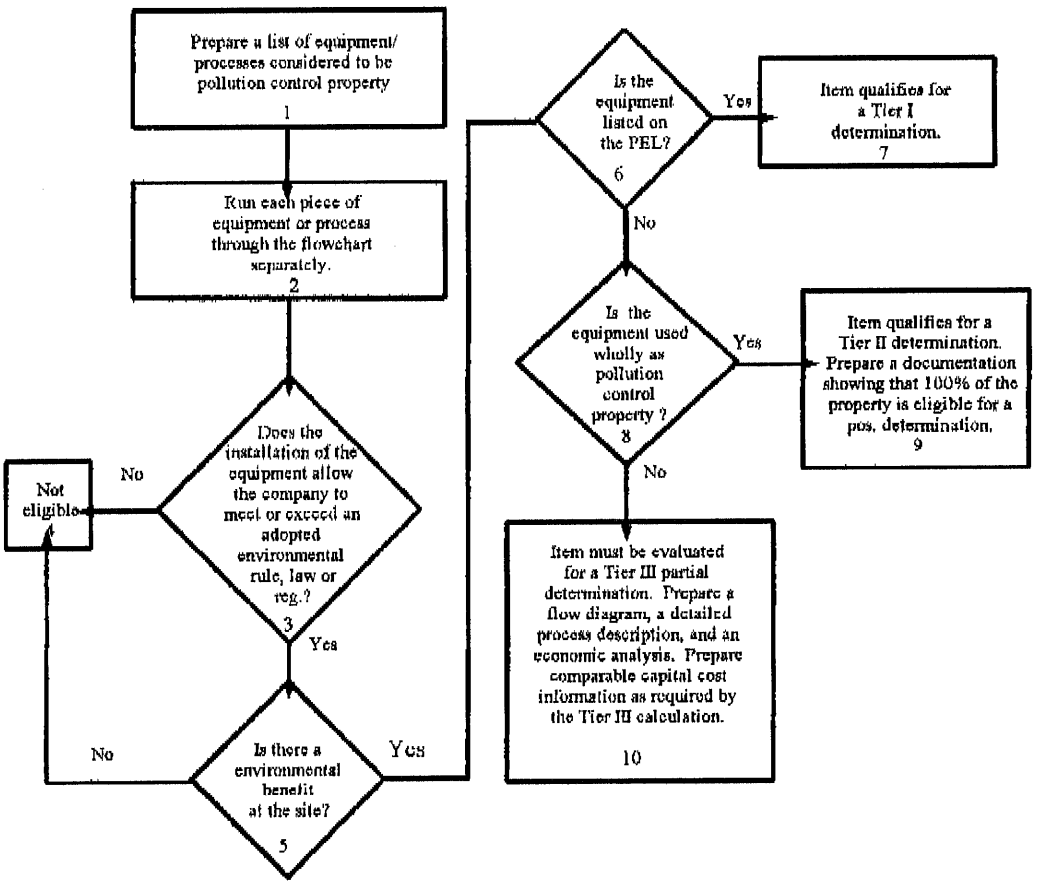
Land: If a use determination is being requested for land, provide a legal description and an accurate drawing of the property in question. Only that land which was purchased after January 1, 1994, and which is actually used for pollution control purposes or that houses pollution control property is eligible 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	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 (3.99 acres) – Redi-Mix Addition, Vol. 1312, Pg. 504, Lot 1, Block A	N	7	M-8	$100,000	100%
Property - Environmental Paving (173,710 ft^2; 3.99 acres) – Redi-Mix Addition, Vol. 1312, Pg. 504, Lot 1, Block A	N	7	M-8	$50,000	100%
Property - Dust Collectors, Baghouses	N	7	A-1	$10,000	100%
Property - Exhaust Ductwork	N	7	*	$10,000	100%
Land – Recycling Basin, Weir Pit System / Wash Out Pit (9,846 ft^2; 0.23 acres)	N	7	W-65	$5,000	100%
Property - Storm Water Containment Structure / Waste Water Recycling System	N	7	W-65	$10,000	100%
Property - Weir Pit System / Washout Pit	N	7	*	$10,000	100%
Totals				$195,000	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 10/16/2007

NAME: Ryan Sewell DATE: 10/16/2007

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)

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. ***Dust Collector***
   The mixer truck loadout is vented to a central dust collector which minimizes particulate emissions.

3. ***Baghouses***
   Each cement and fly ash silo is vented to a baghouse or cartridge type air filter to minimize particulate emissions while material is being pneumatically conveyed from bulk material delivery trucks.

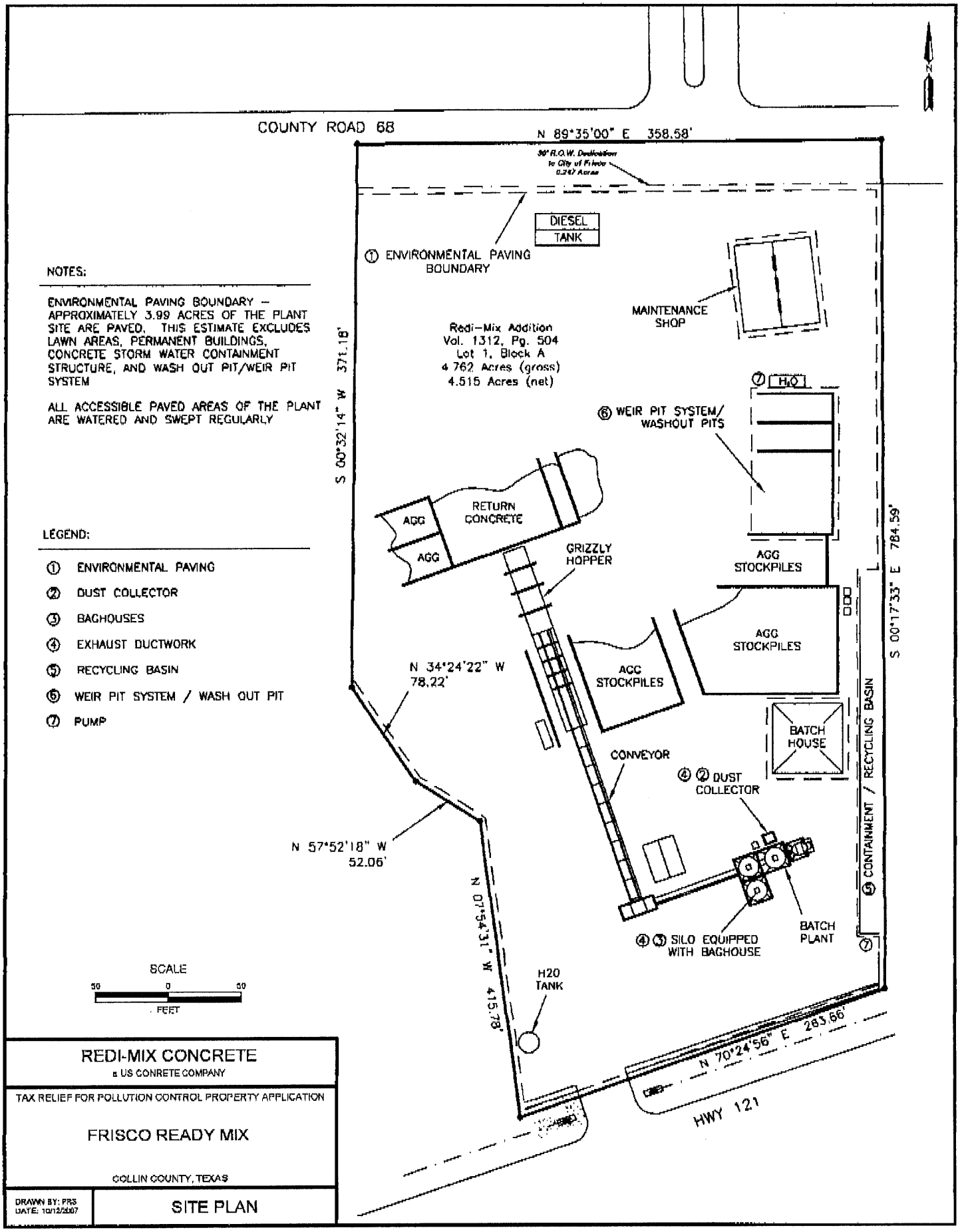
4. ***Exhaust Ductwork***
   The mixer truck loadout and exhaust from silos is vented to abatement equipment (dust collector, baghouse, cartridge filter) via ductwork.

5. ***Storm Water Containment Structures / Waste Water Recycle System***
   The concrete containment structure along the eastern property boundary of the facility is used to recycle collected storm water and process water associated with facility operations. The system reduces discharge events and acts as a settling basin to reduce sediment and improve water quality. Collected waters are pumped back to the facility for recycling. The recycled water can be used to sprinkle aggregate stockpiles, paved areas, or used to batch concrete. Recycling of process water reduces the amount of water accumulated in the containment structure and assists in maintaining compliance with air permits.

6. ***Weir Pit System / Wash Out Pit***
   The pit system near the eastern property boundary of the facility is designed to reduce sediment and particulate matter in process water associated with washing out mixer trucks. Several sequential settling pits are connected by a series of weirs which act to maximize collection of solids. Process water which has passed through the pit system is collected in the adjoining containment structure then recycled by the facility.

7. ***Conveyances, Pumps, Sumps, Tanks, Basins***
   Water is pumped to recycle process water and storm water from multiple collection points within the facility.

8. ***Land***
   3.99 acres (173,710 ft^2) of the property, which was purchased in 2000, is covered with environmental paving. Also, 0.23 acres (9,846 ft^2) of the property is utilized as a Storm Water Containment Structure and Waste Water Recycling System. These acreage calculations exclude lawn areas and buildings. In addition to paving and containment recycling structures, multiple items listed on the PEL are housed on site. The land is used for pollution control and houses pollution control property.



NOTES:

ENVIRONMENTAL PAVING BOUNDARY – APPROXIMATELY 3.99 ACRES OF THE PLANT SITE ARE PAVED. THIS ESTIMATE EXCLUDES LAWN AREAS, PERMANENT BUILDINGS, CONCRETE STORM WATER CONTAINMENT STRUCTURE, AND WASH OUT PIT/WEIR PIT SYSTEM

ALL ACCESSIBLE PAVED AREAS OF THE PLANT ARE WATERED AND SWEPT REGULARLY

LEGEND:

① ENVIRONMENTAL PAVING
② DUST COLLECTOR
③ BAGHOUSES
④ EXHAUST DUCTWORK
⑤ RECYCLING BASIN
⑥ WEIR PIT SYSTEM / WASH OUT PIT
⑦ PUMP

REDI-MIX CONCRETE
a US CONRETE COMPANY

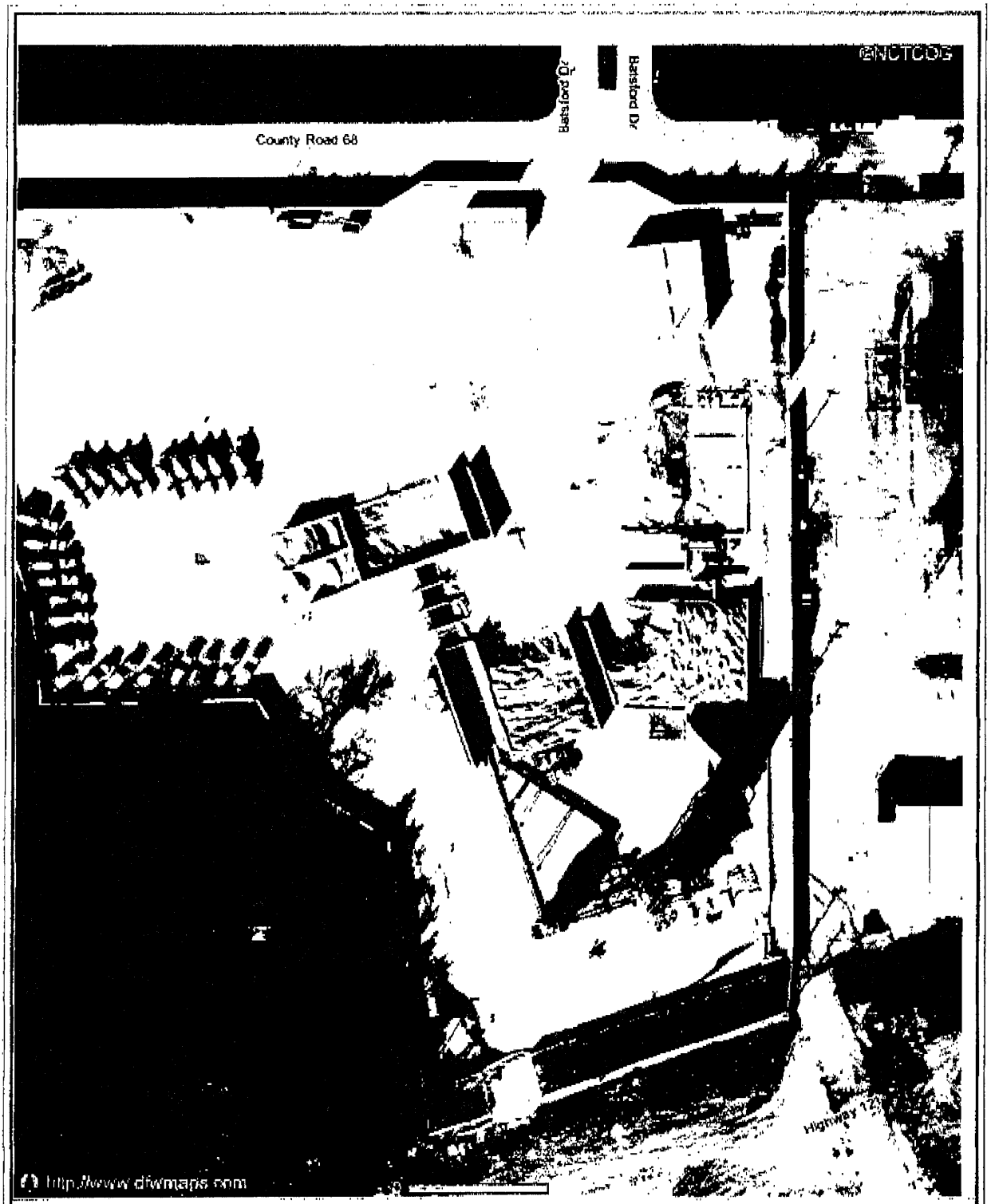
TAX RELIEF FOR POLLUTION CONTROL PROPERTY APPLICATION

FRISCO READY MIX

COLLIN COUNTY, TEXAS

DRAWN BY: FRS
DATE: 10/12/2007

SITE PLAN



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

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

Check Number: 0000052963
Date: October 16, 2007

Invoice No.	Date	Description	Amount	Discount	Paid Amount
APP FEE 101507	10/16/2007	APP FEE ALLIANCE/FRISCO	$300.00	$.00	$300.00
		TOTALS:	$300.00	$.00	$300.00

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

Bank of America
88-130/1119 TX

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

0000052963

October 16, 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.

⑈0000052963⑈ ⑆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

February 12, 2008

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

Re: Use Determination No. 07-11102; Redi-Mix, LLC.

Attached please find a copy of the Use Determination that should have been mailed to you on September 17, 2007. The technical review of the application was completed on September 17, 2007. Due to an internal processing error the Use Determination was not sent. Upon realizing this error, the Use Determination was regenerated and a copy was mailed to the Appraisal District. We are unable to verify that the original was forwarded to you at:

REDI-MIX LLC
LEWISVILLE READY MIX
725 E COLLEGE
LEWISVILLE TX 75067

Consequently, for purposes of appealing this use determination under 30 TAC § 17.25, you may use the date of receipt of this correspondence or you will be presumed to have been notified on the third regular business day after the date this correspondence with the attached notice of the executive director's action was mailed to you by first class mail.

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 Office of the Chief Clerk, Texas Commission on Environmental Quality.

Please accept our apologies for the delay caused by our error, and my assurance that procedures have been put in place to avoid future errors.

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

USE DETERMINATION

The Texas Commission on Environmental Quality has reviewed Use Determination Application, 07-11102, filed by:

REDI-MIX LLC
LEWISVILLE READY MIX
725 E COLLEGE
LEWISVILLE TX 75067

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

The following items: Environmental Paving; Central Dust Collector; Silo Baghouses; Baghouse Exhaust Ductwork; Storm Water & Waste Water Containment & Recycle System; Weir Pit System/Wash Out Pit; Water Truck/Sweeper Truck; Conveyances, Pumps, Sumps, Tanks & Basins for Storm & Waste Water Recycling System; and Land under paving.

The outcome of the review is:

A positive use determination for 100% of the paving with associated land, central dust collector, silo baghouses, baghouse exhaust ductwork, storm water/waste water containment & recycling, weir pit system/washout system, water and sweeper trucks, and conveyances, pumps, & basins for storm water/waste water system

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

Executive Director

11/19/2007
Date

TAX RELIEF FOR POLLUTION CONTROL PROPERTY: TECHNICAL REVIEW DOCUMENT

Reviewed By: GEM App. No.: 07 - 11102 Review Start Date: 9/11/2007
Company Name: REDI-MIX LLC
Facility Name: LEWISVILLE 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:

The following items: Environmental Paving; Central Dust Collector; Silo Baghouses; Baghouse Exhaust Ductwork; Storm Water & Waste Water Containment & Recycle System; Weir Pit System/Wash Out Pit; Water Truck/Sweeper Truck; Conveyances, Pumps, Sumps, Tanks & Basins for Storm & Waste Water Recycling System; and Land under paving.

The property description is detailed enough for review.

DECISION FLOWCHART

Mark the appropriate boxes: Box 3 Y Box 5 Y Box 6 Y Box 8 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 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:, N

1st NOD: There does not appear to be a section number 201 contained in 30 TAC 106.

NOD RESPONSE

1st NOD: 30 TAC 201 existed in 1999 when facility was constructed under standard exemption.

Full Property Description:

This facility consists of a concrete batch plant. The pollution control property consists of environmental paving (including the land under the paving), baghouse dust collectors with related ductwork, concrete stormwater containment structures, a weir pit system for recycling mixer truck wash water which includes conveyances and pumps, and watering truck for facility roads.

DETERMINATION

Provide the reason for your determination.

Each property item satisfies an item contained on the predetermined equipment list. This meets the requirements for obtaining a property tax exemption under Tier I.

Provide the language for the final determination.
A positive use determination for 100% of the paving with associated land, cental dust collector, silo baghouses, baghouse exhaust ductwork, storm water/waste water containment & recycling, weir pit system/washout system, water and sweeper trucks, and conveyances, pumps, & basins for storm water/waste water system

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

Reviewed by: Gary McArthur Date: 9/17/2007

Peer Reviewed By: Ronald Hatch Date: 9/17/2007

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, 07-11104, for:

REDI-MIX LLC
PROSPER READY MIX
706 DALLAS PKWY S
PROSPER TX 75078

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

USE DETERMINATION

The Texas Commission on Environmental Quality has reviewed Use Determination Application, 07-11104, filed by:

REDI-MIX LLC
PROSPER READY MIX
706 DALLAS PKWY S
PROSPER TX 75078

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

Environmental paving and the 8.9 acres of land under it. Dust collectors, exhaust ductwork, stormwater containment & wastewater recycling system, weir pit system and washout pit.

The outcome of the review is:

A positive use determination for 100% of the paving, dust collectors with exhaust ductwork, storm water containment and waste water recycling system, weir pit system, and wash out pit, and the land associated with the stormwater containment structure/wastewater recycling system. A negative determination for the land associated with the environmental paving.

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 - 11104 Review Start Date: 11/19/2007
Company Name: REDI-MIX LLC
Facility Name: PROSPER 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:

Environmental paving and the 8.9 acres of land under it. Dust collectors, exhaust ductwork, stormwater containment & wastewater recycling system, weir pit system and washout pit.

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:

This facility consists of a concrete batch plant. The pollution control property consists of environmental paving (including the land under the paving). Baghouse dust collectors with related ductwork for mix truck loadout. Concrete stormwater & wastewater containment structures for water recycling. A weir pit system for solids separation from mixer truck wash water which includes conveyances and pumps. A watering truck and sweeper for facility roads was listed in the table for Item 7 on the application but this equipment was not shown in the equipment list under Item 11. Ryan Sewell informed me on 11/20/2007 that this equipment circulates at several different facilities and should not be included on the asset list for this application.

DETERMINATION

Provide the reason for your determination.

Each property item, except the land. satisfies an item contained on the predetermined equipment list. This meets the requirements for obtaining a property tax exemption under Tier I. The land does not meet the requirements to be classified as land used for pollution control purposes.

Provide the language for the final determination.
A positive use determination for 100% of the paving, dust collectors with exhaust ductwork, storm water containment and waste water recycling system, weir pit system, and wash out pit, and the land associated with the stormwater containment structure/wastewater recycling system. A negative determination for the land associated with the environmental paving.

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

Reviewed: Ronald Hatchett Date: 12/17/2007

Peer Reviewed: Date:

Team Leader: Date: 12/20/07

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

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

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 Hatt 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

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, 07-11121, for:

U.S. CONCRETE INC
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

USE DETERMINATION

The Texas Commission on Environmental Quality has reviewed Use Determination Application, 07-11121, filed by:

U.S. CONCRETE INC
FRISCO READY MIX
14800 HWY 121
FRISCO TX 75035

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

Environmental Paving: Areas paved in order to sweep, wash and maintain. Dust Collector: mixer loadout is vented to a central dust collector. Baghouses: each cement and flyash silo is vented to a baghouse or cartridge type air filter. Exhaust Ductwork: mixer truck loadout and exhaust from silos.Stormwater Containment Structures/Wastewater Recycle Systems: concrete containment structure along eastern property boundary. Weir Pit System/Wash Out Pit: Pit system designed to reduce sediment and particulate matter in process water. Conveyances, Pumps, Sumps, Tanks, Basins: Water is pumped to recycle process water and stormwater from multiple collection points. Land: 173,710 ft is covered with environmental paving and 9,845 ft2 of property is used as a stormwater containment structure.

The outcome of the review is:

A positive use determination of 100% for the Environmental Paving, Dust Collector, Baghouses, Exhaust Ductwork, Stormwater Containment Structures/Wastewater Recycle Systems, Weir Pit System/Wash Out Pit, the land associated with the Recycling Basin and the Weir Pit System/Wash Out Pit, and the Conveyances, Pumps, Sumps, Tanks, Basins. A negative determination for the Land associated with the environmental paving.

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: RLH App. No.: 07 - 11121 Review Start Date: 12/17/2007
Company Name: U.S. CONCRETE INC
Facility Name: FRISCO READY MIX

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

The property listed is on the PEL so this is a Tier I.

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

This is a permit-by-rule facility. This is the correct rule.

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:

Environmental Paving: Areas paved in order to sweep, wash and maintain. Dust Collector: mixer loadout is vented to a central dust collector. Baghouses: each cement and flyash silo is vented to a baghouse or cartridge type air filter. Exhaust Ductwork: mixer truck loadout and exhaust from silos.Stormwater Containment Structures/Wastewater Recycle Systems: concrete containment structure along eastern property boundary. Weir Pit System/Wash Out Pit: Pit system designed to reduce sediment and particulate matter in process water. Conveyances, Pumps, Sumps, Tanks, Basins: Water is pumped to recycle process water and stormwater from multiple collection points. Land: 173,710 ft is covered with environmental paving and 9,845 ft2 of property is used as a stormwater containment structure.

The description is adequate.

DECISION FLOWCHART

Mark the appropriate boxes: Box 3 X Box 5 X Box 7 Box 9 Box 10
Reason this box was chosen:
The property, with the exception of the land flows through boxes 3 & 5 with yeas answers and exit the DFC at box 12.
TIER III or IV APPLICATIONS
Did the applicant use the CAP? Recalculate the CAP. Does your calculation agree with the applicants?

This is not a III or a IV.

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 table is completed correctly.

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:

Environmental Paving: Areas paved in order to sweep, wash and maintain. Dust Collector: mixer loadout is vented to a central dust collector. Baghouses: each cement and flyash silo is vented to a baghouse or cartridge type air filter. Exhaust Ductwork: mixer truck loadout and exhaust from silos.Stormwater Containment Structures/Wastewater Recycle Systems: concrete containment structure along eastern property boundary. Weir Pit System/Wash Out Pit: Pit system designed to reduce sediment and particulate matter in process water. Conveyances, Pumps, Sumps, Tanks, Basins: Water is pumped to recycle process water and stormwater from multiple collection points. Land: 173,710 ft is covered with environmental paving and 9,845 ft2 of property is used as a stormwater containment structure.

DETERMINATION

Provide the reason for your determination.

Each property item, except the land, satisfies an item contained on the predetermined equipment list. This meets the requirements for obtaining a property tax exemption under Tier I. The land does not meet the requirements to be classified as land used for pollution control purposes.

Provide the language for the final determination.
A positive use determination of 100% for the Environmental Paving, Dust Collector, Baghouses, Exhaust Ductwork, Stormwater Containment Structures/Wastewater Recycle Systems, Weir Pit System/Wash Out Pit, the land associated with the Recycling Basin and the Weir Pit System/Wash Out Pit, and the Conveyances, Pumps, Sumps, Tanks, Basins. A negative determination for the Land associated with the environmental paving.

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

GM

Reviewed: Date: 12/17/2007

Peer Reviewed: Date:

Team Leader: Date: 12/19/2007

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

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, 07-11122, for:

REDI-MIX LLC
ALLIANCE READY MIX
13624 FM 1171
ROANOKE TX 76262

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

USE DETERMINATION

The Texas Commission on Environmental Quality has reviewed Use Determination Application, 07-11122, filed by:

REDI-MIX LLC
ALLIANCE READY MIX
13624 FM 1171
ROANOKE TX 76262

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

Environmental Paving: Areas paved in order to sweep, wash and maintain. Dust Collector: mixer loadout is vented to a central dust collector. Baghouses: each cement and flyash silo is vented to a baghouse or cartridge type air filter. Exhaust Ductwork: mixer truck loadout and exhaust from silos.Stormwater Containment Structures/Wastewater Recycle Systems: concrete containment structure along eastern property boundary. Weir Pit System/Wash Out Pit: Pit system designed to reduce sediment and particulate matter in process water. Conveyances, Pumps, Sumps, Tanks, Basins: Water is pumped to recycle process water and stormwater from multiple collection points. Land: 285,211 ft is covered with environmental paving and 15,288 ft2 of property is used as a stormwater containment structure. Conveyances, pumps, sumps tanks, and basins used to recycle process water and storm water.

The outcome of the review is:

A positive use determination of 100% for the Environmental Paving, Dust Collector, Baghouses, Exhaust Ductwork, Stormwater Containment Structures/Wastewater Recycle Systems, Weir Pit System/Wash Out Pit, Conveyances, Pumps, Sumps Tanks, and Basin, and the land associated with the Recycling Basin and the Weir Pit System/Wash Out Pit. A negative determination for the Land associated with the paving.

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: RLH App. No.: 07 - 11122 Review Start Date: 12/17/2007
Company Name: REDI-MIX LLC
Facility Name: ALLIANCE READY MIX

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

The property listed is on the PEL so this is a Tier I.

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

This is a permit-by-rule facility. This is the correct rule.

BREIF 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:

Environmental Paving: Areas paved in order to sweep, wash and maintain. Dust Collector: mixer loadout is vented to a central dust collector. Baghouses: each cement and flyash silo is vented to a baghouse or cartridge type air filter. Exhaust Ductwork: mixer truck loadout and exhaust from silos.Stormwater Containment Structures/Wastewater Recycle Systems: concrete containment structure along eastern property boundary. Weir Pit System/Wash Out Pit: Pit system designed to reduce sediment and particulate matter in process water. Conveyances, Pumps, Sumps, Tanks, Basins: Water is pumped to recycle process water and stormwater from multiple collection points. Land: 285,211 ft is covered with environmental paving and 15,288 ft2 of property is used as a stormwater.containment structure. Conveyances, pumps, sumps tanks, and basins used to recycle process water and storm water.

The description is adequate.

DECISION FLOWCHART

Mark the appropriate boxes: Box 3 X Box 5 X Box 6 (IV) Box 10(III) Box 12(1)X Box 13 (Tier II)
Reason this box was chosen:
The property, with the exception of the land flows through boxes 3 & 5 with yeas answers and exit the DFC at box 12.
TIER III or IV APPLICATIONS
Did the applicant use the CAP? Recalculate the CAP. Does your calculation agree with the applicants?

This is not a III or a IV.

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 table is completed correctly.

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:

Environmental Paving: Areas paved in order to sweep, wash and maintain. Dust Collector: mixer loadout is vented to a central dust collector. Baghouses: each cement and flyash silo is vented to a baghouse or cartridge type air filter. Exhaust Ductwork: mixer truck loadout and exhaust from silos.Stormwater Containment Structures/Wastewater Recycle Systems: concrete containment structure along eastern property boundary. Weir Pit System/Wash Out Pit: Pit system designed to reduce sediment and particulate matter in process water. Conveyances, Pumps, Sumps, Tanks, Basins: Water is pumped to recycle process water and stormwater from multiple collection points. Land: 285,211 ft is covered with environmental paving and 15,288 ft2 of property is used as a stormwater containment structure. Conveyances, pumps, sumps tanks, and basins used to recycle process water and storm water.

DETERMINATION

Provide the reason for your determination.

Each property item, except the land, satisfies an item contained on the predetermined equipment list. This meets the requirements for obtaining a property tax exemption under Tier I. The land does not meet the requirements to be classified as land used for pollution control purposes.

Provide the language for the final determination.
A positive use determination of 100% for the Environmental Paving, Dust Collector, Baghouses, Exhaust Ductwork, Stormwater Containment Structures/Wastewater Recycle Systems, Weir Pit System/Wash Out Pit, Conveyances, Pumps, Sumps Tanks, and Basin, and the land associated with the Recycling Basin and the Weir Pit System/Wash Out Pit. A negative determination for the Land associated with the paving.

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

Reviewed: GM Date: 12-17-2007

Peer Reviewed: Ronald Hatch Date: 12/17/2007

Team Leader: Date: 12/20/07

Division Director: Date:

5.0 Storm Water Measures and Controls

The following section outlines the BMP's required for good preventive measures to impede the accidental release of a potential contaminant into the storm water. Best Management Practices are described in this section for general plant wide operations, and as necessary for each of the potential contact zones described in section 4.0. These BMP's are to be used to promote good housekeeping, runoff management, spill prevention, and preventive maintenance. The following sections present descriptions of procedures that are implemented throughout this facility.

5.1 Good Housekeeping

- Within buildings, floors are maintained in a clean and dry condition. Brooms and shovels are used to clean spills. The washing down, mopping, or rinsing of floors is performed only when it will not cause a discharge or contribute pollutants to a discharge.

- Garbage, trash, and waste material are collected for temporary storage in dedicated containers. Wastes are regularly collected from these containers and transferred to a covered container for transport to an approved disposal facility.

- Work areas are routinely inspected for conditions that could lead to a discharge of chemicals or fluids.

- In the event of a spill or release, immediate action is taken in accordance with the procedures outlined in Section 5.3.

- Materials are stored away from direct traffic routes and in a manner that provides adequate aisle space. Containers are stacked in accordance with manufacturer instruction to avoid damage due to improper weight distribution.

- All material packages and containers are properly labeled to show the type and name of material or substance.

- Sediment traps (paper media, hay bales, etc.), if present, are inspected regularly and maintained as necessary.

- All areas of the facility that are subject to vehicle traffic are paved with concrete to allow sweeping and removal of fugitive particulate material.

5.2 Preventative Maintenance

- Employees routinely inspect machinery and vehicles. Leaks or potential problems are reported to the appropriate supervisors and repairs are promptly scheduled.

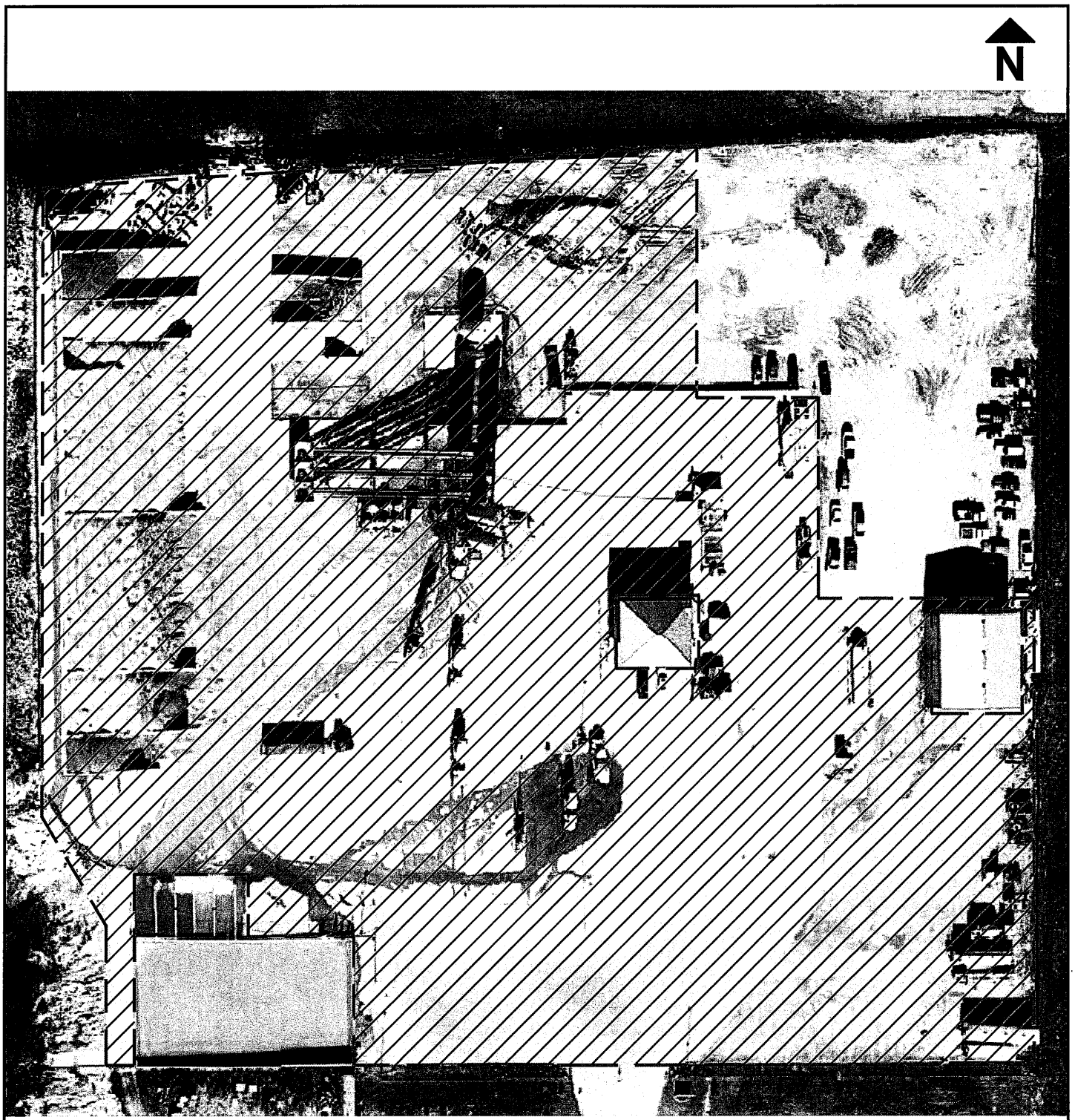
- When a vehicle is found to be in need of repair, defective, or in any way unsafe, the vehicle is taken out of service until it has been restored to a safe operating condition.

- No truck is operated with a leak in the fuel system.

- Authorized personnel make all repairs.

- Trained personnel make routine maintenance checks of all vehicles and machinery based on the manufacturer's recommendations.

- Minor spills of petroleum products that would have an adverse effect to effluent quality will be cleaned up in the appropriate manner and properly disposed.



SCALE

50 0 50

FEET

ENVIRONMENTAL PAVING

REDI-MIX CONCRETE

a US CONRETE COMPANY

TAX RELIEF FOR POLLUTION CONTROL PROPERTY APPLICATION

ALLIANCE READY MIX

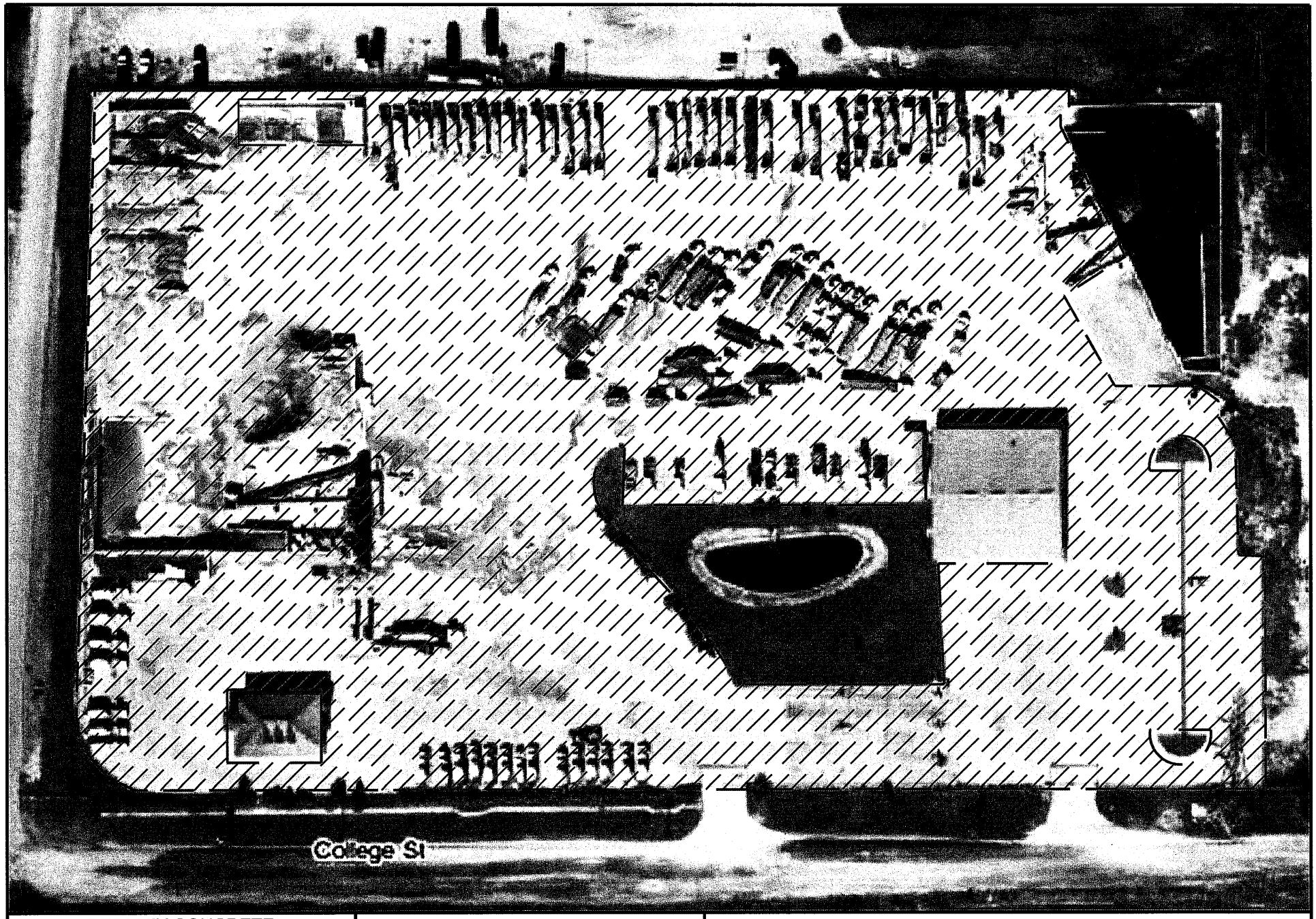
UD 07-11122

DENTON COUNTY, TEXAS

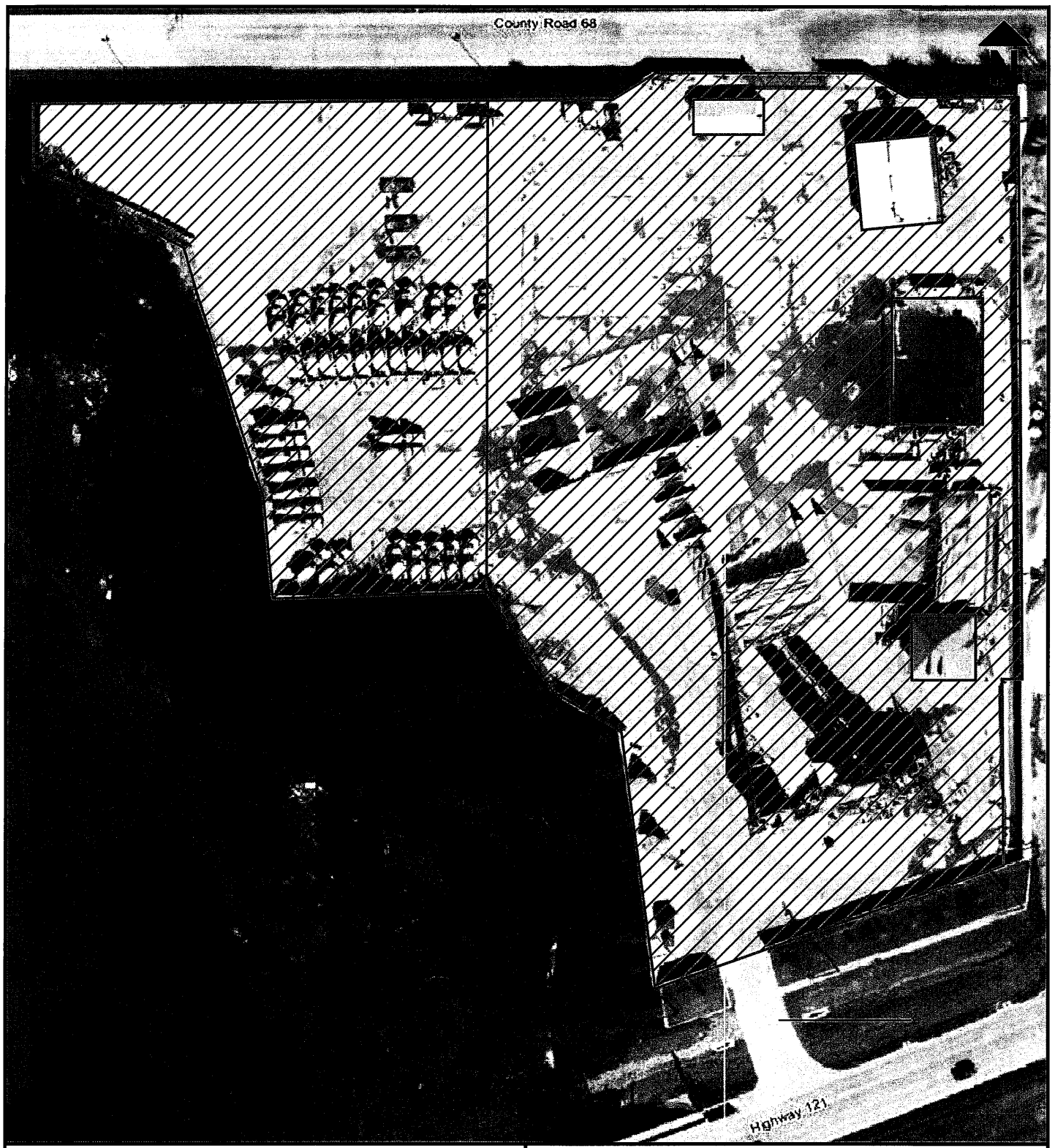
DRAWN BY: PRS

DATE: 06/08/2008

SITE MAP



REDI-MIX CONCRETE a US CONRETE COMPANY		TAX RELIEF FOR POLLUTION CONTROL PROPERTY APPLICATION LEWISVILLE READY MIX UD 07-11102 COLLIN COUNTY, TEXAS	ENVIRONMENTAL PAVING
DRAWN BY: PRS DATE: 06/08/2008	SITE MAP		SCALE 50 0 50 FEET



SCALE

50 0 50

FEET

ENVIRONMENTAL PAVING

REDI-MIX CONCRETE

a US CONRETE COMPANY

TAX RELIEF FOR POLLUTION CONTROL PROPERTY APPLICATION

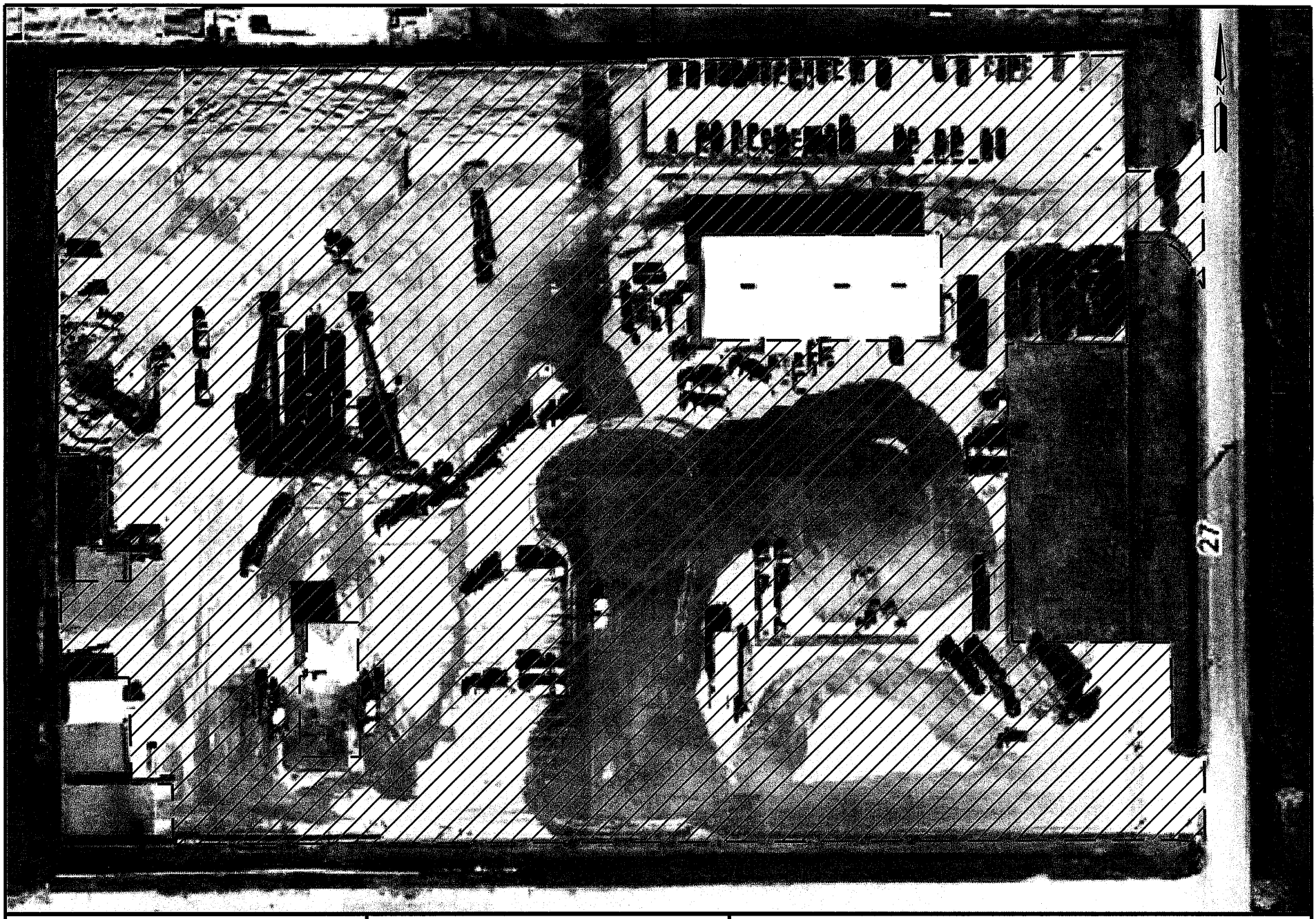
FRISCO READY MIX

UD 07-11103, UD 07-11121

COLLIN COUNTY, TEXAS

DRAWN BY: PRS
DATE: 06/08/2008

SITE MAP



REDI-MIX CONCRETE a US CONRETE COMPANY	TAX RELIEF FOR POLLUTION CONTROL PROPERTY APPLICATION PROSPER READY MIX UD 07-11104 COLLIN COUNTY, TEXAS	ENVIRONMENTAL PAVING
DRAWN BY: PRS DATE: 06/08/2008 — SITE MAP		SCALE 50 0 50 FEET

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

Environmental Paving and Land Records

99-4130 Owner Name: UNIMIN TEXAS COMPANY LP
Facility Name: UNIMIN VOCA PLANT Date of Final Determination 6/30/1999

Property Description:

Installed the following pollution control property: baghouses - (1) air compressor screens, (2) & (3) dust collector screens, (4) dust collector bagging, (5) dust collector loadout, (6) dust collector waste, (7) electrical services, starters, wiring, PLC, etc.; Scrubbers (8) wet scrubber dryer, (9) electrical services, starters, wiring, PLC, etc; (10) Cyclone - DS33-1616; Hoods and Collection Devices for final control devices - (11) loading spout, (12) loading spout waste, (13) chutework, (14) spout loading, & (15) electrical service, starters, wiring, PLC, Etc; Monitoring equipment for final control devices - (16) electrical service, starters, wiring, PLC, Etc; Sweeper truck - (17) Bobcat skid loader; Environmental Paving - (18) asphalt plant roads; Groundwater Monitoring well system - (20) pump for well 56-07-324; & (21) electrical service, starters, wiring, PLC, Etc; Fugitive Emission containment structures - (23) belt conveyor, (24) conveyor loadout #1, (25) bagging, (26) waste (27) loadout #2, (28) & (29) - sump pumps for dribble pans; (30) electrical service, starters, wiring, PLC, Etc; Settling Basins - (31) site prep, (32) sediment basin #1, (33) sediment pond #2, (34) electrical service, starters, wiring, PLC, Etc; Clarifier - (35) & (38) thickener sump, (36) & (37) thickener u/f, (38) thickener sump, (40) thickener pump, (41) electrical service, starters, wiring, PLC, Etc; Water Conservation Systems - (43) land purchase, (44) recirculating pump, (45) recirculating sump, (46) barge, (47) barge mounted, (48) Eater tank, (49) electrical ,service, starters, wiring, PLC, Etc; Wastewater Treatment - (50) -diversion; Wastewater Treatment Building (53) building and tunnel at end of building.

Final Determination:

A positive use determination of 100% for the items: 1, 2, 3, 4, 5, 6, 8, 10, 11, 12, 13, 14, 18, 20, 28, 29, 32, 33, 35, 36, 37, 38, 39, 40, 41, 44. 45, 46, 47, 48, 50, & 53. Partial use determinations are granted as following property - 7 = 5.55%, 9 = 4.76%, 15 = .22%, 16 = .23, 17 = 25%, 21 = .16%, 23 = 6%, 24, 25, 26, 27 & 31 = 11%, 30 = .50%, 34 = 1.90%, 42 = 1.43%, 43 = 12%, 49 = 4.6%, and 52 = .12%.

05-8835 Owner Name: COMMERCIAL & INDUSTRIAL OIL COMPANY INC

Facility Name: COMMERICAL & INDUSTRIAL OIL COMPANY INC Date of Final Determination 2/9/2006

Property Description:

#1. Stage II Vapor Recovery System including three M3+1 dispensers, six balance control nozzles, coaxial hoses, piping, and pressure relief vents on the front fleet fueling island and a Stage I Vapor Recovery system; hose, valve and piping on the back loading area. #2. Environmental paving under front and back fuel islands and drains, piping, a 2000 gallon oil water separator and high level alarm. #3. Canopy covers over front and back fuel islands and internal drainage and piping. Five electronic preset valves installed in fill pipes to automatically stop flow of product. Five dry break connections, one on each delivery hose. #4. Seven tight fill fittings, 7 spill containers, 1 overfill alarm and tank gauge system and 7 tank probes, 6 interstitial probes, 7 ball float valves, 8 tank top sumps, 9 under dispenser sumps, 1 large sump (3 ft X 12 ft) and additional sump (3 ft X 3 ft); 2 observation monitoring wells, 12 mechanical line leak detectors, 29 isolation valves with portal entry. #5. Six double walled fuel tanks; 600 ft of 2-inch double walled fiberglass piping and 900 ft of 3-inch double walled fiberglass piping; 42 ft X 82 ft x 8 ft concrete containment for tanks; Concrete area for truck unloading with knife gate valve at storm drain.

Final Determination:

A positive use determination for 100% of the property listed above with the following exceptions: 50% of the six double-walled fuel tanks, and a negative determination for the three M3+1 dispensers.

06-9995 Owner Name: TOWERS AT SUNNYVALE LLC

Facility Name: TOWERS AT SUNNYVALE & VALERO Date of Final Determination 12/27/2006

Property Description:

56,064 sqft of concrete paving, 56,064 sqft of land, secondary containment, wastewater treatment, building, Stage I Vapor Recovery, Stage II Vapor Recovery, Grease Trap, Tight Fill Fittings, Spill Containers, Double-walled Tanks and piping, tank top sumps, under dispenser sumps, sensing devices, automatic tank gauging, monitoring wells, and cathodic protection.

Final Determination:

A positive use determination for the Environmental Paving, the associated land, the wastewater treatment equipment and building, the secondary containment, the Stage I and II Vapor Recovery Equipment, the Tight Fill Fittings, the tank top sumps, the under dispenser sumps, the sensing devices, the automatic tank gauging, the groundwater monitoring wells, the line leak detectors, and the cathodic protection. A positive use determination of 50% for the double-walled tanks and piping.

06-10087 Owner Name: HAYS CITY CORPORATION

Facility Name: HIGHWAY 290 GENERAL STORE #2 Date of Final Determination 1/26/2007

Property Description:

The following items: Real Estate - Environmental Paving (land) & Stormwater Containment System(land);. Property Improvements - Environmental Paving (concrete) & Stormwater Containment System (Installation). Personal Property - Stage I Vapor Recovery; Tight Fill Fittings; Spill Containers; Vent Restriction Devices; Double-Walled Tanks; Double Walled Piping; Tank Top Sumps; Under Dispenser Sumps; Sensing Devices; Automatic Tank Gauging; Groundwater/Soil Vapor Monitoring; Secondary Containment (car wash) and Automatic Line Leak Detectors.

Final Determination:

A positive use determination of 100% for the Real Estate - Environmental Paving (land) & Stormwater Containment System(land);. Property Improvements - Environmental Paving (concrete) & Stormwater Containemnt System (Installation). Personal Property - Stage I Vapor Recovery; Tight Fill Fittings; Spill Containers; Vent Restriction Devices; Tank Top Sumps; Under Dispenser Sumps; Sensing Devices; Automatic Tank Gauging; Groundwater/Soil Vapor Monitoring; Secondary Containment (car wash) and Automatic Line Leak Detectors. A positve use determination of 50% for Double-Walled Tanks and the Double Walled Piping.

06-10088 Owner Name: HAYS CITY CORPORATION

Facility Name: WAG-A-BAG #12 Date of Final Determination 1/26/2007

Property Description:

The following items: Real Estate - Environmental Paving (land) & Stormwater Containment System(land); Secondary Containment (tank storage). Property Improvements - Environmental Paving (concrete) & Stormwater Containment System (Installation); Secondary Containment. Personal Property - Stage I Vapor Recovery; Tight Fill Fittings; Spill Containers; Vent Restriction Devices; Double-Walled Tanks; Double Walled Piping; Tank Top Sumps; Sensing Devices; Automatic Tank Gauging; Groundwater/Soil Vapor Monitoring; and Automatic Line Leak Detectors.

Final Determination:

A positive use determination of 100% for the Real Estate - Environmental Paving (land) & Stormwater Containment System(land); Secondary Containment (tank storage). Property Improvements - Environmental Paving (concrete) & Stormwater Containemnt System (Installation); Secondary Containment. Personal Property - Stage I Vapor Recovery; Tight Fill Fittings; Spill Containers; Vent Restriction Devices; Tank Top Sumps; Sensing Devices; Automatic Tank Gauging; Groundwater/Soil Vapor Monitoring; and Automatic Line Leak Detectors. A positve use determination of 50% for Double-Walled Tanks and the Double Walled Piping.

07-11121 Owner Name: U.S. CONCRETE INC
Facility Name: FRISCO READY MIX Date of Final Determination 12/22/2007

Property Description:

Environmental Paving: Areas paved in order to sweep, wash and maintain. Dust Collector: mixer loadout is vented to a central dust collector. Baghouses: each cement and flyash silo is vented to a baghouse or cartridge type air filter. Exhaust Ductwork: mixer truck loadout and exhaust from silos.Stormwater Containment Structures/Wastewater Recycle Systems: concrete containment structure along eastern property boundary. Weir Pit System/Wash Out Pit: Pit system designed to reduce sediment and particulate matter in process water. Conveyances, Pumps, Sumps, Tanks, Basins: Water is pumped to recycle process water and stormwater from multiple collection points. Land: 173,710 ft is covered with environmental paving and 9,845 ft2 of property is used as a stormwater containment structure.

Final Determination:

A positive use determination of 100% for the Environmental Paving, Dust Collector, Baghouses, Exhaust Ductwork, Stormwater Containment Structures/Wastewater Recycle Systems, Weir Pit System/Wash Out Pit, the land associated with the Recycling Basin and the Weir Pit System/Wash Out Pit, and the Conveyances, Pumps, Sumps, Tanks, Basins. A negative determination for the Land associated with the environmental paving.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
APPLICATION FOR USE DETERMINATION
FOR POLLUTION CONTROL PROPERTY

The Texas Commission on Environmental Quality 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. The application should be completed and mailed, with the appropriate fee, to: TCEQ MC-214, Cashiers Office, PO Box 13088, Austin, TX, 78711-3088.

722842 DE 15 06

PAY TO THE ORDER OF STATE COMPTROLLER TCEQ

1. GENERAL INFORMATION

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

- [x] Corporation
- [ ] Partnership
- [ ] Limited Partnership
- [ ] Sole Proprietor
- [ ] Utility
- [ ] Other _____

B. Size of Company: Number of Employees

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

RECEIVED DEC 15 2006 TCEQ Revenue Section

C. Business Description: CONVENIENCE STORE & FUELING STATION

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.

20 @ 150

3. NAME OF APPLICANT

A. Company Name: THANH PHOC (OWNER, CHRISTINA VO)
B. Mailing Address: 4125 MANSFIELD HIGHWAY
C. City, State, ZIP: FOREST HILL, TEXAS, 76119

4. PHYSICAL LOCATION OF PROPERTY REQUESTING A TAX EXEMPTION

A. Name of Facility or Unit: FOOD & FUEL MART & VALERO
B. Type of Mfg. Process or Service: CONVENIENCE STORE & FUELING STATION
C. Street Address: 1009 N. CARRIER PARKWAY
D. City, State, ZIP: GRAND PRAIRIE, TEXAS 75050
E. Tracking Number Assigned by Applicant: 001

5. APPRAISAL DISTRICT WITH TAXING AUTHORITY OWVER PROPERTY

A. Name of Appraisal District: DALLAS
B. Appraisal District Account Number: 28010800A0010000

06-9994

6. **CONTACT NAME (must be provided)**
   A. Company/Organization Name: WATERLOO ENVIRONMENTAL CONSULTING
   B. Name of Individual to Contract: LAUREN E. BRECHTEL & RYAN H. GRISSOM
   C. Mailing Address: PO BOX 607
   D. City, State, ZIP: MCDADE, TEXAS, 78650
   E. Telephone number and fax number: (PHONE) 512-304-8003, (FAX) 512-273-2141
   F. E-Mail address (if available): CONSULTING@WATERLOOEC.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 the law that requires the installation or construction of the property.

MEDIUM	RULE/REGULATION/LAW
Air	REFER TO EXHIBIT A
Water	
Waste	

8. **DESCRIPTION OF PROPERTY (Complete for all applications)**
   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 located in the instruction section of this document.

10. **PARTIAL PERCENTAGE CALCULTIONS**
   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 sheet 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 determination 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 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	Property Taxable on or before 1/01/94	Decision Flow Chart Box 7, 9, or 10	PEL Number	Estimated Purchase Cost	Partial Percentage
Land	REFER TO EXHIBIT A				
Property					
Totals					

12. EMISSION REDUCTION INCENTIVE GRANT

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

☐ Yes ☒ 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 the application, you certify that the information is true to the best of your knowledge and belief.

NAME: LAUREN BRECHTEL Lauren Brechtel DATE: 12/15/06

NAME: RYAN GRISSOM Ryan Grissom DATE: 12/15/06

TITLE: ENVIRONMENTAL CONSULTANTS

COMPANY: WATERLOO ENVIRONMENTAL CONSULTING

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.

WATERLOO ENVIRONMENTAL CONSULTING

WEC

EXHIBIT A – SITE INSPECTION FORM: 001

Date:	Store Name:
10-25-06	PHOC THANH CONVENIENCE STORE & FUELING STATION

Address:	County:
1009 N. CARRIER PARKWAY, GRAND PRAIRIE, TEXAS, 75050	DALLAS

7. RELEVANT RULE, REGULATION, OR STATUTORY PROVISION		8. DESCRIPTION OF PROPERTY		11. PROPERTY CATEGORIES AND COSTS				
Medium	Rules, Regulations or Law	Description	Purpose	Property taxable on or before 1-1-94	Decision Flow Chart Box 7, 9 or 10	PEL Number	Estimated Purchase Cost	Partial Percent-age
REAL ESTATE TO BE EXEMPT								
Air, Land, Water	Section 26.177 of the Texas Water Code	Environmental Paving (Concrete Ft^2 Land)	21,252 Ft^2 of land over the site is sloped to control and direct rainwater runoff to an onsite stormwater drain. The land is appraised at $5.50/$Ft^2$.	No	7	M-8	**$116,886**	100%
PROPERTY IMPROVEMENTS TO BE EXEMPT								
Air, Land, Water	Section 26.177 of the Texas Water Code	Environmental Paving (Concrete $ Over Site)	21,252 Ft^2 of concrete improvement is sloped over the land to contain and direct rain water runoff to an onsite stormwater drain. Concrete & install charged at $4.50 Ft^2	No	7	M-8	**$95,634**	100%
PERSONAL PROPERTY TO BE EXEMPT								
Air	30TAC 115.221-224	Stage I Vapor Recovery (Tank)	Hose attachments and fittings to prevent air contamination by recapturing displaced vapors during fuel tank filling operations.	No	7	A-73	**$3,600**	100%
Water	30TAC 334.45 (d)(3)(a)	Double-Walled Tanks	Double-walled tanks or tanks with a jacketed liner to prevent leakage to soil or groundwater.	No	7	T-11	**$48,000 @50% = $24,000**	50%
						REAL ESTATE TO BE EXEMPT	**$116,886**	
						PROPERTY IMPROVMENTS TO BE EXEMPT	**$95,634**	
						PERSONAL PROPERTY EXEMPT	**$27,600**	
						TOTAL	**$240,120**	

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

USE DETERMINATION

The Texas Commission on Environmental Quality has reviewed Use Determination Application, 06-9994, filed by:

THANH PHOC
VALERO FOOD & FUEL MART
1009 N CARRIER PKWY
GRAND PRAIRIE TX 75050

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

Double-Walled Tanks, Stage I Vapor Recovery (Tank), 21,253 sqft of concrete paving and 21,253 sqft of land.

The outcome of the review is:

A positive use determination of 100% for the Land and the Environmental Paving, and the Stage I Vapor Recovery. A positive use determinatioin of 50% for the Double-Walled Tanks.

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

Executive Director

12/27/2006
Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
APPLICATION FOR USE DETERMINATION
FOR POLLUTION CONTROL PROPERTY

The Texas Commission of 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. The application should be completed and mailed w, with the appropriate fee to; TCEQ MS-214, Cashiers Office, P.O. Box 13088, Austin, Texas, 78711-3088.

1. GENERAL INFORMATION

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

[Y] Corporation
[ ] Partnership
[ ] Limited Partnership
[ ] Sole Proprietor
[ ] Utility
[ ] Other _____

B. Size of company: Number of Employees

[Y] 1 to 99
[ ] 100 to 499
[ ] 500 to 999
[ ] 1,000 to 1,999
[ ] 2000 or more

C. Business Description: Convenience store with fueling operations

2. TYPE OF APPLICATION

A. [Y] Tier I $150 Application Fee
If all property listed in Section 8 of this application is on the predetermined equipment list (PEL) or is necessary for the installation or operation of equipment on the list, then check this box.

B. [ ] Tier II $1,000 Application Fee
If any property listed in Section 8 is not on the PEL, and all of this property is used 100% for pollution control, then check this box.

C. [ ] Tier III $2,500 Application Fee
If any property listed in Section 8 is not on the PEL and if a partial use determination is being requested for **ANY** of the property included in the application, then check this box.

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: BROADDUS ENTERPRISES, INC

B. Mailing Address (Street or P.O. Box): 2710 BEE CAVE RD

C. City, State, Zip: AUSTIN, TX 78746

4. PHYSICAL LOCATION OF PROPERTY REQUESTING A TAX EXEMPTION

A. Name of Facility or Unit: BROADDUS BEE CAVE CHEVRON

B. Type of Mfg. Process or Service: CONVENIENCE STORE WITH FUEL AND CAR WASH

C. Street Address: 6806 BEE CAVE RD

D. City, State, ZIP: AUSTIN, TX 78746

E. Tracking Number Assigned by Applicant (Optional): _____

06-9678

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

A. Name of Appraisal District: TRAVIS COUNTY

B. Appraisal District Account Number: REAL ESTATE PARCEL 01-1725-0211-0000 & 01-1725-0211-0000
PERSONAL PROPERTY PARCEL #90-9839-5000-0000

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

A. Company/Organization Name: UNIFIED CONSULTING GROUP, INC

B. Name of Individual to Contact: TONY LEWIS

C. Mailing Address: PO BOX 202886

D. City, State, ZIP: AUSTIN, TX 78720

E. Telephone number and fax number: PHONE: 800-940-6506 FAX: 512-363-5752

F. E-mail address (if available): tony-pfic@austin.rr.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 rule, regulation, or law that requires the installation or construction of the property.

MEDIUM	RULE/REGULATION/LAW
Air	*TAC 334*
Water	*TWC 26.121*
Waste	*N/A*

8. **DESCRIPTION OF PROPERTY (Complete for all applications)**

A 50% exemption has been requested on the double tanks and double wall lines, the total dollar value requested in this application reflects the value at 50%. This facility has three 12,000 gallon ACT 100 tanks. It is equipped with double wall fiberglass supply lines falling 1/8" per foot back to the liquid tight tank sump. Each tank is equipped with spill / overfill prevention and 4" tight fill fittings. The submersible turbine pumps are contained in a liquid tight sump attached to each tank preventing any releases from the STP or terminating flex hose and fittings from being released into the environment. Each dispenser is equipped with a liquid tight containment sump preventing any releases from the dispensing unit or associated hardware from entering the environment. Each supply line is equipped with line leak detection capable of detecting a loss of pressure rated at 3gph. The underground fuel system is monitored by a Veeder Root tank gauge that performs tank tests at .2 monthly and .1 annually. The annular space of both the tanks and lines are monitored for releases. Each tank is equipped with stage I vapor recovery allowing the vapors to be purged back into the ullage of the transport truck during off loading. The tank excavation zone is equipped with 4" observation wells with .020 perforations allowing ground water monitoring. The site is equipped with a 3" stage II fiberglass trunk line plumbed to each dispenser sump and to the unleaded tank. 4,503 SF of paving at the fueling area and over the tanks and fuel lines are inclusive of the exemption requested. Car wash is equipped with trench drains, recovery tanks and reclaim system. This site maintains a 5,418 SF detention pond, an exemption for the installation as well as the SF of land is being applied for. This location is equipped with an engineered septic system, the installation and land value are requested with this exemption.

LEGAL DESCRIPTION OF LAND: 2.243 AC & .477AC OF LOT A SMITH HOLLY ADDN

Used Equipment: If the property identified above has been purchased from another owner who previously used the property as pollution control property. Provide information that shows that the property was not taxable on or before January 1, 1994, by any taxing unit in which the property is now located.

9. DECISION FLOWCHART

Each piece of equipment or process change must be processed through the following 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, 10) was the final destination of each piece of equipment.

***** *This facility has equipment installed to meet or exceed an adopted environmental rule / law / reg which bears an environmental benefit at the facility.*

The following instructions should be used with the flow chart. **The numbered items below do not correspond to the box numbers in the flow chart.**

1. Prepare a list of all process equipment and pollution control equipment that is considered to be pollution control property.

2. Each item on the list must be run through the flow chart separately. Some items will likely end at different points on the flow chart.

3. Determine whether the item is required to meet or exceed a state, local, or federal environmental regulation, rule or law. If no specific rule citation can be made, then this item does not qualify as pollution control property (Box 4).

4. Determine if there is an environmental benefit at the site where the equipment item is installed. A yes answer to this question is needed to continue evaluating the equipment. If the answer is no, then the equipment does not qualify (Box 4).

5. If the equipment is listed on the Predetermined Equipment List (PEL), then it qualified as Tier 1 (Box 7). Determine the appropriate PEL number for each item.

6. Specify all PEL equipment for the project in a single list that is included with the application.

7. If the equipment is no on the PEL, then determine whether the equipment is used wholly for pollution control, i.e., the equipment is not production related and/or does not increase production or improve product quality.

8. If it is wholly for pollution control, then the equipment may qualify as 100% pollution control property under Tier II (Box 9). The applicant must provide sufficient written documentation and justification to prove that it qualifies.

9. If the equipment has both environmental and production elements, then the equipment must be evaluated as a Tier III partial determination (Box 10). The applicant must provide a detailed capital cost analysis following the procedures established in the Partial Determinations section of this document. The results of these calculations will determine the partial use percentage.

10. PARTIAL PERCENTAGE CALCULATION

***** *This facility is non applicable to this section*

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 guidance document.

11. PROPERTY CATEGORIES AND COSTS

Identify the category and the estimated purchase cost of the property listed in Section 8. List each piece of property 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 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	Property taxable on or before 1/10/94	Decision Flow Chart Box 7,8,or 10	PEL Number	Estimated Purchase Cost	Partial Percentage
Land (13,280 sf)	NO	7	W-65	$44,620.00	
Property Double wall fuel lines/install	NO	7	T11 & T-12	$132,460.00	
Detention pond installation	NO	7	W-65	$162,540.00	
Trench drains	NO	7	W-65	$1,500.00	
Stage II equipment	NO	7	A-73	$3,640.00	
UST sumps, spill/overfill prevention, line leak detectors, tank and dispenser sumps, stage I, tightness testing equipment	NO	7	T-1/T-2/T-5 T-13/T-14 T-22/T-24 T-26/A-73	$20,170.00	
4,503 SF environmental paving	NO	7	M-8	$15,760.00	
HMI interceptor/tanks/plumbing at car wash, recovery of all residuals reclaim system	NO	7	W-57	$6,820.00	
Septic system design/install	NO	7	W-65	38,840.00	
Totals (50% calculated on double wall tanks and lines)				$360,120.00	

12. EMISSIONS REDUCTION INCENTIVE GRANT

Will an application for an Emission Reduction Incentive Grant be filed for this property/project?
[ ] Yes [N] 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.

13. FORMAL REQUEST FOR SIGNATURE

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

NAME: _____ DATE: 6/8/06

TITLE: President

COMPANY: Stevens Enterprises Inc

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.

Kathleen Hartnett White, *Chairman*
Larry R. Soward, *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, 06-9678, filed by:

BROADDUS ENTERPRISES INC
BROADDUS BEE CAVE CHEVRON
6806 BEE CAVE RD
AUSTIN TX 78746

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

Double walled fuel lines and tanks plus installation. Detention pond installation and the land. Trench Drains. Stage II Vapor Recovery Equipment. UST Sumps, Spill/overfill prevention, line leak detectors, tank and dispenser sumps, stage I, and tightness testing equipment. 4,503 square feet of paving. HMI interceptor/tanks/plumbing at car wash, recovery of all residuals reclaim system. Septic System design, installation and land.

The outcome of the review is:

A positive use determination of 50% for the underground double-walled tanks and fuel lines. A positive use determination of 100% for the Detention pond installation and the land, the Trench Drains, the Stage II Vapor Recovery Equipment, the UST Sumps, Spill/overfill prevention, line leak detectors, tank and dispenser sumps, stage I, and tightness testing equipment, the 4,503 square feet of paving, the HMI interceptor/tanks/plumbing at car wash, the recovery of all residuals reclaim system, and the Septic System design, installation and land.

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

Executive Director

6/15/2006
Date