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John M. Alaniz, M.D., P.A.
Obstetrics, Gynecology, Infertility
Texas Medical Arts Tower 17070 Red Oak, Suite 305 Houston, Texas 77090
Phone: (281) 440-0380

HR OPA
AUG 17 2006
BY

Aug. 16, 2006

#76593

Office of the Chief Clerk
MC 105
TCEQ
P.O. Box 13087
Austin, Texas 76711-3087

2258/49657

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 AUG 17 AM 10:12
CHIEF CLERKS OFFICE

Dear Sirs;

My family and I are extremely disheartened to hear that you have issued an air quality permit to Wheatcraft Materials for their rock crusher facility in Center Pt. TX.

Three years ago we purchased four acres and a house right on the Guadalupe River in Center Point for our retirement. My husband suffers from asthma and had hopes of enjoying the quiet and peacefulness of Center Point. However, this is not to be, since you have obviously not heeded to the majority of the crushes of the residents of Center Point and succumbed to the "man

with the most money."

We wish to request at this time a contested hearing regarding Wheat-craft and its devastating impact on our small community. The river, that we use for recreation will be polluted and drained, not to mention the air that we will breathe.

Our address in Center Point is 146 Center Point Drive, just a stones throw from the noisy rock crusher.

Please, please stop and reconsider this permit.

Thank you,

Anne Alanz
17070 Red Oak Dr. #305
Houston, TX 77090
281-440-0380 office
" 374-7355 home
713 819-0884 cell
ZINJUGIRL1@AOL.com.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 SEP 29 AM 9:41

CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name : David B. Anderson

Address: 401 Center Point Dr.

Center Point, Texas, 78010

OPA
SEP 29 2005
BY KY

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

NSR 49657

I would like to inform the TCEQ that

1.) The proposed plant is within a 1/2 mile of residences, and prevailing breeze would blow dust toward residences and a school.

2) Traffic hazard - the proposed site is in a 70mph zone with limited sight distance. Even lowering the limit to 50 would be hazardous as slow moving trucks entered the State hyw. As a retired police officer, I see this as very hazardous - Aggregate trucks are especially slow merging with traffic, and this state Hyw is only 2 lanes. The Aggregate trucks also frequently leak gravel onto the road, causing another hazard on this primary east/west artery through a county of 45000 with many commuting to San Antonio using this road. A traffic counter should monitor numbers and speed, and a study should be done, to determine the degree of road hazard this facility will cause.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 SEP 29 AM 9:41
CHIEF CLERKS OFFICE

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

Name: David Anderson

Address: 401 Center Point Dr.
Center Point, Texas 78010

Daytime telephone number: 830-459-2934

NSR 49657

OPA
SEP 29 2005
BY KY

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I will be affected by dust and particulate in the air near my residence. In addition, the emerging ~~#~~ of trucks onto the State Highway 27, with a limited sight distance and 70 mph speed zone, will endanger me since there is only two lanes of traffic at this sight. Also, DPS is rarely seen on this highway, and a nearby quarry operation has trucks also entering this State highway, frequently dropping gravel onto the roadway in violation of State motor vehicle law, and little if any enforcement is observed. This hazard is very likely to cause a serious motor vehicle accident.

The location and distance of my property from the proposed facility is:
about 2 miles.

I use my property by:
as a residence

D. Anderson
401 Center Point Dr.
Center Point, TX 78010

PM
28 SEP
2005

USA

TCEQ
Office of Clerk MC-105
P.O. Box 13087
Austin, Texas, 78711-3087

RECEIVED
SEP 29 2005
TCEQ MAIL CENTER

78711-3087

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2005 SEP 27 AM 9: 42

CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name: Betty F. Aycock

Address: 595 Bluff Creek

Center Point, TX 78010

H OPA

SEP 27 2005

BY

NSR
49657

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

The proposed rock crushing in Center Point Tx. will affect my family directly with the prevalent winds bringing the massive amount of dust to our home. The dust fall out apparently will fall directly into the Guadalupe River, causing great water contamination in Kerr Co. & on down the waterway. My understanding of rock crushing is a massive amount of water is needed. Where is this water to come from & what is to happen with the contaminated waste water? Will it go into our waterway?
I have not experienced the noise of a commercial rock crusher but my common sense tells me it will be horrendiously noisy.
This co. plans on working 6 days a week for 12 hrs each day, giving residents no relief from the problems & causing a massive increase of truck traffic on Hwy 27 & a great deal of wear & tear.
Your consideration of these problems is appreciated.

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

Name: Betty F. Aycock

Address: 595 Bluff Creek
Center Point, Tx 78010

Daytime telephone number: 830-634-2200

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 SEP 27 AM 9:4
CHIEF CLERKS OFFICE

OPA
H
SEP 27 2005
BY KY

NSR 49657

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I will experience massive amts. of dust fall out
Noise factor will be extremely horrendous.
massive amounts of water will be needed, will this affect our river and/or water table
Traffic on Hwy 27 will be greatly increased
contamination of water, air, traffic
the noise factor, all are of great concern.
Plus this facility is very close to our school system, putting our children at risk

The location and distance of my property from the proposed facility is:
Bluff Creek Ranch on Hwy 27
approx 2000 ft. from proposed facility

I use my property by:
Home

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 SEP 27 AM 9:42

CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

H OPA

SEP 27 2005

BY KY

Name : William T. Aycock, III

Address: 595 Bluff Ck Rd N.

Center Point, Tx 78010

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

NSR/49657

I would like to inform the TCEQ that

ROCK CRUSHING IN THE CENTER POINT, TX AREA ~~IMPACT~~ SEVERE IMPACT OUR NEIGHBORHOOD AND THE GENERAL ENVIRONMENT IN A VERY NEGATIVE WAY. THE PROBLEMS ARE MANIFOLD I.E. DUST FALL OUT, NOISE OVER PROLONG PERIODS, WATER POLLUTION, + TRAFFIC PROBLEMS ON HIGHWAY 27. THIS COULD BE A VERY UNHEALTHY SITUATION FOR THE CENTER POINT AREA AND I REQUEST THAT THE REQUEST FOR WHEATCRAFT PERMIT # 76508 BE DENIED.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 SEP 27 AM 9:42

CHIEF CLERKS OFFICE

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

Name: William T. Aycock, III

Address: 595 Bluff Ck. Rd N.
Center Point, TX 78010

Daytime telephone number: 830-634-2200

OPA
H SEP 27 2005
BY KY

NSR 49657

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I
WILL EXPERIENCE THE FOLLOWING: A GREAT AMOUNT OF DUST FROM PREVAILING WINDS, NOISE POLUTION FOR EXTENDED PERIODS - 7 DAYS A WEEK, WATER POLUTION OF THE RIVER THAT I FLOAT + FISH + EXCESSIVE TRAFFIC ON HWY 27.

The location and distance of my property from the proposed facility is:
BLUFF CK RANCH - APPROX 2000' FROM PROPOSED FACILITY

I use my property by:
QUIET HOME + PRIVATE LIVING.

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

Name: Amy K. Barger

Address: PO Box 1255 321 China St.
Center Point Tx 78010

Daytime telephone number: 830-997-9511
or 830-634-2995

2005 SEP 29 AM 9:37
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NSR 49657

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I
live within one thousand feet of this proposed site. I suffer from respiratory problems that include allergic & asthmatic reactions to airborne dust. The proposed facility is within one thousand feet of Center Point Elementary, Middle and High School - There are many children attending these schools who suffer respiratory illnesses, including my own grandchildren.

Our residential community would be adversely affected by this operation - not just due to air quality - There are also water pollution, noise pollution, possible chemical leaks as well as runoff causing water contamination - No archeological or environmental studies have been done @ this site.

I strongly object to issuance of this permit.

The location and distance of my property from the proposed facility is:
Approximately 850 feet from my residence at 321 China St, Center Point 78010 -

I use my property by:
my primary residence! Also a part-time residence for my grandchildren - who suffer from asthma.

OPA
SEP 29 2005
BY

Amy K. Barger
PO Box 1255
321 China St.
Center Pt, Tx 78010

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 SEP 29 AM 9:37

CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

NSR 49657

Name : Amy K Barger

Address: 321 China St
Po Box 1255

Center Pt. Tx 78010

OPA
H SEP 29 2005
BY KY

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

Within one thousand feet of this proposed rock crushing & mining facility are many residences, as well as an elementary, middle and high school.

I, and many others in the vicinity of this plant suffer from respiratory problems and asthma.

This proposed plant is on the banks of the Guadalupe River and the resulting airborne particulants as well as chemical run off would be detrimental to the river & to the health and well being of residents.

I respectfully request that the application for this facility be denied to preserve the health of our community as well as the integrity of our river and our environment.

Amy K. Barger

Have formal oral comment. (30)

# TCEQ Public Participation Form
## Wheatcraft, Inc.
## Public Meeting
## Proposed Air Quality Permit No. 76508
## Tuesday, January 24, 2006

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 FEB -2 PM 1:36
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Amy Barger

Address: POB 1255, 321 China St.

City/State: Center PT Zip: 78010

Phone: (830) 634-2995

☑ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☑ No

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☑ I wish to provide formal oral comments.

☐ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by Applicant Wheatcraft, Inc.

OPA
SEP 29 2005
BY KY

2005 SEP 29 AM 9:37
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Name: Thomas A. Barger

Address: 321 China Street P.O. Box 1255
Center Point, Texas 78010
Daytime telephone number: 210 348-2424 or 830 634-2995

NSR 49657

I request a contested case hearing.

I will be specified affected by the above proposed facility in that I live within a thousand feet of the facility. My wife who enjoys our community suffers from respiratory problems that would prevent us from living in this community if the air quality had been diminished by this facility. We have been residents of Center Point for the past nine years and moved from San Antonio to improve her respiratory problems because of the clean country air here in Center Point.

It is for this and other reasons which include my grandchildren who are able to visit since we live nearby their residence in Center Point as well.

I OBJECT TO THE ISSUANCE OF THIS PERMIT.

The location and distance of the property from the proposed facility is:
Approximately 850 feet from my residence at 321 China Street, Center Point, Texas

I use my property by:
This location is my primary residence and as a part time residence for my grandsons and granddaughters.

Thomas A. Barger

Thomas A. Barger
P.O. Box 1255
321 China Street
Center Point, Texas 78010

PUBLIC COMMENT on the Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name: Thomas A Barger

Address: 321 China Street P.O. Box 1255
Center Point, Texas 78010

NSR/49657

OPA
4 SEP 29 2005
BY KY

I request a local hearing.

I request to be on the mailing list for the above permit.

I would like to inform the TCEQ that I have been a resident of Center Point for the past nine years and have enjoyed the clean air the clear waters of the Guadalupe River. I will be within the one thousand feet of the proposed Wheatcraft plant. I would like to continue my uninterrupted residence here in Center Point without the possible destruction of the property along the river. Please listen to my plea and the plea of many of the other residence in Center Point who would like to make Center Point a quiet and clean area to raise our children and grandchildren.
The destruction of the property is not warranted and the quality of life here in Center Point would never be the same if this proposed plant is continued.

I would request that the application for the facility be denied to prevent the destruction of this quiet and clean community growing community.

Respectfully,

Thomas A. Barger

Thomas A. Barger

Have formal oral comment

(25)

# TCEQ Public Participation Form
## Wheatcraft, Inc.
## Public Meeting
## Proposed Air Quality Permit No. 76508
## Tuesday, January 24, 2006

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 FEB -2 PM 1:36
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: THOMAS BARGER

Address: P.O. BOX 1255 321 CHINA ST.

City/State: CENTERPOINT, TX. Zip: 78010

Phone: (830) 634 2995

☑ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☑ Yes ☐ No

If yes, which one? CITIZENS OF CENTER POINT

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ I wish to provide formal oral comments.

☑ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

OPA H

OCT 0 6 2005

BY JS

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 OCT -6 AM 9:40

CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name: Guy & Lorna Bason

Address: 194 Spanish Oak Ln

Center Point TX 78010

NSR 49657

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

We are concerned about the air and water quality in Center Point, Texas should the rock quarry begin processing. There are many elderly people that reside here, as well as the Center Point Elementary, middle and High School children whose lungs would be affected by the particulate in the air. The Guadalupe River flows along the proposed site, which would be jeopardized as well. We chose to live here due to the quality of life and the health and well-being this small community affords. Please allow us a public hearing regarding this matter.

Thank you.

NC

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 SEP 27 AM 9:43

CHIEF CLERKS OFFICE

OPA

SEP 27 2005

BY

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name: DON + BARBARA BOEHME

Address: 475 BLUFF CREEK ROAD NO,

CENTER POINT, TX. 78010

MAILING ADDRESS P.O. BOX 67 CENTER POINT 78010

NSR 49657

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

MY WIFE AND I HAVE TALKED TO KNOWLEDGABLE PEOPLE REGARDING THE PROPOSED ROCK CRUSHER OPERATION. WE WERE TOLD THEY CREATE A GREAT DEAL OF DUST AND NOISE. THIS WILL HAVE AN EFFECT ON OUR HEALTH AS A LARGE AMOUNT OF PARTICULATE MATTER GOES INTO THE AIR. WE WERE ALSO TOLD THAT THEY RETURN CONTAMINATED WATER INTO THE GUADALUPE RIVER.

WE MOVED TO THIS AREA FOR OUR RETIREMENT. OUR CHILDREN AND GRANDCHILDREN SPEND A GOOD DEAL OF TIME WITH US HERE ON OUR 50+ ACRES. I DON'T FEEL WE OR THEY SHOULD HAVE TO BREATH THESE PARTICLES.

THIS IS A HEALTH HAZARD TO THE ENTIRE COMMUNITY !!!

PLEASE DENY THE ABOVE PERMIT.

THANK YOU

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

Name: DON + BARBARA BOEHMER

Address: 475 BUTTERFIELD CREEK ROAD NO.
CENTER POINT, TX. 78010

MAILING ADDRESS
P.O. Box 67
CENTER POINT
78010

Daytime telephone number: 830-634-7930

OPA
SEP 27 2005
BY Ky

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I
WILL BE CLOSE ENOUGH TO THE ROCK CRUSHER TO HAVE PARTICULATE MATTER IN THE AIR PLUS THE NOISE WHICH I HEAR IS QUITE LOUD.

THIS IS A HEALTH HAZARD TO NOT ONLY MY WIFE AND I BUT THE WHOLE COMMUNITY.

IT WILL ALSO HAVE A VERY NEGATIVE EFFECT ON THE GUADALUPE RIVER.

The location and distance of my property from the proposed facility is:
ABOUT ONE MILE AS THE CROW FLIES, IT IS 2/10 OF A MILE FROM ENTRANCE TO THE RANCH.

I use my property by:
WE LIVE AT THIS PROPERTY - IT IS OUR HOME -

**REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508**
**by applicant Wheatcraft, Inc.**

**Name:** Mr + Mrs Andrew Bowser

**Address:** 501 Bluff Creek Rd.
Center Point, TX 78010

**Daytime telephone number:** 830 634 7037

2005 SEP 27 AM 9:43
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NSR/49657

OPA
SEP 27 2005
BY

**I request a contested case hearing.**

**I will be specifically affected by the above proposed facility in that I**

Our family consists of Two adult parents and Two children ages 6 and 10 yrs. Our concern of course is the detrimental health effects of breathing dust generated by a rock crushing operation. The southerly winds that dominate most of the year will blow dust onto our property every moment that the crusher operates.
If we were to decide to move because of the rock crushing operation, we would suffer a substancial loss of our investment in house and property due to the adverse effect it would surely have on property values in this subdivision.

**The location and distance of my property from the proposed facility is:**
I am told the facility is 2/10 mile from the entrance to the subdivision.

**I use my property by:** Sole residence.

**PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.**

Name : Mr. & Mrs. Andrew Bowser

Address: 561 Bluff Creek Rd.

Center Point TX 78010

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

The proposed Wheatcraft, Inc. facility is located in close proximity to several subdivisions and public buildings including schools.

2005 SEP 27 AM 9:43
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
OPA
SEP 27 2005
BY

May 5, 2008

NSR
49657

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 MAY -7 AM 9:54

CHIEF CLERKS OFFICE

OPA

MAY 07 2008

BY DM

LaDonna Castañuela, Chief Clerk
TCEQ, MC-105
PO Box 13087
Austin, TX 78711

Re: Whatcraft, Inc Permit No. 76508

Dear Chief Clerk,

Please remove our names from any objections made by us or on our behalf regarding referenced permit. Also, remove our names from any future mailings. Thank you,

Andrew + Maria Bowser
561 Bluff Creek Rd
Center Point, TX 78010

MW

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

2005 SEP 23 AM 9:35

CHIEF CLERKS OFFICE

OPA

SEP 23 2005

BY

NSR 49657

Name : Robert L Brown

Address: 116 2nd St.

CenterPoint, Texas

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

I am against Wheatcraft recieving a permit for their advertised purpose. Their proposed location is to close to residential areas and the schools.

AirQuality may find no harmful polutants but I, for one, am not willing to gamble with the health of our residents or our kids in school.

File your comments in writing with the Office of Chief Clerk, MC-105
TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 OCT -5 AM 10:07

CHIEF CLERKS OFFICE

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

Name: Mary Pattie Butters

Address: 158 Cook Ln.
Center Point, Tx 78010

Daytime telephone number: 830-634-7250

NSR/49657

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I have many allergies, so the addition of air pollutants will ascerbate my problems.
The additional heavy traffic of large trucks on a 2 lane Hwy will be a danger.
The pollutants will very likely pollute the River which will prevent swimming + fishing. The River is likely to flood every 3 or years which would increase the danger of pollutants in the River.
The underground water is the primary source of drinking water for the area. So we stand a formiddable chance of polluting all our sources of drinking water.
As a past member of the health committee of the Center Point ISD I am very concerned of the health of the children concerning the air pollutants, noise, and possible water contamination.
Another concern is the wildlife which is a source for food and livelihood.

The location and distance of my property from the proposed facility is:
3 miles due South

I use my property by:
Raising sheep and being a steward of the wildlife + homestead

OPA

OCT 05 2005

BY

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

49657
NSR

2006 JAN 20 AM 10: 14

CHIEF CLERKS OFFICE

OPA

JAN 20 2006

BY KY

158 Cook Lane
Center Point, TX 78010
January 18, 2006

Office of the Chief Clerk
TCEQ
Mail Code MC- 105
PO Box 13087
Austin, TX 78711-3087

RE: Proposed Air Quality Permit # 76508

I am writing to register my opposition to the above referenced permit request.

When I drive by and see the nuded land and the many, many piles of dirt I have many concerns, and they haven't even started crushing rock.

We frequently have floods. How will the run off into the river be handled? Will the gravel and sediment cover the Governor's Crossing? Who will clean it off? When the oil and diesel from the big trucks get on the ground, how will it be kept from polluting the river?

I have heard there is a plan to crush cement. That is another problem. Midlothian has experienced problems from the cement crushing. Is it going to be baked? I live two miles as the bird flies or the pollution is blown. What chemicals will contaminate the air? Who will monitor the air?

My church is nearby as well as the football stadium. How will the noise be controlled? They have said they plan a 24 hour, 7 day a week operation.

I am hoping that you will deny their operation.

Yours truly,
Mary Pattie Butters

Mary Pattie Butters

NSR
49657

Joyce Chase
P.O. Box 997
Center Point, TX 78010

OPA H

MAR 05 2007

BY gs

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAR -5 AM 10:19
CHIEF CLERKS OFFICE

TCEQ
P.O. Box 13087
Austin, TX 76711-3087

Dear Sir:

I am writing concerning the tearing up our beautiful Guadalupe River. As I write neighbors living on the river know of pumps going strong at the Wheatcraft site. The proposed rock crusher will use an excess of water, spill particulate mater into the environment, and adversely affect our area. Please listen to our community. I know we need new legistation for mining, but your organization could serve to help our environment.

I do request a contested case hearing on Wheatcrafts Materials Permit # 76508.

Sincerely,

Joyce Chase
P.O. Box 997
Center Point, TX 78010
(830) 634-2598

mw

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

Name: Joyce Chase

Address: P.O. Box 997

Center Point, TX 78010

Daytime telephone number: 836-634-2598

NSR 49657

OPA
SEP 22 2005
BY

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I

Live about 3 miles from the site of the proposed business of rock and cement crushing plant. The 3 miles is as the crow flies and the north wind blows.

Land values and home values in the area could be greatly effected. At age ~~77~~ 75 I don't need poor air quality -

Thank you

The location and distance of my property from the proposed facility is:
About 3 miles as the crow flies.

I use my property by:

A permanent home.

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name: Joyce Chase

Address: P.O. Box 997

Center Point, TX. 78010

OPA
SEP 22 2005
BY

NSR 49657

✓ I request a local public hearing.

✓ I request to be placed on the mailing list for the above permit.

✓ I would like to inform the TCEQ that

I believe the request for a rock crushing and cement crushing business is ignoring state environmental requirements for this permit.

Distances to homes, our recreational river, and our school facilities lie very close to this hazard.

Thank you

Joyce Chase
P.O. Box 997
Center Point, TX 78010

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 JAN 10 AM 9:37
CHIEF CLERKS OFFICE

Office of the Chief Clerk
TCEQ
Mail Code MC-105
P.O. Box 13087
Austin TX 78711-3087

OPA
JAN 10 2006
BY

NSR/4w57

Dear Sir:

Please listen to the opposition of proposed air quality permit # 76508.

We are a small community, and this proposed rock crusher would severely impact the health of our school children. Grades Kindergarden through High School are near by. This rock crusher would not be in the middle of nowhere.

Flooding is a big concern also. Governor's Crossing, a nearby low water crossing has never been covered by gravel from a flood. If this happens from this mining who pays or removes the gravel? Has an archelogical study been completed? What monitoring would go into the use of this machine? What water use would it pertain to? This is definitely not agricultural use of the river water. Can anyone use our river for industrial use? Is rock crushing and cement crushing the same? I am 75 yrs. old and drive by this area many times a week. This is our little town - we need help. We need a denial for this permit.

Sincerely,

Joyce Chase

NSR
419657

LaDonna Castañuela, Chief Clerk
TCEQ MC-105
P.O. Box 13087
Austin, TX 78711-3087

H

OPA
MAY 28 2008
BY DL

24 May, 2008

Subject: Request for Contested Case Hearing - Permit No. 76508 – Wheatcraft, Inc

**Thomas H and Sherry L Collins request a contested case hearing.**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 MAY 27 PM 3:10
CHIEF CLERK'S OFFICE

My wife and I own and reside on 57 acres at 261 Red Bird Loop, Center Point, TX, 78010. Our property is almost exactly one 1 mile due North to North West of the Wheatcraft,Inc. property line. Wheatcraft elevation is 1500 foot and my property is 1580 at property line rising to 1650 at north end of ranch. I state this because the prevailing winds are south to south west during the majority of the year and any dust created by the processes operating on the Wheatcraft site or large truck traffic can directly impact my residence. There is no land feature that will slow or modify the winds. I can easily see the quarry from the majority of my land.

**1.Comment / Response #3 - Nuisance**

On January 4, 2008 I filed a complaint with the San Antonio TCEQ regarding dust impairing visibility for traffic flow on State Hwy 27 and dust in the air around my home from the Wheatcraft site due to large trucks entering and exiting the facility. I submitted several pictures taken from my ranch on January 3, 2008.

On January 10, 2008, Bernice Beck of the San Antonio TCEQ office investigated and found Wheatcraft in violation of their permit –see attachment with her comments and investigation report. You will note that this was seven days later and all during this time the dust continued, with only the wind direction changing.

At the November 6, 2006 public hearing in Center Point, I submitted several pictures taken on August 6, 2006 of dust being created by trucks entering and leaving the site. In the Executive Director's Response dated April 28, 2008 under Comment #3, paragraph #3, states: "Some commenters submitted photographs they claim show dust being generated and then carried off the Applicant's property". The pictures clearly show the Wheatcraft site, process equipment and it can be clearly seen that dust is leaving the property line in large clouds.

Recently when Wheatcraft did water the roads, large amounts of caliche were building up on Hwy 27 from the truck picking it up on their wheels and depositing it on the Hwy as they exited the site, creating slippery sludge for vehicles driving on the state highway and dust clouds further down as it dried.

On May 23, 2008 I talked to Bernice Beck regarding continued dust coming off the roads and she commented that she will need to do another site investigation.

**Contest Response:** Request that the Executive Director withhold the permit until Wheatcraft either paves or asphalts the entry road from Hwy 27 to the office site and demonstrates that they can keep dust down on the production roads and the entry road in the site by using water and sweeper trucks.



MW

**2.Comment/Response # 22 – Operating Schedule**

The TCEQ approved Wheatcraft's request to operate 12 hrs/day, 7 days per week and 52 weeks per year not to exceed 1600 hours per year.

The facility was constructed and began operation after most home owners in the area were already residing on their land. Because most ranch and residential home owners and family spend the majoring of their time outside early or late in the day, any failure of Wheatcraft to operate the rock crusher in compliance outside normal work hours 8 am to 5pm on weekdays and all weekend could adversely impact those people who choose to be outside during these peak leisure times and have any breathing issues. This includes school sports at the Center Point Athletic facility that is also 1 mile North West of the facility.

**Contest Response:** Request that the Executive Director review the approved hours of operation and further define the hours to be 8am to 5 pm on week days only. The 1600 hours spread over 52 week is about 30 hours per week. This will give Wheatcraft plenty of opportunities to operate in a 40 hour work week.

**3. Comment/Response # 29 – Compliance History**

According to Mr. Ray Buck (UGRA) Mr. John Paul Jones of the TCEQ twice investigated and found Wheatcraft in violation of water usage. See letter dated 1/24/05 by Mr Buck that was submitted to the TCEQ at the Public Hearing.

Wheatcraft was cited on 1/10/08 for dust on roads – see #1 above.

**Contest Response:** Review finding and re-evaluate Wheatcraft's Compliance History Rating.

4. **Comment/Response # 33 & #34 – Water Use and Violation**

On May 22-23, 2008 I discussed with David Galindo (TCEQ – Water permitting) regarding the need to evaluate the need for an Industrial Wastewater permit to operate a rock crusher. His feedback was they would operate under 30 TAC Chapter 321 Subchapter D. I studied this and believe a rock crusher does not fall within this rule. He suggested I talk to Cindy Hooper (TCEQ). I held a phone discussion with her on May 23, 2008 and her initial view is that they may need an Industrial Wastewater Permit. She suggested I write a letter to Kimberly Wilson requesting a full review.

**Contest Response:** Although not part of an air permit, I wanted to raise this issue so that TCEQ will make sure there is more study on this requirement.

Sincerely,

Thomas H and Sherry L Collins
261 Red Bird Loop
Center Point, TX 78010
830-634-3236 (H) 979-487-6705 (C)
towhee@maverickbbs.com

1 attachment

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*

January 25, 2008

Mr. Thomas Collins
261 Red Bird Loop
Center Point, Texas 78010

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 MAY 27 PM 3:15
CHIEF CLERKS OFFICE

RE: Complaint No. 102490 concerning dust from Wheatcraft Rhodes Pit

Dear Mr. Collins:

On January 10, 2008, Bernice Beck conducted an investigation in the area you described off of Highway 27 near Center Point in Kerr County, and confirmed a violation of Texas Commission on Environmental Quality (TCEQ) Rules and Regulations. For details, please refer to the enclosed investigation report.

After a violation has been confirmed, it is the practice of this office to pursue the needed steps to bring a facility or other entity into compliance with all TCEQ Rules and Regulations. In some cases compliance is effective immediately and the problem is resolved in a short period of time; in other cases there are complexities that require a longer period of time for compliance. In either case, it is important that you continue to report any conditions of air pollution in your area and we will make every effort to investigate the complaint in a timely manner.

We appreciate your interest in the air quality of South Texas. Please do not hesitate to contact Ms. Beck at (210)403-4034 if you have any questions concerning this matter.

Sincerely,

RICK HITE

Rick Hite
Air Section Manager
San Antonio Regional Office

Enclosure: Investigation Report

*REPLY TO:* REGION 13 • 14250 JUDSON RD. • SAN ANTONIO, TEXAS 78233-4480 • 210-490-3096 • FAX 210-545-4329

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • Internet address: www.tceq.state.tx.us

# Texas C mmission on Environ ental Quality
# Investigation Report
## WHEATCRAFT INC
## CN600848832

## WHEATCRAFT RHODES PIT
### RN104863717

**Investigation** # 614946 **Incident #** 102490

**Investigator:** BERNICE BECK **Site Classification**

**Conducted:** 01/10/2008 -- 01/10/2008 **SIC Code:** 1442

**Program(s):** AIR NEW SOURCE PERMITS

**Investigation Type :** Compliance Investigation **Location :**

**Additional ID(s) :**

**Address:** 6133 HWY 27; CENTER POINT, TX 78010 **Activity Type :** REGION 13 - SAN ANTONIO AIRCOMPL - Air Complaint Investigation

**Principal(s) :**

| Role | Name |
|---|---|
| RESPONDENT | WHEATCRAFT INC |

**Contact(s) :**

| Role | Title | Name | Phone | |
|---|---|---|---|---|
| Participated in Investigation | PLANT SUPERVISOR | TIM GASS | Work | (830) 634-3434 |
| Regulated Entity Contact | OWNER | CURTIS WHEATCRAFT | Work | (830) 634-3434 |

**Other Staff Member(s) :**

| Role | Name |
|---|---|
| Supervisor | RICK HITE |
| QA Reviewer | RUSSELL SAWYER |

### Associated Check List

| Checklist Name | Unit Name |
|---|---|
| AIR GENERIC INVESTIGATION (10 ITEMS) | Sand and gravel facility |

**Investigation Comments :**

INTRODUCTION

On January 4, 2008, the TCEQ San Antonio Region received an e-mail through the TCEQ complaint system. The e-mail follows:

I live on a small ranch (57 acres) on Red Bird Loop in Center Point and we have discussed the Wheatcraft Quarry previously at your office. Can you take time to go see the dust being created by the large gravel trucks going in and out of the site on Hwy 27? With the strong southerly winds driving the dust directly across the paths of vehicles on Hwy 27 and the continual large trucks that slow down to enter and exit slowly backing up traffic on Hwy 27, it is only a matter of time when someone is killed. This is a dangerous situation plus the dust can create problems for anyone living down wind with breathing problems. I have attached a couple of photos that are typical of the daily situation. As part of the Wheatcraft Rock Crusher permit process they are to wet down their roads and as yet I have never seen that done. I know the permit has not been approved, but I believe owner does not care about how their operations impact homes, the environment nor the potential of causing a serious traffic accident.

The Wheatcraft facility is located at 6133 Highway 27, just east of Center Point in Kerr County. The site is known as the Rhodes Pit. There has been a sand and gravel facility at this location. On August 1, 2005, Wheatcraft submitted an application for an NSR Permit for a permanent rock crusher. The permit has been contested and has not yet been issued.

INVESTIGATION

On January 10, I traveled to the above-mentioned location to conduct an investigation. I arrived in the area at about 2:00 p.m. It was clear and light to moderate winds were from the north. I first drove through a neighborhood and parked along a road across the highway from Wheatcraft to observe the facility. I saw one long-bed truck enter the property from the highway and drive on the main plant road. There was a cloud of white dust produced by the truck. I later saw the truck circle around on the property to exit but stopped first to pull the cover over the trailer. I then parked along Highway 27 to observe the truck as it drove on the plant road to exit onto Highway 27. I again saw a cloud of white dust created by the traveling truck. Because of the wind direction (north), the dust was not blowing across the highway.

I then entered the property and drove to the office. I noted that the plant road consisted of crushed and powdered rock. Near the office was a parked water truck. I met with Tim Gass and advised him of the complaint. He told me they are planning to pave the main road. I told him that, if they pave it, they also have to keep it clean. I asked why they haven't been watering it since they have a water truck and a source of water. He did not have a reason. I provided him with a copy of Permit by Rule No. 106.149 and pointed out the condition requiring them to control the dust emissions from the in-plant roads. We then drove around the facility which was operating. Mr. Gass said the plant had been shut down for the past two weeks due to a broken water pump. The crusher that they are trying to permit was sitting on the ground. He took me by the water pump next to the Guadalupe River. The engine and pump are sitting on a concrete slab next to the river bank. The slab had an edge around it and there was water standing inside the containment. There was a little petroleum sheen on the water and some other debris in it. I told Mr. Gass that the containment area could overflow and allow its contents to spill into the river. I told him he should do something to prevent that from happening. Before departing, I told him I would contact Curtis Wheatcraft the next day to inform him of my investigation. I then departed the property.
The next day I spoke with Curtis Wheatcraft. He told me that they already watered the road yesterday and this morning. I told him that we would be sending him a Notice of Violation for not controlling the dust from the road and that he will have to send us a written response explaining their corrective action.

CONCLUSION AND RECOMMENDATION

As the result of this investigation, I documented a violation as described below under OUSTANDING ALLEGED VIOLATIONS. This violation is a Category B violation. A Notice of Violation will be issued with a two-week deadline.

**OUTSTANDING ALLEGED VIOLATIONS**

**Track No:** 298154 **Compliance Due Date: 02/08/2008**

**30 TAC Chapter 116.110(a)(4)**

**Alleged Violation:**
Investigation: 614946 Comment Date: 01/16/2008

Wheatcraft is operating a sand and gravel facility pursuant to Permit by Rule (PBR) No. 106.149. In Condition No. 5 of that PBR, it specifies that all in-plant roads shall be paved and cleaned or sprinkled with water and/or chemicals as necessary to achieve maximum control of dust emissions. On January 10, 2008, the investigator documented that Wheatcraft was taking no action to control the dust coming from their plant road, resulting in significant dust emissions being generated by truck traffic. This constitutes a violation of Rule 116.110(a)(4) for failing to comply with all conditions of a PBR.

**Recommended Corrective Action:** Wheatcraft must comply with all conditions of the PBR or shut down the sand and gravel facility.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 OCT -6 PM 2:50

CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

OPA H

OCT 07 2005

BY

Name: SHERRY COLLINS

NSR 49657

Address: 118 HUCKLEBERRY DR.

LAKE JACKSON, TX. 77566

✓ I request a local public hearing.

✓ I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that the facility will be built on a flood plain and is less than the 1000 feet away from a state road, as is currently required: There are issues with where they will get their water and how they will purify it and return it. Our well water may be contaminated or the Guadalupe River polluted: Please pass these concerns on to the proper authorities.

Because of my health issues we may be forced to cancel the building of our house if we have to worry about air pollution.

MC

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

2005 OCT -6 PM 2:50

CHIEF CLERKS OFFICE

Name: SHERRY COLLINS

Address: 118 HUCKLEBERRY DRIVE
LAKE JACKSON TX 77566

CURRENT ADDRESS

OPA#

NSR 49657

Daytime telephone number: 979-297-3954 (HOME)
979-481-6705 (CELL)

OCT 07 2005
BY JS

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I have invested $400,000 in property towards the crest of a hill looking directly down the valley to the proposed site, a little over a mile away. We are planning to build a $350,000 house. The view was our main consideration in purchasing this land. If the rock-crushing facility is permitted, it will be the dominant feature of our view, drastically decreasing the value of our property.

I get severe bronchitis from air pollution. We chose a location in the country to escape this problem. It will be impossible to contain all air pollution. I will be forced to stay in my house, for the prevailing winds will carry dust, silica, etc. straight up to our property. There will also be

The location and distance of my property from the proposed facility is:
A little over a mile due north, up the valley at 261 Red Bird Loop, Centerpoint, TX

I use my property by:
my principal (and only) homesite

considerable noise pollution, both from the facility and the many large trucks that will be coming to the site. A dangerous traffic problem will occur on a narrow, two lane road

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 OCT -5 AM 10: 07
CHIEF CLERKS OFFICE

NSR 49657

OPA

OCT 05 2005

BY

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

Name: THOMAS H COLLINS

Address: 261 RED BIRD LOOP
CENTER POINT, TX 78010

Daytime telephone number: 979-487 6705

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I HAVE A HOME LESS THAN 1 mile due North from the proposed ROCK CRUSHER SITE. I am concerned for the following REASON:

1. Air Quality - DUST from both the site and vehicles entering/exiting. Prevailing winds will bring any air pollutant into our property. I spend many hours per day out on my 5 acres managing a WILDLIFE state plan.
2. Noise - The long hours of operation and the wind direction will have an impact on the relative solitude we have. Again the vehicles will add to this.
3. Vehicle Congestion - Hwy 27 is already loaded with large vehicle traffic.
4. Water usage and quality - The plant will be in a flood plain & any impact to the river will be unacceptable

The location and distance of my property from the proposed facility is:
About 0.9 miles due North from the Hwy 27 entrance.

I use my property by:
Living on it and managing a County & STATE Approved WILDLIFE plan.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 OCT -5 AM 10: 07

CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name : THOMAS H. COLLINS

NSR 49657

OPA

Address: 261 RED BIRD LOOP

OCT 05 2005

Center Point, TX 78010

BY

✓ I request a local public hearing.

✓ I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

I am concerned about the impact this proposed application will have on my property and life style.

1. Air Quality - Dust from anything they decide to CRUSH.

2. Noise - Any operation of Heavy equipment (CRUSHER, DIESEL ENGINE, etc.) will create unacceptable noise that will easily carry onto our property. Add the additional Large Truck TRAFFIC.

3. Vehicle TRAFFIC - Additional Large TRUCK TRAFFIC on an already heavily TRAVELED Hwy.

4. Water Usage & Quality - Any impact on the river or the groundwater due to heavy industrial should be stopped.

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Office of the Chief Clerk, TCEQ
Mail Code MC-105
P.O. Box 13087
Austin, TX 78711-3087

16 January, 2006

2006 JAN 20 PM 2:26

CHIEF CLERKS OFFICE

49657
NSK

Subject: Proposed Air Quality Permit No. 76508 – Wheatcraft, Inc Rock Crusher

OPA

JAN 20 2006

BY

This letter is made up of two parts:

1. Questions regarding this permit
2. Antidotal remarks regarding my property and life style impact.

My wife and I own 57 acres at 261 Red Bird Loop, Center Point, TX, 78010. This site is about 1.4 miles due North of the Wheatcraft,Inc. quarry and planned Rock Crusher facility. We are in the process of building a home on this land. I object to the construction and operation of the Rock Crusher facility and have the following questions I request you or the facility owner (Wheatcraft, Inc.) answer.

According to Title 30 Administrative Code 106.142, the Wheatcraft, Inc. must meet certain minimum requirements in order to operate a Rock Crusher. In addition I have questions regarding the operation of the Quarry and impact it has on the area home owners and Guadalupe River quality.

Please respond to my questions:

1. Why was Wheatcraft Inc. allowed to begin building the Rock Crusher without a permit and is Wheatcraft, Inc. subject to any fines?
2. Starting a construction without a permit may be a way to help sway the permitting process as the legal authority may not want to cause the owner undue cost for disallowing the permit. Can the public assume this activity will not impact the TCEQ decision process?
3. What is the GPS (UTM preferred) of the Rock Crusher location?
4. Is the Rock Crusher location more than ½ mile from any home residences?
5. Is the Rock Crusher located within 1000 feet of State Highway 27?
6. How long does the Rock Crusher operator plan to run the system yearly?
7. Is a site map showing location of each stored/ piled material, process equipment, parking areas, roads, storm water collection, wells, and buildings required? If so, has it been prepared and can it be viewed by the public??
8. What chemicals will be stored and used on site? Do **MSDS** sheets exist and are they available to the public?
9. What materials does Wheatcraft, Inc. plan to process with the Rock Crusher? Can a detailed list be provided to the public for each type of material to be processed by the crusher, estimated annual amount to be crushed by material type and noting any TCEQ material that needs to be monitored?
10. Will an annual report of processed material be made available to the public?
11. Will Used Concrete that contains sand (Silica) be processed in the Rock Crusher?
12. What other products does Wheatcraft, Inc. propose to process in the Rock Crusher that can have a serious health impact?

13. Are Asbestos and/or Asphalt to be processed in the Rock Crusher?
14. Does Wheatcraft, Inc. have to report all products they process through the Rock Crusher and to what agency does that go? What is exactly reported?
15. **NIOSH** comment " Concrete and masonry products contain silica sand and rock containing silica. - Crushing, loading, hauling, and dumping of rock -Demolition of concrete and masonry structures" is examples of concern by this agency.
16. **OSHA** has defined a Permissible Exposure Level (PEL) for crystalline silica. If silica dust will be the result of used concrete being crushed, will this PEL be used and monitored?
17. Similar issues are present with Asbestos impregnated materials and Asphalt.
18. What are the air standards that apply to a Quarry and Rock Crusher? What is the minimum dust particulates permitted over a 24 hour period and where is this measured?
19. How far out will air quality be monitored?
20. What rules apply to air quality? How/when/where/and who will monitor and enforce the Air Quality Rules?
21. What Air Quality Monitoring instruments for each major process step requiring washing will be installed and how/where/when/and who will monitor these instruments?
22. The site is not currently applying water to the operational roads; does this apply even if the permit is not approved?
23. If watering the operational roads does apply, regardless of Rock Crusher permitting, then why is this not being enforced and why should the public expect it to be enforced if the permit is approved?
24. What is the frequency or determining factor of the watering of operational roads required?
25. What is the source of the water needed to meet the TCEQ water washing required in the Code 106.142? How much water will be used daily/ weekly/ yearly?
26. If ground water is being used to wash, has the local authority (**Headwaters Groundwater Conservation District – Kerr County**) been advised and approved any request?
27. If any wells are being drilled for process use, what is the planned usage in gallons per year and location of the well?
28. If river water is being used to wash, has a legal authority (**Upper Guadalupe River Authority**) been advised and any request approved?
29. If river water will be used for any reason, how much is planned to be drawn yearly and where is the point of withdrawal in the river?
30. What water process clean-up methods will Wheatcraft, Inc. take to address all the water used to wash <u>stocked piles, transfer points, shaker screens, inlets and outlets?</u>
31. Will process water be discharged into the Guadalupe River or to under ground wells?
32. How much process water is expected to be returned into the environment yearly?
33. What Water Quality Discharge Rules (Ph, TDS, Oil sheen, Turbidity, Temperature) will be required and how/when/where/and who will monitor all water returned to the environment?
34. Is there a flood water plan for evacuation of equipment and chemicals?

35. Do storm water ponds and rain water containment areas exist around process equipment?
36. Is there a requirement to report overflow and runoff from rain water that is not contained in a process area?
37. What water recovery and/or clean up will be done to prevent contaminated water released into the Guadalupe River or under ground?
38. How will all the water washing processes be monitored to ensure proper operation and that they meet air and water quality standards?
39. Are before and after downstream water samples being taken in the Guadalupe River to monitor changes?
40. Is this facility in a flood plain? If so, what state rules apply to a Quarry and Rock Crusher in a flood plain?
41. For any material spill requiring state notification, does a Spill Plan exist?
42. What steps does Wheatcraft, Inc. plan to minimize and/or control erosion caused by mining the land? Is erosion caused by mining under any state rule?
43. If any lab processes are to be required to monitor water and air quality, does Wheatcraft, Inc. conduct these processes and what standardized lab processes will be required and how will these be monitored to ensure standards and compliance?
44. What steps will Wheatcraft, Inc. take to reduce noise from the Rock Crusher?
45. Will the Rock Crusher be diesel or electric run? If diesel, what steps will be taken to reduce the exhaust levels of noise?
46. Will any agency measure the noise level generated by the Rock Crusher system?
47. What state rules apply to noise abatement? If there are rules, how/when/where and who will monitor and enforce Noise Abatement Rules?
48. What steps are being taken to address State Highway 27 additional traffic? Need for a turn lane to reduce traffic hazards, perhaps a warning light or sign, and address dust issues.
49. Has **TxDOT** been involved in studying the additional traffic load?
50. Are there any laws or requirements that a facility like this must meet in limiting heavy duty vehicle (Dump trucks, etc) traffic flow?
51. What role does the **EPA** play in this permitting process or operations of the Rock Crusher and Quarry?
52. What role does **OSHA** play in this permitting process or operation of the Rock Crusher and Quarry?
53. Will **Texas Parks and Wildlife Department** have any input into this permit?
54. What role does **Commissioners Count** have on the operation of the Quarry and Rock Crusher?
55. What reporting of "facility out of compliance" will be made to the public, and how and at what frequency will this be done?
56. To who and how can the public file complaints about the facility when observations are made that appear "out of compliance"?
57. What documentation will be required to document "out of compliance"?
58. What type of "out of compliance" will result in fines or suspension of operations? Examples?

Some antidotal notes regarding our family life style and any impact the proposed Rock Crusher will have on our home site and possibly on other home owners that reside close by or use the Guadalupe River for recreation.

1. We currently have minimal living quarters at my ranch site. I spend about two weeks on site then one week back in Lake Jackson until we sell our home there. As a result I spend significant time outside working my property under an agricultural valuation. I will be exposed to any material that this site creates and can be made air born. Additionally my wife has certain health issues related to air pollutants and this is why we have elected to move to the Hill Country. One expects to be able to spend time out doors in the Hill County and this may restrict or totally keep her indoors.

2. On a daily basis I can see dust raised by trucks entering and exiting the site. Any time when the wind is out of the south (common most of the time) my land may be directly in line with outfall for the dust particles. Any additional dust created by the Rock Crusher will add to this outfall. Additionally any crushing of material that includes silicon material will add potentially serious health issues.

3. Noise from the continued operation of the Rock Crusher will make outdoor leisure time unpleasant. Already all the additional truck traffic entering and exiting can be heard daily. This additional noise will be unacceptable.

4. Increased traffic on State Highway 27 due to this facility needs to be addressed. Large trucks entering and leaving will add to an already heavy traveled highway. There is no warning light or turn lanes. Add to this the high amount of dust created by the trucks that can obscure visibility.

5. We plan to let our grandchildren swim and fish at the Guadalupe River low water crossing just south of this site (RR 1350). Any water used to wash equipment or material that enters the Guadalupe River will reduce the water quality and enjoyment of local and visiting people. Any heavy rain can move lots of material that has been disturbed into this beautiful and clear water system. I believe this site is also in a flood plain and question how a mining operation like this could have been allowed to start anyway without proper paper work.

Sincerely, Thomas H Collins Sherry J. Collins

Thomas H and Sherry J Collins
118 Huckleberry
Lake Jackson, TX 77566

Please address any correspondence to this address as we do not currently have mail pick up at our 261 Red Bird Loop, Center Point address.

Office of the Chief Clerk, TCEQ
Mail Code MC-105
P.O. Box 13087
Austin, TX 78711-3087

31 October, 2006

D52
49657

OPA
NOV 02 2006
BY

CC: Governor of Texas Rick Perry
TCEQ Regional 13 Director Richard Garcia

Subject: Proposed Air Quality Permit No. 76508 – Wheatcraft, Inc Rock Crusher

My wife and I own and reside on 57 acres at 261 Red Bird Loop, Center Point, TX, 78010. This site is about 1.5 miles due North of the Wheatcraft,Inc. quarry and planned Rock Crusher facility. I continue to object to the construction and operation of the Rock Crusher facility and have the following questions I request you or the facility owner (Wheatcraft, Inc.) answer.

1. First question is why have I not received answers to my original letter dated 16 January, 2006? As I recall the TCEQ people stated that all letters would be responded to. So far all I have received is the copy of documents you sent to Wheatcraft telling him how to publish his request and what you have approved.

2. At the upcoming hearing in Center Point, please provide a handout of all the TCEQ and Company representatives by name, role and contact information – phone, address and e-mail.

3. Please explain if a TCEQ "**Industrial Wastewater Permit**" was obtained, and if not why not?

4. Who from TCEQ has visited the Rock Crusher site? When did they visit and what did they document on that visit?

5. The TCEQ members were introduced (after the meeting had progressed) and one of them was a person charged with the title of "Public Interest Counsel attorney" Scott Humphrey. I was under the assumption that his role was to represent the public interest and I have as yet seen or heard of any support or assistance he has done. Please explain how you take the public personal impact into account other than to hold the formal meetings required by law.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 NOV -7 AM 10:52
CHIEF CLERKS OFFICE

The following questions address the "Special Conditions" document that was sent out with no date on it and no page numbering.

**Emissions Standards:**
**(2)** Who will ensure that all equipment comply with all the pertinent EPA regulations on Standards of Performance for New Stationary Sources as stated.

**OPACITY/VISIBLE EMISSIONS LIMITATIONS:**
**(3)** How can the public be ensured that Opacity standards are being met – EPA Test Method 9 or equivalent (and what is equivalent?)?
**(4)** Same question except another EPA Test Method 22 or equivalent? Also you state that if Wheatcraft violates this regulation, "controls or process changes **MAY** be required". My question is why not "**WILL** be required"?

**OPERATIONAL REPRESENTATIONS:**
**(5 A)** You do not mention any requirements related to the disposition of the water from the spray system and how it should be handled? Again I ask is there another permitting process related to Water Quality that must be completed?
**(5B)** Plant roads have not been paved and there are high amounts of dust seen weekly. How can you approve this permit when even this simple activity has not been completed? I have pictures that show extreme dust clouds when the winds pick up.
**(5C)** There are now high stock piles and has anyone from your agency been on site lately and measured these piles?
**(5D)** The owner is operating a diesel that can be heard from my home (1.5 miles) and has the owner filed a permit for it? Are there any noise abatement regulations that any of your agencies are responsible for?

**DETERMINATION OF COMPLIANCE:**
**(6)** Performance testing states that it must meet deadlines stated in Subpart A – Where is Subpart A?
**(7)** Is the TCEQ Regional Director involved in the process? What will cause him to issue a request to perform ambient air monitoring or other testing?

**RECORDKEEPING REQUIREMENTS:**
**(8)** Why only two years to maintain records when they should be kept for the life of the process equipment in operation? Are all records kept by the owner public records too?
**(8C)** Can you check to see if they have kept records on the road maintenance and will they still be required to keep them if this permit is denied?

**EMISSIONS SOURCES – MAXIMUM ALLOWABLE EMISSION RATES**
This document states all emission rates are covered. Did the owner include the rates produced by all the currently operated coverer belts, back hoes, dozers, loaders, and road traffic?

These questions address the "Construction Permit – Review Analysis & Technical Review" document attached to the "Special Conditions" document your office mailed also with no date on it and no page numbering.

**AUTHORIZATION CHECKLIST**
**Line 2** – Is a state or local official opposed to this permit? (NO), but I am sure that state and local officials have stated their opposition.

**PROJECT OVERVIEW**
Please define a PBR.

**EMISSION CONTROLS**
**116.111(a)(2)(G)** – Is the facility expected to perform as represented in the application? (Yes)
What do you base this conclusion on? I hope it was not based on the work of the questionable environmental consultant hired by Wheatcraft. I'm sure his data is generated from a standard computer program (screen model) with little regard to actual equipment, wind and ambient local temperatures, specific local raw materials, experience of operators, etc. Are the TCEQ reviewers required to accept this model and can you describe how it incorporates actual equipment sizes, local conditions, local raw material, etc.

**SAMPLING AND TESTING**
**116.111(a)(2)(A)(i)** – Are emissions expected to comply with TCEQ… (Yes)
See response as above.
**116.111(a)(2)(B)** – Will emissions be measured? (Yes)
Explain how owner is expected to keep accurate records?
Explain AP-42 emissions factors.
Is not the Fox watching the Chicken coup in this case?

**IMPACT EVALUATION**
**3.** Is this a sensitive location with respect to nuisance? (No)
Please explain how this is determined.

**FINAL COMMENTS**

1. The days of operation state the owner is permitted 7 days a week 12 hours per day. The noise from the facility is already high and does not anyone in your agency understand that the city and people were here before the quarry and the crusher? Where is any sanity in your permitting process?
2. Why no mention of the used water volume and water disposal permitting requirements?
3. Please date and page number your documents that are sent out.
3. What reporting of "facility out of compliance" will be made to the public, and how and at what frequency will this be done?
4. To who and how can the public file complaints about the facility when observations are made that appear "out of compliance"?
5. What documentation will be required to document "out of compliance"?
6. What type of "out of compliance" will result in fines or suspension of operations? Examples?
7. My personal feeling is that your agency is geared to vote 51% for a company and 49% for the public. Please help me understand that this is not the case.

Sincerely,

Thomas H and Sherry L Collins
261 Red Bird Loop
Center Point, TX 78010
830-634-3236 (H) 979-487-6705 (C)
towhee@maverickbbs.com

Thomas H and Sherry J Collins
261 Red Bird Loop
Center Point, Tx 78010

SAN ANTONIO TX 782

01 NOV 2006 PM 7 T

United Way

39 USA

Office of the Chief Clerk, TCEQ
Mail Code MC-105
P.O. Box 13087
Austin, TX 78711-3087

RECEIVED
NOV 0 2 2006
TCEQ MAIL CENTER
RB

78711-3087

Ya formal oral comment.
Submitted formal written comments.

(23)

# TCEQ Public Participation Form
## Wheatcraft, Inc.
## Public Meeting
## Proposed Air Quality Permit No. 76508
## Tuesday, January 24, 2006

OPA
JAN 24 2006
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 FEB -2 AM 1:35
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: THOMAS H COLLINS

Address: 261 RED BIRD LOOP

City/State: Center Point Zip: 78010

Phone: 979 487 6705

☑ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☑ No

If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☑ I wish to provide formal oral comments.

☑ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

49657
PSX

Office of the Chief Clerk, TCEQ
Mail Code MC-105
P.O. Box 13087
Austin, TX 78711-3087

16 January, 2006

OPA
JAN 24 2006
BY

Subject: Proposed Air Quality Permit No. 76508 – Wheatcraft, Inc Rock Crusher

This letter is made up of two parts:

1. Questions regarding this permit
2. Antidotal remarks regarding my property and life style impact.

My wife and I own 57 acres at 261 Red Bird Loop, Center Point, TX, 78010. This site is about 1.4 miles due North of the Wheatcraft,Inc. quarry and planned Rock Crusher facility. We are in the process of building a home on this land. I object to the construction and operation of the Rock Crusher facility and have the following questions I request you or the facility owner (Wheatcraft, Inc.) answer.

According to Title 30 Administrative Code 106.142, the Wheatcraft, Inc. must meet certain minimum requirements in order to operate a Rock Crusher. In addition I have questions regarding the operation of the Quarry and impact it has on the area home owners and Guadalupe River quality.

Please respond to my questions:

1. Why was Wheatcraft Inc. allowed to begin building the Rock Crusher without a permit and is Wheatcraft, Inc. subject to any fines?
2. Starting a construction without a permit may be a way to help sway the permitting process as the legal authority may not want to cause the owner undue cost for disallowing the permit. Can the public assume this activity will not impact the TCEQ decision process?
3. What is the GPS (UTM preferred) of the Rock Crusher location?
4. Is the Rock Crusher location more than ½ mile from any home residences?
5. Is the Rock Crusher located within 1000 feet of State Highway 27?
6. How long does the Rock Crusher operator plan to run the system yearly?
7. Is a site map showing location of each stored/ piled material, process equipment, parking areas, roads, storm water collection, wells, and buildings required? If so, has it been prepared and can it be viewed by the public??
8. What chemicals will be stored and used on site? Do **MSDS** sheets exist and are they available to the public?
9. What materials does Wheatcraft, Inc. plan to process with the Rock Crusher? Can a detailed list be provided to the public for each type of material to be processed by the crusher, estimated annual amount to be crushed by material type and noting any TCEQ material that needs to be monitored?
10. Will an annual report of processed material be made available to the public?
11. Will Used Concrete that contains sand (Silica) be processed in the Rock Crusher?
12. What other products does Wheatcraft, Inc. propose to process in the Rock Crusher that can have a serious health impact?

13. Are Asbestos and/or Asphalt to be processed in the Rock Crusher?
14. Does Wheatcraft, Inc. have to report all products they process through the Rock Crusher and to what agency does that go? What is exactly reported?
15. **NIOSH** comment " Concrete and masonry products contain silica sand and rock containing silica. - Crushing, loading, hauling, and dumping of rock -Demolition of concrete and masonry structures" is examples of concern by this agency.
16. **OSHA** has defined a Permissible Exposure Level (PEL) for crystalline silica. If silica dust will be the result of used concrete being crushed, will this PEL be used and monitored?
17. Similar issues are present with Asbestos impregnated materials and Asphalt.
18. What are the air standards that apply to a Quarry and Rock Crusher? What is the minimum dust particulates permitted over a 24 hour period and where is this measured?
19. How far out will air quality be monitored?
20. What rules apply to air quality? How/when/where/and who will monitor and enforce the Air Quality Rules?
21. What Air Quality Monitoring instruments for each major process step requiring washing will be installed and how/where/when/and who will monitor these instruments?
22. The site is not currently applying water to the operational roads; does this apply even if the permit is not approved?
23. If watering the operational roads does apply, regardless of Rock Crusher permitting, then why is this not being enforced and why should the public expect it to be enforced if the permit is approved?
24. What is the frequency or determining factor of the watering of operational roads required?
25. What is the source of the water needed to meet the TCEQ water washing required in the Code 106.142? How much water will be used daily/ weekly/ yearly?
26. If ground water is being used to wash, has the local authority (**Headwaters Groundwater Conservation District – Kerr County**) been advised and approved any request?
27. If any wells are being drilled for process use, what is the planned usage in gallons per year and location of the well?
28. If river water is being used to wash, has a legal authority (**Upper Guadalupe River Authority**) been advised and any request approved?
29. If river water will be used for any reason, how much is planned to be drawn yearly and where is the point of withdrawal in the river?
30. What water process clean-up methods will Wheatcraft, Inc. take to address all the water used to wash <u>stocked piles, transfer points, shaker screens, inlets and outlets?</u>
31. Will process water be discharged into the Guadalupe River or to under ground wells?
32. How much process water is expected to be returned into the environment yearly?
33. What Water Quality Discharge Rules (Ph, TDS, Oil sheen, Turbidity, Temperature) will be required and how/when/where/and who will monitor all water returned to the environment?
34. Is there a flood water plan for evacuation of equipment and chemicals?

35. Do storm water ponds and rain water containment areas exist around process equipment?
36. Is there a requirement to report overflow and runoff from rain water that is not contained in a process area?
37. What water recovery and/or clean up will be done to prevent contaminated water released into the Guadalupe River or under ground?
38. How will all the water washing processes be monitored to ensure proper operation and that they meet air and water quality standards?
39. Are before and after downstream water samples being taken in the Guadalupe River to monitor changes?
40. Is this facility in a flood plain? If so, what state rules apply to a Quarry and Rock Crusher in a flood plain?
41. For any material spill requiring state notification, does a Spill Plan exist?
42. What steps does Wheatcraft, Inc. plan to minimize and/or control erosion caused by mining the land? Is erosion caused by mining under any state rule?
43. If any lab processes are to be required to monitor water and air quality, does Wheatcraft, Inc. conduct these processes and what standardized lab processes will be required and how will these be monitored to ensure standards and compliance?
44. What steps will Wheatcraft, Inc. take to reduce noise from the Rock Crusher?
45. Will the Rock Crusher be diesel or electric run? If diesel, what steps will be taken to reduce the exhaust levels of noise?
46. Will any agency measure the noise level generated by the Rock Crusher system?
47. What state rules apply to noise abatement? If there are rules, how/when/where and who will monitor and enforce Noise Abatement Rules?
48. What steps are being taken to address State Highway 27 additional traffic? Need for a turn lane to reduce traffic hazards, perhaps a warning light or sign, and address dust issues.
49. Has **TxDOT** been involved in studying the additional traffic load?
50. Are there any laws or requirements that a facility like this must meet in limiting heavy duty vehicle (Dump trucks, etc) traffic flow?
51. What role does the **EPA** play in this permitting process or operations of the Rock Crusher and Quarry?
52. What role does **OSHA** play in this permitting process or operation of the Rock Crusher and Quarry?
53. Will **Texas Parks and Wildlife Department** have any input into this permit?
54. What role does **Commissioners Count** have on the operation of the Quarry and Rock Crusher?
55. What reporting of "facility out of compliance" will be made to the public, and how and at what frequency will this be done?
56. To who and how can the public file complaints about the facility when observations are made that appear "out of compliance"?
57. What documentation will be required to document "out of compliance"?
58. What type of "out of compliance" will result in fines or suspension of operations? Examples?

Some antidotal notes regarding our family life style and any impact the proposed Rock Crusher will have on our home site and possibly on other home owners that reside close by or use the Guadalupe River for recreation.

1. We currently have minimal living quarters at my ranch site. I spend about two weeks on site then one week back in Lake Jackson until we sell our home there. As a result I spend significant time outside working my property under an agricultural valuation. I will be exposed to any material that this site creates and can be made air born. Additionally my wife has certain health issues related to air pollutants and this is why we have elected to move to the Hill Country. One expects to be able to spend time out doors in the Hill County and this may restrict or totally keep her indoors.

2. On a daily basis I can see dust raised by trucks entering and exiting the site. Any time when the wind is out of the south (common most of the time) my land may be directly in line with outfall for the dust particles. Any additional dust created by the Rock Crusher will add to this outfall. Additionally any crushing of material that includes silicon material will add potentially serious health issues.

3. Noise from the continued operation of the Rock Crusher will make outdoor leisure time unpleasant. Already all the additional truck traffic entering and exiting can be heard daily. This additional noise will be unacceptable.

4. Increased traffic on State Highway 27 due to this facility needs to be addressed. Large trucks entering and leaving will add to an already heavy traveled highway. There is no warning light or turn lanes. Add to this the high amount of dust created by the trucks that can obscure visibility.

5. We plan to let our grandchildren swim and fish at the Guadalupe River low water crossing just south of this site (RR 1350). Any water used to wash equipment or material that enters the Guadalupe River will reduce the water quality and enjoyment of local and visiting people. Any heavy rain can move lots of material that has been disturbed into this beautiful and clear water system. I believe this site is also in a flood plain and question how a mining operation like this could have been allowed to start anyway without proper paper work.

Sincerely, Thomas H Collins Sherry L Collins

Thomas H and Sherry L Collins
118 Huckleberry
Lake Jackson, TX 77566
979-297-3954 (H) 979-487-6705 (C)
thcollins@orbitworld.net

Please address any correspondence to this address as we do not currently have mail pick up at our 261 Red Bird Loop, Center Point address.

# TCEQ Public Meeting Form

## Thursday, November 9, 2006

## Wheatcraft, Inc.
## Proposed Air Quality Permit
## 76508

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 NOV 20 PM 4:35
CHIEF CLERKS OFFICE

**PLEASE PRINT:**

**Name:** SHERRY COLLINS

**Address:** 261 RED BIRD LOOP

**City/State:** CENTER POINT, TX **Zip:** 78101

**Phone:** (830) 634-3236

☐ **Please add me to the mailing list.**

**Are you here today representing a municipality, legislator, agency, or group?** ☐ **Yes** ☑ **No**

**If yes, which one?** _____

**IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW**

☐ **I wish to provide formal oral comments.**

☒ **I wish to provide formal written comments at tonight's public meeting.**
**(Written comments may be submitted at any time during the meeting)**

**Please give this to the person at the information table. Thank you.**

1. Is the amount of dust generated by winds picking up dirt on the property considered a nuisance factor when that dust goes outside the facility?

2. If TCEQ requires a water permit for spraying roads and equipment, why has that not been done. It is an air quality requirement according to your rules?

3. Who determines that the quality of equipment used is such that the particulate level permitted can be actually attained?

4. What is the amount of a fine per occurrence?

5. Is there a limit as to the number of fines that can be accessed before a facility is forced to close?

OPA RECEIVED

NOV 09 2006

AT PUBLIC MEETING

MW

Have form & oral comments (7)
Filed a CD containing pictures.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 NOV 20 PM 4:34
CHIEF CLERKS OFFICE

# TCEQ Public Meeting Form

**Thursday, November 9, 2006**

## Wheatcraft, Inc.
## Proposed Air Quality Permit
## 76508

**PLEASE PRINT:**

**Name:** THOMAS H COCUNS

**Address:** 261 RED BIRD LOOP

**City/State:** Center Point **Zip:** 78010

**Phone:** (830) 634 3236

☑ **Please add me to the mailing list.**

**Are you here today representing a municipality, legislator, agency, or group?** ☐ Yes ☑ No

**If yes, which one?** _____

**IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW**

☑ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.** CD of photos

**(Written comments may be submitted at any time during the meeting)**

**Please give this to the person at the information table. Thank you.**

MW

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 OCT 12 AM 9:43

CHIEF CLERKS OFFICE

HR OPA

OCT 12 2005

BY

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name : _____

Ms. Clara Conner
260 Deer Park Ln.
Center Point, TX 78010

Address: _____

NSR 49657

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that I oppose the permit no. 76508 for Wheatcraft, Inc.

Clara M Conner

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

NSR/49657

Name : Don Davis

Address: P.O. Box 194

Center Point, TX 78010

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that the proposed permit is for an industry that is too close to the local school and populated areas of our town.

OPA

OCT 05 2005

BY

MC

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

Name: Don Davis

Address: P.O. Box 194
Center Point, TX 78010

Daytime telephone number: (830) 634-3171

NSR/49657

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I have a respiratory condition that could be greatly agravated by the dust from such a facility. The prevailing SE winds for a good part of the year would carry that particulate matter toward my property.

OPA

OCT 06 2005

BY JS

The location and distance of my property from the proposed facility is:
2 miles NE

I use my property by:
Raise sheep

MC

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2005 OCT -5 AM 10:08

CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

OPA #

OCT 05 2005

BY

NSR / 49657

Name: LINDA DAVIS

Address: P.O. Box 194

Center Point, TX 78010

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

I feel that this new business could be both environmentally and economically detrimental for our community. I am concerned that it could negatively affect wildlife, fowl, fish and the clean water and air that we enjoy here in the Hill Country.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

2005 OCT -5 AM 10: 08

CHIEF CLERKS OFFICE

Name: LINDA DAVIS

Address: P.O. Box 194

Center Point, TX 78010

Daytime telephone number: (830) 634-3171

NSR 49657

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I feel this facility will affect our Community negatively i.e. too close to our school (K-12), homes, main highway, My Home! It will affect the quality of air, our wildlife, food, and could possibly deter new residents from locating here.

OPA

OCT 05 2005

BY

The location and distance of my property from the proposed facility is:
2 miles NE

I use my property by:
Raise sheep

**FAIRVIEW FARM EXOTICS**

131 Louise Ehler Lane
Comfort, Texas
78013

H OPA
SEP 28 2006
BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 SEP 28 AM 9: 33
CHIEF CLERKS OFFICE

Office of the Chief Clerk
MC 105
T.C.E.Q
P.O. Box 13087
Austin, Texas 76711-3087

AIRNSR
49657

Dear Office of the Chief Clerk:
I am writing in reference to the rock crusher plant located near Center Point, Texas. I am a landowner down river approximately four miles. I am opposed to Wheatcraft Materials being issued a permit for this plant. This will have debilitating affects on the Guadalupe River and for the Landowners down stream. I am a river frontage landowner.

Mr. Jonathan Delmer

131 Louise Ehler Lane

Comfort, Texas 78013

830-995-2510

Applicant name: Wheatcraft Materials

Permit # - 76508

" I Request Contested Case Hearing"

My river frontage would be affected by pollution and waste that will certainly get into the river.

Danger to livestock that use the river for water on my property.

I am located 4 miles downstream.

Respectfully,

Jonathan Delmer

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 MAY 29 AM 10: 13

CHIEF CLERKS OFFICE

Cover Page—To: Texas Commission On Environmental Quality

Re: Wheatcraft, Inc.
Permit No. 76508

NSR
49657

Fax No.-512-239-3311

From: Marcy Downey
200 Roberts Trail
Center Point, Texas 78010
Phone No. 830-634-2292

H OPA
MAY 30 2008
BY BP

REQUEST A CONTESTED CASE HEARING
Sent May 28. 2008

2008-0870-AIR

Attention:LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
PO Box 13087
Austin, Texas 78711-3087

MW

To Texas Commission On Environmental Quality…I am requesting a contested case hearing about the rock crusher request permit by Wheatcraft, Inc. number 76508.
I am an affected person in that I am the nearest next door "neighbor" to the site and my quality of life is being adversely affected by all the dust from the quarry.

I bought my "quiet" property 12 years ago to enjoy the clean living in the country. The addition of a rock quarry adjacent to my property prevents my privilege of using my grounds for outdoor activities for my family and the possible damage to my trees and animals. My health is also a concern with all the pollutants in the air.

I request you reconsider your decision to grand these folks a permit to ruin our small, clean, country community with their dust and pollution.

Marcy Downey
200 Roberts Trail
Center Point, Texas 78010
830-634-2292

Marcy Downey

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 MAY 29 AM 10: 13
CHIEF CLERKS OFFICE

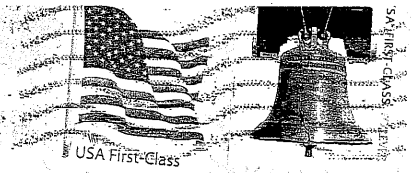
Attention:LaDonna Castanuela, Chief Clerk
TCEQ. MC-105
P. O. Box 13087
Austin, Texas 78711-3087

A HARD COPY OF THIS LETTER IS ON ITS WAY

Dated: May 28, 2008

OPA
MAY 30 2008
BY BP

SAN ANTONIO TX 780
RIO GRANDE DISTRICT
28 MAY 2008 PM 5 L




LADONNA CASTAÑUELA, Chief Clerk
TCEQ, MC-105
PO Box 13087
Austin, TEXAS 78711-3087

RECEIVED
MAY 29 2008
TCEQ MAIL CENTER
RB

78711+3087

NSR
49657

To Texas Commission On Environmental Quality...I am requesting a contested case hearing about the rock crusher request permit by Wheatcraft, Inc. number 76508.
I am an affected person in that I am the nearest next door "neighbor" to the site and my quality of life is being adversely affected by all the dust from the quarry.

I bought my "quiet" property 12 years ago to enjoy the clean living in the country. The addition of a rock quarry adjacent to my property prevents my privilege of using my grounds for outdoor activities for my family and the possible damage to my trees and animals. My health is also a concern with all the pollutants in the air.

I request you reconsider your decision to grand these folks a permit to ruin our small, clean, country community with their dust and pollution.

Marcy Downey
200 Roberts Trail
Center Point, Texas 78010
830-634-2292

Marcy Downey

Attention: LaDonna Castanuela, Chief Clerk
TCEQ. MC-105
P. O. Box 13087
Austin, Texas 78711-3087

A HARD COPY OF THIS LETTER IS ON ITS WAY

Dated: May 28, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 MAY 28 PM 1:07
CHIEF CLERKS OFFICE

OPA
H MAY 29 2008
BY
RFR

mw

Cover Page—To: Texas Commission On Environmental Quality

Re: Wheatcraft, Inc.
Permit No. 76508

Fax No. 512-239-3311

From: Marcy Downey
200 Roberts Trail
Center Point, Texas 78010
Phone No. 830-634-2292

REQUEST A CONTESTED CASE HEARING
Sent May 28. 2008

Attention: LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
PO Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 MAY 28 PM 1:06
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2006 AUG 31 AM 9:39

CHIEF CLERKS OFFICE

August 29, 2006

OPA

AUG 31 2006

BY

Office of the Chief Clerk, MC-105
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

105R/49657

Re: Wheatcraft Proposed Air Quality Permit #76508

Dear Chief Clerk:
My homestead is adjacent to Wheatcraft Materials proposed rock crusher property. My home is approximately 400 yard from the proposed rock crusher location and my barns and pasture are about 300 yards from that location. I am against the issuance of this permit, and I request a contested case hearing.

My home, barns, orchard and pastures are being covered with dust from the equipment operating around the mining and processing area. The dust will hamper the growth of my pecan orchard. It will be ingested by my goats when they eat the grass, which could affect their health and growth for marketing. The noise keeps me and the animals nervous.

Kerr County and Kerrville (City) are experiencing a severe drought and have implemented mandatory water rationing. The Guadalupe River, which flows by my house, is really low. I am concerned now about the water for me, my orchard, and my animals. What is going to happen when Wheatcraft starts pumping a million gallons of water a month from their wells and the Guadalupe River to control the dust the rock crusher will create not to mention the dust the operating equipment is already creating.

Again, I am against the issuance of this permit, and request a contested case hearing.

Sincerely,

Marcy Downey

Marcy Downey
200 Roberts Trail
Center Point, TX 78010
830-634-2292

Cc:
Rep. Harvey Hilderbran
Sen. Troy Fraser
County Commissioner Bill Williams
Mr. Ray Buck, General Manager, UGRA
Mr. Gene Williams, General Manager, Headwaters Groundwater Conservation District

Have formal oral comm. ts.

(13)

# TCEQ Public Participation Form
## Wheatcraft, Inc.
## Public Meeting
## Proposed Air Quality Permit No. 76508
## Tuesday, January 24, 2006

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 FEB -2 PM 1:37
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: MARCY DOWNEY

Address: 200 ROBERTS TRAIL

City/State: Center Point TX Zip: 78010

Phone: (830) 6342292

☑ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☑ No

If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☑ I wish to provide formal oral comments.

☐ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

**PUBLIC COMMENT on I posed Air Quality Permit No. 6508, Wheatcraft, Inc.**

COMMISSIONERS ON ENVIRONMENTAL QUALITY
2005 SEP 27 PM 3:45
CHIEF CLERKS OFFICE

**Name :** Don and Janet Drinkard

**Address:** 5756 S. Staples #F (mailing)
Corpus Christi, Texas 78413
550 Bluff Creek Road
Center Point, Texas 78010-

NSR 49657
OPA
SEP 29 2005
BY

**I request a local public hearing.**

**I request to be placed on the mailing list for the above permit.**

**I would like to inform the TCEQ that**

Wheatcraft Inc. intends to build a rock-crushing facility on Highway 27. The address is deceptive because there are residential areas nearby, plus the proximity to the Guadalupe River is causing "substantial public interest" and concern!

There has been no proposal given by Wheatcraft for monitoring effluents into the air or the Guadalupe River. They have also failed to show how the ground and water would not be contaminated.

This causes great concern for those of us living nearby who have wells providing our water and who purchased property there because of the clean air and distance from any such type of facilities.

Wheatcraft has proposed to build this operation 1/10th of a mile from the nearest residence, which is in violation of the TCEQ's regulations.

Thank you for your time and effort in this matter.

Janet Drinkard
Don Drinkard

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 OCT -3 AM 10: 24

CHIEF CLERKS OFFICE

**PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.**

OPA

OCT 03 2005

BY

Name: Natalie J Dunlap

Address: 141 J J Lane - Box 533

Center Point, TX 78010

**I request a local public hearing.**

**I request to be placed on the mailing list for the above permit.**

NSR 49657

**I would like to inform the TCEQ that**

I live within one half mile of the proposed rock crushing facility. I am extremely concerned what this facility will do to the environment air quality wise and how it will affect the water with the river right behind its location. I also don't care to hear the noise it will create as we live in a very peaceful area. The trucks going back and forth will also create more noise, pollution and traffic hazards.

TEXAS COMMISSION ON ENVIRONMENTAL

**REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508**
**by applicant Wheatcraft, Inc.**

2005 OCT -3 AM 10:24

CHIEF CLERKS OFFICE

Name: Natalie J Dunlap

Address: 141 J J Lane - Box 533

Center Point, TX 78010

NSR 49657

Daytime telephone number: 634-3357

OPA

OCT 03 2005

BY

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I

will be affected by the pollution
noise
traffic hazards

The location and distance of my property from the proposed facility is:

1/2 mile

I use my property by:

residing in a clean, quiet environment.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 OCT -3 AM 10:26

CHIEF CLERKS OFFICE

**PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.**

Name: William L Dunlap

Address: 141 JJ Lane - Box 533

Center Point, Tx 78010

NSR 49657

OPA

OCT 03 2005

BY

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

This will affect my health enormously. I have severe asthma and the pollution level will increase drastically

TEXAS COMMISSION ON ENVIRONMENTAL

**REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508**
**by applicant Wheatcraft, Inc.**

2005 OCT -3 AM 10:27

CHIEF CLERK'S OFFICE

NSR 49657

Name: William L Dunlap

Address: 141 JJ Lane - Box 533

Center Point, TX 78010

OPA

Daytime telephone number: 634-3357

OCT 03 2005

BY

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I

Am a severe asthmatic.

The location and distance of my property from the proposed facility is:

1/2 mile

I use my property by:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 SEP 27 AM 9:45

CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

OPA
SEP 27 2005
BY

Name : Mrs. Rickie Eichler

Address: PO Box 344

Center Point, TX 78010

NSR 49657

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

a rock crusher placed in this area will pollute the air & the water of my house. I live very close to this site & I do not want this permit to be issued.

My health is not good & I will be in jeopardy because of the dust & pollution created by an operation like this.

I moved to the Hill Country to have peace & quiet for my health's sake. This will take away the quality of my life & perhaps life itself.

Please do not issue this permit.

Sincerely,

Mrs. Rickie Eichler

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

2005 SEP 27 AM 9:45

CHIEF CLERKS OFFICE

Name: Mrs. Rickie Eichler

Address: P.O. Box 344
Center Point, TX 78010

Daytime telephone number: 830/634-2956

H OPA SEP 27 2005 BY KY

NSR 49657

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I

will have more health problems because of air + water quality being affected. Also noise is a problem. Large trucks driving in front of my home are not a welcome site either.

The additional property recently purchased next to my home for building purposes will be affected economically. No one wants to live next to a rock crusher.

Additional flooding can result in our area because of a rock crusher as well. The river floods several times annually here. It will be worse when they dump rock + gravel unintentionally into the river. The river water is clean here but they will pollute. Lots of people + wildlife will be adversely affected. This site will send air pollutants to the Center Point School, homes + churches.

The location and distance of my property from the proposed facility is:

about 2000 feet.

I use my property by:

living on it and recently purchased additional property next to my home to develope for commercial purposes

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 SEP 27 AM 9:44

CHIEF CLERKS OFFICE

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

Name: Shirley Eller

Address: 477-A Stoneleigh Rd.
Center Point, Tx. 78010

Daytime telephone number: 634-2551

NSR/49657

OPA
SEP 27 2005
BY KJ

I request a contested case hearing. Yes

I will be specifically affected by the above proposed facility in that I

Our air is Bad enough, already; it is hard to breath on some days. Us, country people have water wells. We don't need any thing else getting in our water.
Land prices will probably drop, because of this facility. Also dust & noise.

The location and distance of my property from the proposed facility is:
2 miles

I use my property by: I Live here!

My answer is NO! To this Rock crushing facility!

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2005 SEP 23 AM 9:39

CHIEF CLERKS OFFICE

NSR 4945X

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

OPA HR
SEP 23 2005
BY

Name: Don Esbjornson

Address: 470 Bluff Creek Rd.

Center Point, Tx 78010

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

The proposed location of this facility is not:

1/2 mile from the nearest

- recreational facility
- private residence
- other private & public structures
- 1000' from state highway

Allowing this operation will negatively affect the neighborhoods value and growth.

I understand that no provision has been made in the application for pollution control. - noise
air
water

The present operation is tracking dirt, dust onto Hwy 27

Don Esbjornson

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 SEP 23 AM 9: 38
CHIEF CLERKS OFFICE

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

OPA HR
SEP 23 2005
BY

NSR 49657

Name: Don Esbjornson

Address: 470 Bluff Creek Rd
Center Point, Tx 78010

Daytime telephone number: 830 634-3501

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I

live in close proximity of the proposed facility.
Our community Bluff Creek Ranch is a wildlife management area of approx 600 acres

The location and distance of my property from the proposed facility is:

approx 2000'

I use my property by:

Residence & wildlife preserve & management

Don Esbjornson

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2005 SEP 23 AM 9: 39

CHIEF CLERKS OFFICE

NSR 49657

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

OPA HR
SEP 23 2005
BY

Name : MARCIA ESBJORNSON

Address: 410 BLUFF CREEK RD

CENTER POINT TX 78010

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

the proposed Wheatcraft rock crushing plant does not meet the basic requirements of:
1/2 mile from
- recreation facility
- private residence
- other private structures
& being 1000' from a state highway.

There are schools in the near area. There are residences right across the street & right across the river.

No matter where they place the facility on the property, it will be within 1000' of either Rt 27 or FM 1350.

There are cattle ranches in close proximity. The pollution can have health issue with livestock & thereby local economy.

Air pollution will also effect the plant life & crops & also the water purity from fallout & rain/run off.

Marcia Esbjornson

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

2005 SEP 23 AM 9:35

CHIEF CLERKS OFFICE

Name: MARCIA ESBJORNSON

NSR/49657

Address: 470 BLUFF CREEK RD
CENTER POINT TX 78010

OPA HR

Daytime telephone number: 830-634-3501

SEP 23 2005

BY

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I

is a sub-division that is very close to the proposed facility.

Besides the health issues to humans, we are concerned with the effect the facility will have on the wild life. Ours is a wildlife management area.

The location and distance of my property from the proposed facility is:

approximately 2000 feet.

I use my property by:

it is our residence & a wildlife preserve

M E Esbjornson

NSR
49057


# LOWERRE, FREDERICK, PERALES & ALLMON

ATTORNEYS AT LAW
44 East Avenue, Suite 100
Austin, Texas 78701
(512) 469-6000 • (512) 482-9346 (facsimile)
Mail@LF-LawFirm.com


May 28, 2008 *Via Facsimile Transmission and U.S. Mail*

Ms. LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality
Building F, Room 4301
12015 Park 35 Circle
Austin, Texas 78753
P.O. Box 13087
Austin, Texas 78711-3087

H OPA
MAY 30 2008
BY BP

CHIEF CLERKS OFFICE
2008 MAY 29 AM 10:00
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Regarding: Application of Wheatcraft, Inc., ("Wheatcraft") for Air Quality Permit No. 76508

Dear Ms. Castañuela:

My firm represents the Guadalupe River Environmental Action Team ("GREAT"). Many individual members of GREAT submitted comments and hearing requests on or before October 6, 2005, and again at the public meeting on January 24, 2006. GREAT also filed a hearing request and comments on September 7, 2006. GREAT now wishes to reiterate those comments and its request for a contested case hearing on the above-referenced permit.

GREAT is a membership organization of homeowners and landowners in Kerr County. Its current president is Cayce Kovacs. GREAT holds among its objectives the protection of the environment and the maintenance of the quality of life in and around Center Point, Texas, and along the Guadalupe River – the locale of the proposed Wheatcraft rock crushing facility for which the above-referenced permit application has been noticed. Many GREAT members own and occupy land within a mile of the proposed Wheatcraft facility, and some GREAT members own and occupy land within ½ mile of the proposed Wheatcraft facility.[1]

[1] For example, GREAT member Ms. Marcey Downey owns and occupies land adjacent to the proposed Wheatcraft facility. Their home is located at 200 Roberts Trail. GREAT members Mr. Jerry and Suzanne Trice own and occupy land at 117 JJ Lane, Center Point, TX 78010, which is within 1 mile of the proposed facility.



mw

These GREAT members and other GREAT members, because they, unlike members of the general public, live in close physical proximity to the Wheatcraft site regularly travel the roadways bordering the propose facility and, thus, are at risk of health and aesthetic harms arising from air contaminants to be emitted by the proposed facility. The dust from the rock crushing operations will settle on members' cars and on some of their homes, yard furniture and properties. The permit, if granted, would allow the facility to interfere with GREAT members' use and enjoyment of their properties and of the Guadalupe River, a natural resource used more by GREAT members than by the general public, because of the proximity of the members to that resource. The proposed crusher's operations will harm the aesthetics of their views and tranquil rural settings and, potentially, will cause adverse effects to their health.

GREAT again requests a contested case hearing on this permit application.

GREAT believes the hearing should entertain at least the following topics:

1. Improper Emission Factors /Inaccurate Emissions Calculations: The draft permit is based on incorrect and outdated emission factors.

2. Omitted Sources of Emissions: Wheatcraft omitted several sources of particulate matter emissions in its application. The draft permit, therefore, does not accurately represent the emissions that will be generated from the Wheatcraft operations or the impact of these emissions.

3. Inappropriate Air Modeling/Underestimation of Emissions: In its modeling demonstration, Wheatcraft inappropriately made the area source too large, thus underestimating off-property impacts of particulate matter emissions.

4. Inadequate Air Modeling: In addition to the problems described above, the application does not provide any kind of analysis or modeling of respirable limestone, silica or other possible contaminants beyond the broad category of "Particulate Matter." The draft permit, therefore, again, may not accurately represent the emissions that will be generated from the Wheatcraft operations or the impact of these emissions.

5. Failure to Demonstrate Compliance with the National Ambient Air Quality Standards for $PM_{2.5}$: The application does not provide any kind of analysis or modeling of particulate matter emission of a diameter of 2.5 microns or less.

6. Application of the Proper Effects Screening Levels (ESLs): As stated above, neither the application nor the draft permit address respirable silica or limestone emissions.

7. Best Available Control Technology (BACT): GREAT disputes Wheatcraft's draft permit achieves BACT for particulate matter (i.e., for dust suppression for roads, for stockpiles and for other sources of dust at the proposed operations) or, even, made the BACT demonstration required by TCEQ regulations and underlying federal law.

8. Enforceability of Draft Permit Terms: All draft permit terms should be written to prevent air pollution, rather than to provide unenforceable reactionary measures, once a condition of air pollution has occurred. For example, draft permit term (5.)(A.) states that "All water systems shall be operated as necessary to control dust." The phrase 'as necessary to control dust' is too vague to be enforceable. The draft permit term should be re-written to specify how and when these systems are to be operated. TCEQ's own investigator stated that the phrase is too vague to be enforced. See the November 14, 2005 San Antonio Region 13 response to requests for comments on the draft permit. Another example of potentially unenforceable language is in the draft permit terms on visibility limits. The draft permit should state that personnel are available on-site who are trained and capable of making such determinations. How would such determinations be made at night? The draft permit is limited to 12 hours a day, but it does not specify that day-time only operations are permitted.

9. Recordkeeping: The recordkeeping requirement in the draft permit should be expanded to cover a 5-year period and to provide for public access to these records. Public access may be accomplished through a monthly record filing requirement with TCEQ or by explicit provision for public access to records kept at the Wheatcraft site. In addition, the draft permit contains hourly emission limits. These emission limits are not enforceable, unless there is a permit term requiring recordkeeping of hourly rates to verify compliance with these hourly limitations.

10. Monitoring – COMS or CEMS: The draft permit does not require continuous opacity or emissions monitoring of any point at the Wheatcraft operation. It should. EPA test methods 9 and 22, or their equivalents, are not adequate to assure compliance with the particulate emission allowables in the permit. This deficiency is particularly acute with regard to verifying compliance with the hourly emission rates in the MAERT.

11. Monitoring and Recordkeeping – Throughput: The draft permit, as currently written, provides no monitoring to assure that the limit on the throughput represented in the permit application will be met. Monitoring throughput is a critical permit term because it is the throughput representation that assures that the values in the MAERT are appropriate. Monitoring **and** recordkeeping of the throughput is, in fact, needed to determine whether the values in the MAERT have been exceeded. A special condition should be added to require installation of a weight belt at the load out point. Data collected from the weight bridges should be maintained as indicated in comment 9.

12. Monitoring: The draft permit should require property line air contaminant monitors to test for particulates, including some particulate speciation, to assure compliance with the permit terms and to assure adequate protection of GREAT members' health.

13. Adequacy of Water Supply: While GREAT understands that Wheatcraft will use surface water rights from the Guadalupe River, Wheatcraft has not demonstrated that this water is available in adequate quantities to support the dust suppression on which Wheatcraft relies for particulate control. TCEQ should not issue a permit for this site until Wheatcraft makes a demonstration that it can, in fact, secure the necessary water supply to effectuate its particulate suppression plans. TCEQ's ability to enforce the permit on a daily or, even, monthly or quarterly basis is not sufficiently high that the agency should be comfortable with the naked commitment of Wheatcraft to secure the water from sources that are unknown. Moreover, GREAT is concerned that Wheatcraft has been pumping water from the Guadalupe River to support its current mining operations without adequate authorization.

14. Cumulative Impacts: The proposed Wheatcraft operations are in close proximity to several other mining operations and sources of particulate matter emissions. There has been no meaningful cumulative impacts analysis.

15. True Measure of Ambient and Operational Air Conditions: Wheatcraft has not been required to conduct baseline air quality monitoring for particulates at its proposed site. The permit should require one year of monitoring to establish baseline conditions.

16. Proximity to Schools: This is a matter as to which there is some dispute. According to the application there are 3 schools within 3,000 feet of the

proposed site. TCEQ's "Review Analysis and Technical Review" states that there are no schools within 3,000 feet. A September 21, 2005 letter from the Center Point Independent School District Board President and Superintendent clearly states that the district is within 2,000 feet of the proposed facility. This issue should be resolved in the hearing.

17. Compliance History: Wheatcraft's compliance history, which includes beginning construction without a permit, warrants additional monitoring and recordkeeping provisions for this permit. In addition, because the closest TCEQ field office is in San Antonio, there is concern about the response time of TCEQ investigators in the event that GREAT members complain regarding the proposed operation.

Thank you for your attention.

Sincerely,

David O. Frederick

cc: The Honorable Troy Fraser, Texas Senate
The Honorable Harvey Hilderbran, Texas House of Representatives
The Honorable Patrick Rose, Texas House of Representatives
The Honorable Bill Williams, Kerr County Commissioner
Ms. Lee Ann Ray, Center Point Independent School District Superintendent
Mr. Raymond L. Buck, Jr., Upper Guadalupe River Authority General Manager
Mr. Blas Coy, TCEQ Public Interest Counsel
Mr. Brad Patterson, TCEQ Environmental Law Division
Mr. Alex Berksan, P.E., TCEQ Air Permits Division

NSR
49057


# LOWERRE, FREDERICK, PERALES & ALLMON

ATTORNEYS AT LAW
44 East Avenue, Suite 100
Austin, Texas 78701
(512) 469-6000 • (512) 482-9346 (facsimile)
Mail@LF-LawFirm.com


May 28, 2008 *Via Facsimile Transmission and U.S. Mail*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 MAY 29 AM 10: 01
CHIEF CLERKS OFFICE

Ms. LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality
Building F, Room 4301
12015 Park 35 Circle
Austin, Texas 78753
P.O. Box 13087
Austin, Texas 78711-3087

OPA
H
MAY 30 2008
BY BP

Regarding: Application of Wheatcraft, Inc., ("Wheatcraft") for Air Quality Permit No. 76508

Dear Ms. Castañuela:

My firm represents the Texas Rivers Protection Association ("TRPA"). TRPA is a Texas not-for-profit membership organization with members throughout the state of Texas. TRPA has members in Kerr County and specifically in Center Point, Texas. TRPA holds among its objectives the protection of the flow, water quality and natural beauty of the rivers of Texas. In addition, TRPA promotes safe and wise use of Texas rivers. This includes the Guadalupe River, which runs along the southern edge of the proposed Wheatcraft facility. TRPA members residing in Center Point and other TRPA members regularly canoe along, or 'paddle,' the segment of the Guadalupe River bordering the proposed Wheatcraft facility, and, thus, are at greater risk than are members of the general public of health and aesthetic harms arising from air contaminants emitted by the proposed facility.[1] The permit, if granted, would allow the facility to interfere with TRPA members' use and enjoyment of the Guadalupe River, with the aesthetics of their views and tranquil rural settings and, potentially, would cause adverse effects to their health.

---

[1] For example, TRPA members Ms. Ilse Bailey and Mr. Michael Van Winkle regularly paddle this segment of the Guadalupe River.

Many individual members of TRPA submitted comments and hearing requests on or before October 6, 2005, and again at the public meeting on January 24, 2006.

TRPA again requests a contested case hearing on this permit application.

TRPA believes the hearing should entertain at least the following topics:

1. Improper Emission Factors /Inaccurate Emissions Calculations: The draft permit is based on incorrect and outdated emission factors.

2. Omitted Sources of Emissions: Wheatcraft omitted several sources of particulate matter emissions in its application. The draft permit, therefore, does not accurately represent the emissions that will be generated from the Wheatcraft operations or the impact of these emissions.

3. Inappropriate Air Modeling/Underestimation of Emissions: In its modeling demonstration, Wheatcraft inappropriately made the area source too large, thus underestimating off-property impacts of particulate matter emissions.

4. Inadequate Air Modeling: In addition to the problems described above, the application does not provide any kind of analysis or modeling of respirable limestone, silica or other possible contaminants beyond the broad category of "Particulate Matter." The draft permit, therefore, again, may not accurately represent the emissions that will be generated from the Wheatcraft operations or the impact of these emissions.

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6. Application of the Proper Effects Screening Levels (ESLs): As stated above, neither the application nor the draft permit address respirable silica or limestone emissions.

7. Best Available Control Technology (BACT): TRPA disputes Wheatcraft's draft permit achieves BACT for particulate matter (i.e., for dust suppression for roads, for stockpiles and for other sources of dust at the proposed operations) or, even, made the BACT demonstration required by TCEQ regulations and underlying federal law.

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reactionary measures, once a condition of air pollution has occurred. For example, draft permit term (5.)(A.) states that "All water systems shall be operated as necessary to control dust." The phrase 'as necessary to control dust' is too vague to be enforceable. The draft permit term should be re-written to specify how and when these systems are to be operated. TCEQ's own investigator stated that the phrase is too vague to be enforced. See the November 14, 2005 San Antonio Region 13 response to requests for comments on the draft permit. Another example of potentially unenforceable language is in the draft permit terms on visibility limits. The draft permit should state that personnel are available on-site who are trained and capable of making such determinations. How would such determinations be made at night? The draft permit is limited to 12 hours a day, but it does not specify that day-time only operations are permitted.

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assure compliance with the permit terms and to assure adequate protection of GREAT members' health.

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14. Cumulative Impacts: The proposed Wheatcraft operations are in close proximity to several other mining operations and sources of particulate matter emissions. There has been no meaningful cumulative impacts analysis.

15. True Measure of Ambient and Operational Air Conditions: Wheatcraft has not been required to conduct baseline air quality monitoring for particulates at its proposed site. The permit should require one year of monitoring to establish baseline conditions.

16. Proximity to Schools: This is a matter as to which there is some dispute. According to the application there are 3 schools within 3,000 feet of the proposed site. TCEQ's "Review Analysis and Technical Review" states that there are no schools within 3,000 feet. A September 21, 2005 letter from the Center Point Independent School District Board President and Superintendent clearly states that the district is within 2,000 feet of the proposed facility. This issue should be resolved in the hearing.

17. Compliance History: Wheatcraft's compliance history, which includes beginning construction without a permit, warrants additional monitoring and recordkeeping provisions for this permit. In addition, because the closest TCEQ field office is in San Antonio, there is concern about the response time of TCEQ investigators in the event that TRPA members complain regarding the proposed operation.

Thank you for your attention.

Sincerely,

David Frederick

cc: The Honorable Troy Fraser, Texas Senate
The Honorable Harvey Hilderbran, Texas House of Representatives
The Honorable Patrick Rose, Texas House of Representatives
The Honorable Bill Williams, County Commissioner
Ms. Lee Ann Ray, Center Point Independent School District Superintendent
Mr. Raymond L. Buck, Jr., Upper Guadalupe River Authority General Manager
Mr. Blas Coy, TCEQ Public Interest Council
Mr. Brad Patterson, TCEQ Environmental Law Division
Mr. Alex Berksan, P.E., TCEQ Air Permits Division

LOWERRE, FREDERICK, PERALES & ALLMON
ATTORNEYS AT LAW
44 East Avenue, Suite 100
Austin, Texas 78701
(512) 469-6000 • (512) 482-9346 (facsimile)
Mail@LF-LawFirm.com

NSR
49657

OPA
MAY 30 2008
BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 MAY 29 AM 10:00
CHIEF CLERK'S OFFICE

May 28, 2008

*Via Fax & Mail*

Ms. LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality
Building F, Room 4301
12015 Park 35 Circle
Austin, Texas 78753
P.O. Box 13087
Austin, Texas 78711-3087

Regarding: Application of Wheatcraft, Inc., ("Wheatcraft") for Air Quality Permit No. 76508

Dear Ms. Castañuela:

Please find TRPA's Request for Contested Case Hearing and GREAT's Request for Contested Case Hearing in regards to the above mentioned permit enclosed in this envelope.

Thank you for your time and attention.

Sincerely,

Lindsey Engelman
Legal Assistant

LOWERRE, FREDERICK, PERALES,
ALLMON & ROCKWELL
Attorneys at Law
44 East Avenue, Suite 100
AUSTIN, TX 78701
(512) 469-6000 / 482-9346 (fax)

Ms. LaDonna Castañuela
Chief Clerk
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087

RECEIVED
MAY 28 2008
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AJ

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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 MAY 29 AM 10:00
CHIEF CLERKS OFFICE

NSR
49657

LOWERRE, FREDERICK, PERALES & ALLMON
ATTORNEYS AT LAW
44 East Avenue, Suite 100
Austin, Texas 78701
(512) 469-6000 - (512) 482-9346 (facsimile)
Mail@LF-LawFirm.com

May 28, 2008 *Via Facsimile Transmission and U.S. Mail*

Ms. LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality
Building F, Room 4301
12015 Park 35 Circle
Austin, Texas 78753
P.O. Box 13087
Austin, Texas 78711-3087

OPA
H MAY 29 2008
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 MAY 28 PM 4:51
CHIEF CLERKS OFFICE

Regarding: Application of Wheatcraft, Inc., ("Wheatcraft") for Air Quality Permit No. 76508

Dear Ms. Castañuela:

My firm represents the Texas Rivers Protection Association ("TRPA"). TRPA is a Texas not-for-profit membership organization with members throughout the state of Texas. TRPA has members in Kerr County and specifically in Center Point, Texas. TRPA holds among its objectives the protection of the flow, water quality and natural beauty of the rivers of Texas. In addition, TRPA promotes safe and wise use of Texas rivers. This includes the Guadalupe River, which runs along the southern edge of the proposed Wheatcraft facility. TRPA members residing in Center Point and other TRPA members regularly canoe along, or 'paddle,' the segment of the Guadalupe River bordering the proposed Wheatcraft facility, and, thus, are at greater risk than are members of the general public of health and aesthetic harms arising from air contaminants emitted by the proposed facility.[1] The permit, if granted, would allow the facility to interfere with TRPA members' use and enjoyment of the Guadalupe River, with the aesthetics of their views and tranquil rural settings and, potentially, would cause adverse effects to their health.

[1] For example, TRPA members Ms. Ilse Bailey and Mr. Michael Van Winkle regularly paddle this segment of the Guadalupe River.

Many individual members of TRPA submitted comments and hearing requests on or before October 6, 2005, and again at the public meeting on January 24, 2006.

TRPA again requests a contested case hearing on this permit application.

TRPA believes the hearing should entertain at least the following topics:

1. Improper Emission Factors /Inaccurate Emissions Calculations: The draft permit is based on incorrect and outdated emission factors.

2. Omitted Sources of Emissions: Wheatcraft omitted several sources of particulate matter emissions in its application. The draft permit, therefore, does not accurately represent the emissions that will be generated from the Wheatcraft operations or the impact of these emissions.

3. Inappropriate Air Modeling/Underestimation of Emissions: In its modeling demonstration, Wheatcraft inappropriately made the area source too large, thus underestimating off-property impacts of particulate matter emissions.

4. Inadequate Air Modeling: In addition to the problems described above, the application does not provide any kind of analysis or modeling of respirable limestone, silica or other possible contaminants beyond the broad category of "Particulate Matter." The draft permit, therefore, again, may not accurately represent the emissions that will be generated from the Wheatcraft operations or the impact of these emissions.

5. Failure to Demonstrate Compliance with the National Ambient Air Quality Standards for $PM_{2.5}$: The application does not provide any kind of analysis or modeling of particulate matter emission of a diameter of 2.5 microns or less.

6. Application of the Proper Effects Screening Levels (ESLs): As stated above, neither the application nor the draft permit address respirable silica or limestone emissions.

7. Best Available Control Technology (BACT): TRPA disputes Wheatcraft's draft permit achieves BACT for particulate matter (i.e., for dust suppression for roads, for stockpiles and for other sources of dust at the proposed operations) or, even, made the BACT demonstration required by TCEQ regulations and underlying federal law.

8. Enforceability of Draft Permit Terms: All draft permit terms should be written to prevent air pollution, rather than to provide unenforceable

reactionary measures, once a condition of air pollution has occurred. For example, draft permit term (5.)(A.) states that "All water systems shall be operated as necessary to control dust." The phrase 'as necessary to control dust' is too vague to be enforceable. The draft permit term should be re-written to specify how and when these systems are to be operated. TCEQ's own investigator stated that the phrase is too vague to be enforced. See the November 14, 2005 San Antonio Region 13 response to requests for comments on the draft permit. Another example of potentially unenforceable language is in the draft permit terms on visibility limits. The draft permit should state that personnel are available on-site who are trained and capable of making such determinations. How would such determinations be made at night? The draft permit is limited to 12 hours a day, but it does not specify that day-time only operations are permitted.

9. Recordkeeping: The recordkeeping requirement in the draft permit should be expanded to cover a 5-year period and to provide for public access to these records. Public access may be accomplished through a monthly record filing requirement with TCEQ or by explicit provision for public access to records kept at the Wheatcraft site. In addition, the draft permit contains hourly emission limits. These emission limits are not enforceable, unless there is a permit term requiring recordkeeping of hourly rates to verify compliance with these hourly limitations.

10. Monitoring – COMS or CEMS: The draft permit does not require continuous opacity or emissions monitoring of any point at the Wheatcraft operation. It should. EPA test methods 9 and 22, or their equivalents, are not adequate to assure compliance with the particulate emission allowables in the permit. This deficiency is particularly acute with regard to verifying compliance with the hourly emission rates in the MAERT.

11. Monitoring and Recordkeeping – Throughput: The draft permit, as currently written, provides no monitoring to assure that the limit on the throughput represented in the permit application will be met. Monitoring throughput is a critical permit term because it is the throughput representation that assures that the values in the MAERT are appropriate. Monitoring **and** recordkeeping of the throughput is, in fact, needed to determine whether the values in the MAERT have been exceeded. A special condition should be added to require installation of a weight belt at the load out point. Data collected from the weight bridges should be maintained as indicated in comment 9.

12. Monitoring: The draft permit should require property line air contaminant monitors to test for particulates, including some particulate speciation, to

assure compliance with the permit terms and to assure adequate protection of GREAT members' health.

13. Adequacy of Water Supply: While TRPA understands that Wheatcraft will use surface water rights from the Guadalupe River, Wheatcraft has not demonstrated that this water is available in adequate quantities to support the dust suppression on which Wheatcraft relies for particulate control. TCEQ should not issue a permit for this site until Wheatcraft makes a demonstration that it can, in fact, secure the necessary water supply to effectuate its particulate suppression plans. TCEQ's ability to enforce the permit on a daily or, even, monthly or quarterly basis is not sufficiently high that the agency should be comfortable with the naked commitment of Wheatcraft to secure the water from sources that are unknown. Moreover, TRPA is concerned that Wheatcraft has been pumping water from the Guadalupe River to support its current mining operations without adequate authorization.

14. Cumulative Impacts: The proposed Wheatcraft operations are in close proximity to several other mining operations and sources of particulate matter emissions. There has been no meaningful cumulative impacts analysis.

15. True Measure of Ambient and Operational Air Conditions: Wheatcraft has not been required to conduct baseline air quality monitoring for particulates at its proposed site. The permit should require one year of monitoring to establish baseline conditions.

16. Proximity to Schools: This is a matter as to which there is some dispute. According to the application there are 3 schools within 3,000 feet of the proposed site. TCEQ's "Review Analysis and Technical Review" states that there are no schools within 3,000 feet. A September 21, 2005 letter from the Center Point Independent School District Board President and Superintendent clearly states that the district is within 2,000 feet of the proposed facility. This issue should be resolved in the hearing.

17. Compliance History: Wheatcraft's compliance history, which includes beginning construction without a permit, warrants additional monitoring and recordkeeping provisions for this permit. In addition, because the closest TCEQ field office is in San Antonio, there is concern about the response time of TCEQ investigators in the event that TRPA members complain regarding the proposed operation.

Thank you for your attention.

Sincerely,

David Frederick

cc: The Honorable Troy Fraser, Texas Senate
The Honorable Harvey Hilderbran, Texas House of Representatives
The Honorable Patrick Rose, Texas House of Representatives
The Honorable Bill Williams, County Commissioner
Ms. Lee Ann Ray, Center Point Independent School District Superintendent
Mr. Raymond L. Buck, Jr., Upper Guadalupe River Authority General Manager
Mr. Blas Coy, TCEQ Public Interest Council
Mr. Brad Patterson, TCEQ Environmental Law Division
Mr. Alex Berksan, P.E., TCEQ Air Permits Division

# LOWERRE, FREDERICK, PERALES, ALLMON & ROCKWELL

44 East Avenue, Suite 100
Austin, TX 78701
(512) 469-6000 Phone
(512) 482-9346 FAX


TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 MAY 28 PM 4: 51
CHIEF CLERKS OFFICE

## FAX COVER SHEET

FAX NUMBER TRANSMITTED TO:

**To:** **Ms. LaDonna Castañuela** 512.239.3311
**From:** **David O. Frederick/Lindsey Engelman**
**Date:** **May 28, 2008**

| DOCUMENTS | NUMBER OF PAGES (not including cover pg.) |
|---|---|
| TRPA Hearing Request | 5 |
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**COMMENTS:**

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PLEASE CALL 512.469.6000 AS SOON AS POSSIBLE IF ALL PAGES ARE NOT RECEIVED OR IF THERE ARE ANY OTHER PROBLEMS WITH THE TRANSMITTAL OF THIS FAX.

NSR
49657

LOWERRE, FREDERICK, PERALES & ALLMON
ATTORNEYS AT LAW
44 East Avenue, Suite 100
Austin, Texas 78701
(512) 469-6000 · (512) 482-9346 (facsimile)
Mail@LF-LawFirm.com

May 28, 2008 *Via Facsimile Transmission and U.S. Mail*

2008-0870-AIR

Ms. LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality
Building F, Room 4301
12015 Park 35 Circle
Austin, Texas 78753
P.O. Box 13087
Austin, Texas 78711-3087

OPA
H MAY 29 2008
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 MAY 28 PM 4:48
CHIEF CLERKS OFFICE

Regarding: Application of Wheatcraft, Inc., ("Wheatcraft") for Air Quality Permit No. 76508

Dear Ms. Castañuela:

My firm represents the Guadalupe River Environmental Action Team ("GREAT"). Many individual members of GREAT submitted comments and hearing requests on or before October 6, 2005, and again at the public meeting on January 24, 2006. GREAT also filed a hearing request and comments on September 7, 2006. GREAT now wishes to reiterate those comments and its request for a contested case hearing on the above-referenced permit.

GREAT is a membership organization of homeowners and landowners in Kerr County. Its current president is Cayce Kovacs. GREAT holds among its objectives the protection of the environment and the maintenance of the quality of life in and around Center Point, Texas, and along the Guadalupe River – the locale of the proposed Wheatcraft rock crushing facility for which the above-referenced permit application has been noticed. Many GREAT members own and occupy land within a mile of the proposed Wheatcraft facility, and some GREAT members own and occupy land within ½ mile of the proposed Wheatcraft facility.[1]

[1] For example, GREAT member Ms. Marcey Downey owns and occupies land adjacent to the proposed Wheatcraft facility. Their home is located at 200 Roberts Trail. GREAT members Mr. Jerry and Suzanne Trice own and occupy land at 117 JJ Lane, Center Point, TX 78010, which is within 1 mile of the proposed facility.

mw

These GREAT members and other GREAT members, because they, unlike members of the general public, live in close physical proximity to the Wheatcraft site regularly travel the roadways bordering the propose facility and, thus, are at risk of health and aesthetic harms arising from air contaminants to be emitted by the proposed facility. The dust from the rock crushing operations will settle on members' cars and on some of their homes, yard furniture and properties. The permit, if granted, would allow the facility to interfere with GREAT members' use and enjoyment of their properties and of the Guadalupe River, a natural resource used more by GREAT members than by the general public, because of the proximity of the members to that resource. The proposed crusher's operations will harm the aesthetics of their views and tranquil rural settings and, potentially, will cause adverse effects to their health.

GREAT again requests a contested case hearing on this permit application.

GREAT believes the hearing should entertain at least the following topics:

1. Improper Emission Factors /Inaccurate Emissions Calculations: The draft permit is based on incorrect and outdated emission factors.

2. Omitted Sources of Emissions: Wheatcraft omitted several sources of particulate matter emissions in its application. The draft permit, therefore, does not accurately represent the emissions that will be generated from the Wheatcraft operations or the impact of these emissions.

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proposed site. TCEQ's "Review Analysis and Technical Review" states that there are no schools within 3,000 feet. A September 21, 2005 letter from the Center Point Independent School District Board President and Superintendent clearly states that the district is within 2,000 feet of the proposed facility. This issue should be resolved in the hearing.

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Thank you for your attention.

Sincerely,

David O. Frederick

cc: The Honorable Troy Fraser, Texas Senate
The Honorable Harvey Hilderbran, Texas House of Representatives
The Honorable Patrick Rose, Texas House of Representatives
The Honorable Bill Williams, Kerr County Commissioner
Ms. Lee Ann Ray, Center Point Independent School District Superintendent
Mr. Raymond L. Buck, Jr., Upper Guadalupe River Authority General Manager
Mr. Blas Coy, TCEQ Public Interest Counsel
Mr. Brad Patterson, TCEQ Environmental Law Division
Mr. Alex Berksan, P.E., TCEQ Air Permits Division

# LOWERRE, FREDERICK, PERALES, ALLMON & ROCKWELL

44 East Avenue, Suite 100
Austin, TX 78701
(512) 469-6000 Phone
(512) 482-9346 FAX


TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 MAY 28 PM 4:48
CHIEF CLERKS OFFICE

**FAX COVER SHEET**

FAX NUMBER TRANSMITTED TO:

**To:** **Ms. LaDonna Castañuela** 512.239.3311

**From:** **David O. Frederick/**
**Lindsey Engelman**
**Date: May 28, 2008**

| DOCUMENTS | NUMBER OF PAGES (not including cover pg.) |
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| GREAT Hearing Request | 5 |
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**COMMENTS:**

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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2005 OCT -3 AM 10: 13

CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name : STEVE + ANN GALLAND

OPA

OCT 03 2005

Address: 143 Center Point Dr.

BY

Center POINT, TX 78010

✓ I request a local public hearing.

✓ I request to be placed on the mailing list for the above permit.

NSR/49657

I would like to inform the TCEQ that

AS CITED IN PERMIT APPLICATION AND INDICATED ON ATTACHED MAP, "STAR" SYMBOL IS RHODES PIT LOCATION. THIS IS INCORRECT! "STAR" IS HWY. 27 ENTRANCE ONLY. ACTUAL ROCK-CRUSHER IS TO BE PHYSICALLY LOCATED NEXT TO RIVER (FOR WASHING OPERATIONS) THEREFORE THE CONCENTRIC RINGS WILL BE CHANGED/SHIFTED. USING "BULLS-EYE" SYMBOL AS ACTUAL CRUSHER LOCATION, THE OUTER 1-MILE RADIUS WILL INCLUDE THE FOLLOWING: ALL 3 SCHOOLS, 4 CHURCHES, ALL DOWNTOWN BUSINESSES, HISTORIC PARK, OUTDOOR RIVER RECREATION AREAS, COMMERCIAL PLANT NURSERIES, SCHOOL OUTDOOR STADIUM/TRACK, AG. FACILITIES, CATTLE/HAYING BUSINESSES, AND MANY FAMILY RESIDENCES.

REF: SECTION 382.065 of the HEALTH AND SAFETY CODE:

THE COMMISSION BY RULE SHALL PROHIBIT THE LOCATION OF/OR AN OPERATION OF A SINGLE CONCRETE CRUSHING FACILITY WITHIN 440 YARDS OF A BUILDING USED AS A SINGLE OR MULTIFAMILY RESIDENCE, SCHOOL, OR PLACE OF WORSHIP.

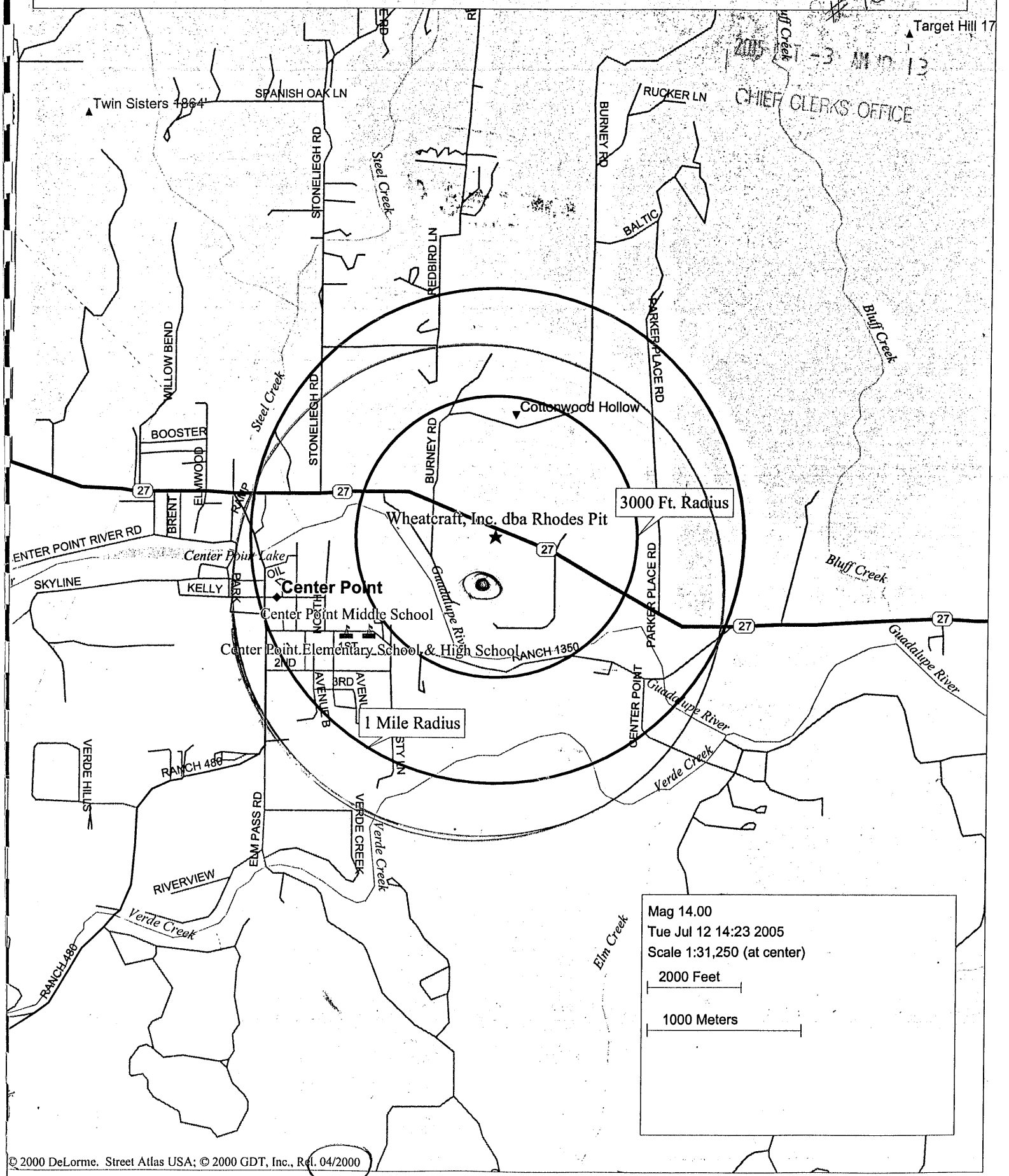
THERE ARE MANY, MANY MORE ISSUES SURROUNDING THIS APPLICATION BUT THIS FORM DOESN'T HAVE ENOUGH SPACE TO LIST THEM ALL. WE NEED A LOCAL PUBLIC HEARING!

# Wheatcraft, Inc. dba Rhodes Pit

PERMIT #16508

2005 JUL -3 AM 10:13

CHIEF CLERKS OFFICE




© 2000 DeLorme. Street Atlas USA; © 2000 GDT, Inc., Rel. 04/2000

MAP is 5 yrs old - is not correct as of 2005

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 OCT -3 AM 10:13

CHIEF CLERKS OFFICE

Name: STEVE AND ANN GALLAND

Address: 143 Center Point Dr.
Center Point, Tx. 78010

Daytime telephone number: (830) 634-7668

NSR 49657

✓ I request a contested case hearing. !!

WE ✓ will be specifically affected by the above proposed facility in that ✓ WE ARE BOTH CURRENTLY IN CANCER REMISSION. LIVING IN A CLEAN, HEALTHY ENVIRONMENT IS A MATTER OF GREATEST CONCERN. AIR-BORNE POLLUTANTS CAN TIP THE BALANCE OF OUR HEALTH. WE CHOSE THIS COMMUNITY PURPOSELY BECAUSE OF ITS UNPOLLUTED AIR AND WATER. ALSO NOISE LEVELS HAVE BEEN NIL. EVERYTHING WE LOVE ABOUT THIS AREA WILL BE ADVERSELY AFFECTED. THIS RIVER VALLEY ALSO HAS A FRAGILE ECOSYSTEM. DECADES OLD CYPRESS TREES LINE THE RIVER, WHICH PROVIDES HABITAT FOR DEER, WILD TURKEY, QUAIL, SMALL ANIMALS (FOX, SKUNK, COONS, ETC.) THE RIVER AREA PROVIDES FISHING, BOATING AND SWIMMING FOR RESIDENTS. THIS WILL ALL DISAPPEAR! HOUSING VALUES WILL PLUMMET NOW. WE WILL BE UNABLE TO SELL OUR HOMES. WOULD YOU WANT YOUR HOME OR BUSINESS NEXT TO A ROCK-CRUSHER? OUR HOME AND LAND IS OUR LARGEST INVESTMENT. WE'VE TRIED TO BE GOOD STEWARDS OF OUR PROPERTY, AND NOW THIS PIT ROCK-CRUSHER WILL ERASE OUR EFFORTS. WE REQUEST A HEARING SO THAT ALL OUR CONCERNS CAN BE VOICED.

The location and distance of my property from the proposed facility is:
WITHIN (1) ONE MILE AND DOWNSTREAM.

I use my property by:
COASTAL BERMUDA HAYING OPERATION
RESIDENCE, ORGANIC GARDENING

GALLAND
143 CENTER POINT DR.
CENTER POINT, TX 78010

RECEIVED
OCT. 03 2005
TCEQ MAIL CENTER

OFFICE OF THE CHIEF CLERK
MC-105
TEXAS COMM. ENVIRONMENTAL QUALITY
P.O. BOX 13087
AUSTIN, TX. 78711-3087

Give formal oral comment (3)

OPA
JAN 24 2006
BY

CHIEF CLERK'S OFFICE
2006 FEB -2 PM 1:34

# TCEQ Public Participation Form
## Wheatcraft, Inc.
## Public Meeting
## Proposed Air Quality Permit No. 76508
## Tuesday, January 24, 2006

PLEASE PRINT:

Name: ANN GALLAND

Address: 143 Center Pt. DR.

City/State: Center Point TX Zip: 78010

Phone: (830) 634-7668

☐ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☑ No

If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☑ I wish to provide formal oral comments.

~~Will submit later~~ Submitted

☑ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

ANN + Steve Gilland
143 Center Point DR
Center Point, Tx 78010

# FORMAL COMMENTS

## AREAS OF CONCERN - FOR THE RECORD

PERMIT - CONCRETE CRUSHING
SILICA - SILICOSIS

I. AIR CONTAMINANTS - re: your own letter + AARC ENGINEER Li "MAJOR AIR POLLUTI is generated (under Process Description

HEALTH ISSUES - children + adults
SCHOOLS, STADIUM, etc.
* CANCER, SILICOSIS -
ASTHMA
LUNG DISEASE

AGRI-BUSINESS - EFFECTS ON LIVESTOCK, HAY Operatio
PECAN GROVES, PLANT NURSERY (1-2 mi of facilit

PREVAILING WINDS - Carry pollutants farther
no air monitoring - why not?

II. WATER /

MASSIVE USAGE - from what sources? ~~River~~ / WELL.
CONTAMINATION, RUN-OFF, WATER TABLES?
HOW MONITORED, WATER QUALITY OF Wells
HOW DO WE OBTAIN A HEARING RE: WATER ISSUES

III NOISE

IS AMPLIFIED IN VALLEY
BLASTING/VIBRATION - CONSTANT ALREADY -
TRUCKS + BEEPING, Seismograph? Vib. monitor?
BLAST EFFECTS ON ROCK STRATA
supporting water tables, wells
WILDLIFE STRESS

IV PHYSICAL DEGRADATION OF RIVER VALLEY - NATURAL BEAUTY SCRAPED AWAY
POLLUTION affects OUTDOOR RECREATION - i.e.
River fishing, boating, swimming
NO ARCHEOLOGICAL STUDIES MADE?
(CORP OF Engineers in Flood plain)
WHAT ABOUT RECLAMATION?

V DEVALUATION
LAND, HOMES, Businesses - no community growth

AS COMMISSIONERS OF TCEQ, YOU HAVE A MANDATE:
TO PROTECT OUR STATE'S NATURAL RESOURCES
AS WELL AS THE HEALTH + SAFETY OF ITS CITIZENS.

THE RHODES PIT ROCK QUARRY / WHEATCRAFT INC.
AIR QUALITY PERMIT NO. 76508 MUST BE DENIED!

THIS QUARRY IS LOCATED IN AN AREA WHICH
IS TOTALLY INCOMPATIBLE WITH THE HEALTH AND
WELL-BEING OF THE CENTER POINT COMMUNITY.

OPERATIONS SUCH AS THIS, WHICH POLLUTE THE
AIR + WATER, MUST COMPLETELY CONTROL THEIR
DANGEROUS POLLUTION, OR BE RELOCATED TO
ISOLATED AREAS WHERE THEY WILL NOT THREATEN
THE HEALTH OF INNOCENT VICTIMS.

I RESPECTFULLY REQUEST THAT THIS
PERMIT BE DENIED.

ANN GALLAND
STEVE GALLAND
143 Center Pt. DR
(830) 634-7668

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 OCT -3 AM 10: 23
CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

OPA
OCT 03 2005
BY

Name : David Gray

Address: 5983 Hwy 27 E

CENTER POINT, TX 78010

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

NSR 49657

I would like to inform the TCEQ that

The idea of rock crushing and/or cement crushing ½ mile down the river from my permanent home disturbs us.

The southeast wind would carry the dust straight to our deck and outdoor living area. We understand the mining is there to stay, but the apparatus to grind the rock is scary.

Suzie + David Gray

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name: DONALD H. GREER and MARY B. GREER

Address: P.O. BOX 256

CENTER POINT, TX 78010

OPA NSR 49657

OCT 04 2005

BY gb

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

My wife and I are residents of Center Point, Texas.

We own real property physically located at 150 Spanish Oak, Center Point, Texas

Our property is located approximately three miles northwest of the site where applicant for the above permit intends to install a rock crushing facility.

Because of the prevailing southeasterly wind currents in this area, we are concerned about dust emissions from the rock crushing facility and the resulting detrimental effect to our health and to the environment of the area.

We protest the granting of the proposed permit.

D H Greer

Mary B Greer

10-3-05

MC

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

CHIEF CLERKS OFFICE
OPA
SEP 27 2005
BY

NSR 49657

Name: MARION L. STiles HACKER

Address: 422 CHINA ST.

CENTER POINT TX 78010

Daytime telephone number: (830) 634-2108

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I am 81 yrs old and moved to the hill country because the air quality was so bad in the Houston area. My son Jeffrey lives with me. He is 59 yrs old and suffers from asbestosis and silicosis. He and his wife moved out of Deer Park, Texas because of the air quality in that area. Any pollution of any kind would worsen his condition, especially airborne pollution as the rock and quarry site would affect him as we live within the 3000 ft radius of this site.

What can we do to keep this site from getting a permit

The location and distance of my property from the proposed facility is:

Within 3000 ft radius. As we are across the river from this site

I use my property by:

raising hay and raising goats

CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

WSR 49657

Name : MARION L. STiles HACKER

Address: 422 China ST

Center Point, TX 78010

OPA
SEP 27 2005
BY KG

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

I have many concerns regarding the operation of a quarry and rock crusher at the proposed site in Center Point Texas. There are many health issues that would directly affect my family at our home at 422 China St in Center Point Texas. We live well within the 3000 FT radius of the pit. I am 81 years old and the dust and debris could worsen my health and keep me from being able to go outside. Or worse my son Jeffrey and his wife sheila live with me and Jeffrey moved from Dee Park Texas because he suffers from asbestosis and silicosis and any airborn pollution of any kind would surely worsen this already compromised breathing.

Please let us know what we can do to keep this operation from getting a permit and keep our air and water clean.

NSR/49657

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name : Jackie Hamlyn

Address: 131 Verde Hills Drive

Center Point, TX 78010

OPA

H SEP 22 2005

BY

I request a local public hearing. ✓

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

we the residents of Center Point take offense at the thought of our community being marred by the negative output of such a business as wheatcraft proposes. It is not only the air we are concerned about but also the damage to the river and thus to the wild life which are affected by the quality of the river water.

PLEASE! we don't want this business here!

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

Name: Ms. Jackie Hamlyn

Address: 131 Verde Hills Drive
Center Point, TX 78010

Daytime telephone number: (830) 634-7776

OPA
SEP 22 2005
BY

NSR 49657H

I request a contested case hearing. ✓

I will be specifically affected by the above proposed facility in that I
am concerned for our air quality here in Center Point. We have been known to have the healthiest climate anywhere and I don't want that to change. We have many with allergy problems to chest irrites.

The location and distance of my property from the proposed facility is:
About 2 miles

I use my property by:
enjoying the quiet & beauty of the area and I think this business would take away drastically from that.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 SEP 26 AM 10: 00

CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name : Georgianna Haught

Address: P.O. Box 1480

Center Point, TX 78010

OPA

SEP 26 2005

BY RG

✓ I request a local public hearing.

I request to be placed on the mailing list for the above permit.

NSR 49657

I would like to inform the TCEQ that

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

2005 SEP 26 AM 10: 00

CHIEF CLERKS OFFICE

Name: Georgianna Haught

Address: P. O. Box 1480

Center Point, TX 78010

Daytime telephone number:

OPA

SEP 26 2005

BY

NSR 49657 H

✓ I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I

Environmental issues:

1. air pollution
2. river pollution
3. noise pollution
4. impact of heavy trucks on the highway. - usually destroy the roads.

The location and distance of my property from the proposed facility is:

1/2 miles

I use my property by:

I use it as my residence

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 SEP 26 AM 10: 01

CHIEF CLERKS OFFICE

NSR 49657

OPA

SEP 26 2005

BY

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

Name: William E. Haught

Address: PO Box 1480
Centerpoint, TX 78010

Daytime telephone number: 830 634-2684

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I
Live within 1.5 air miles of this proposed facility and am strongly opposed to granting the permit because of following:

1. Ground water. Water quality. This area relies on wells. The plant will no doubt use water and/or petroleum products in dust abatement efforts.
2. Site is located in very close proximity to the Guadalupe River and waste run-off and dust on the surface of same is not acceptable.
3. If blasting is part of operation, how is it to be secured? Where is the nitro stored.
4. Diesel emissions from trucks?
5. Eco-system recovery. Are there provisions for the recovery of this land.
6. Large increased traffic on county road Hwy 27 - entrance pit
7. Public health as to particulate matter

The location and distance of my property from the proposed facility is:
1.5 air miles

I use my property by:

8. Too close to existing houses + Center Point School
9. Company is at this time running a separation of soils at this site without any oversight as I see it now. Been in operation and getting bigger for only a short time.
10. Object strongly to noise pollution of this kind. Built home recently in this area due to quiet environment.

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2005 SEP 26 AM 10: 01

CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name : William E. Haught

Address: PO Box 1480

CenterPoint, TX 78010

OPA
SEP 26 2005
BY

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that : see attached.

NSR
119657

REQUEST FOR CONTEST HEARING on Proposed Air Quality Permit No. 76508
By Applicant Wheatcraft, Inc.

CHIEF CLERKS OFFICE

Name: Nina Kinney

Address: 315 Red Bird Loop
P.O. Box 215
Center Point, TX 78010

OPA
H JAN 13 2006
BY

Daytime telephone number: 830-634-2448

I request a contested hearing.

NSR 49657

**I will be specifically affected by the above proposed facility in that:**

I have lived and ranched for 37 years uphill from this site, in direct view of the land whose proposed use as a quarry is in now question.

I have chronic bronchitis. Corrosive lime dust and every kind of airborne waste from this operation would certainly blow onto my property, and into my lungs, detrimental to my breathing and also that of the sensitive exotic livestock in which I have specialized for decades. Water sprayers on the rock machines are no comfort, when to whatever degree they are actually used to reduce dust in the air, they directly increase its pollution of the Guadalupe River, bordering Wheatcraft's facility.

A new volume of large truck emissions, the stink of explosives, and other equipment exhaust, will add to the toxic irritation in every direction.

Wheatcraft's operation here will degrade my health, and the fresh air, peace and quiet which I have enjoyed in this neighborhood since 1968, and had hoped for until now in semi-retirement. Heavy equipment and vehicles loaded with tons of rock will hazard our safety, damage our local roads, compounding the aggravation.

Wheatcraft's quarry in Kerrville is hidden from the road by a thin row of trees and raised dirt. It is the ugliest wound in the earth for miles around. Devastation like that cannot be accomplished without years propelling tons of rock dust and other debris into the air.

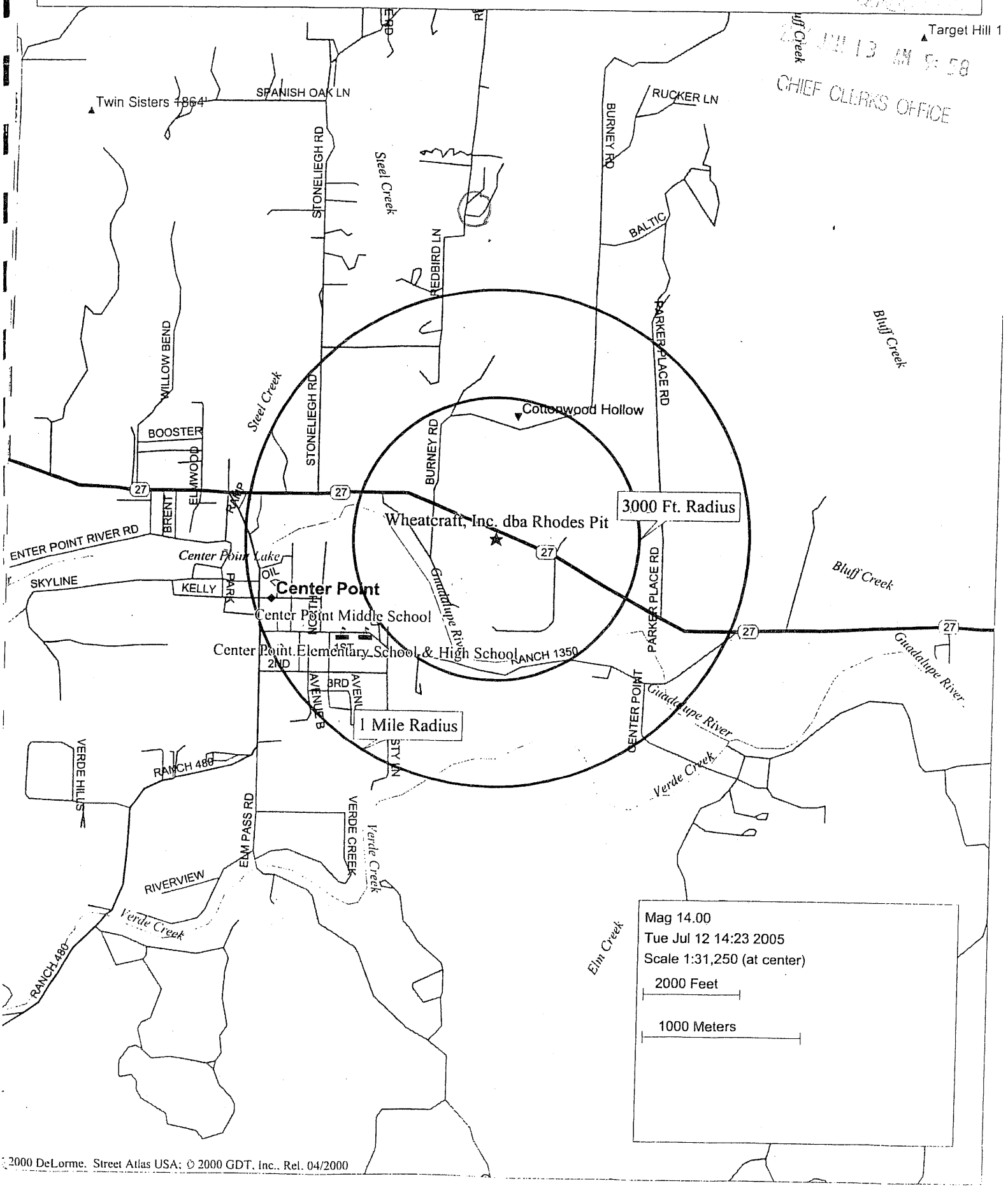
The Wheatcraft land in Kerrville is now stripped down to bare, chewed-up rock and huge standing water pits. That property was efficiently exploited with no apparent vision or hope for its future. It was dug so deep, and so completely torn up, that we will never see that land restored in our lifetimes.

The threat to our air quality is enough reason to deny this permit, but neither can we ignore the damage to surrounding property values and to all aspects of our environment. Having seen the result already, how many more permanent giant open sores shall we invite them to carve into this part of Texas?

**The location and distance of my property from the proposed facility is:** 1 mile north.

**I use my property by:** for ranching and as my primary residence.

# Wheatcraft, Inc. dba Rhodes Pit




2000 DeLorme. Street Atlas USA: © 2000 GDT, Inc., Rel. 04/2000

JUL 13 AM 9:58
CHIEF CLERKS OFFICE

Wheatcroft 1.2.813

REQUEST FOR CONTEST HEARING on Proposed Air Quality Permit No. 76508
By Applicant Wheatcraft, Inc.

2005 SEP 27 AM 9:42
CHIEF CLERK'S OFFICE
OPA
SEP 27 2005
BY

Name: Nina Kinney

Address: 315 Red Bird Loop
P.O. Box 215
Center Point, TX 78010

Daytime telephone number: 830-634-2448

I request a contested hearing.

**I will be specifically affected by the above proposed facility in that:**

I have lived and ranched for 37 years uphill from this site, in direct view of the land whose proposed use as a quarry is in now question.

I have chronic bronchitis. Corrosive lime dust and every kind of airborne waste from this operation would certainly blow onto my property, and into my lungs, detrimental to my breathing and also that of the sensitive exotic livestock in which I have specialized for decades. Water sprayers on the rock machines are no comfort, when to whatever degree they are actually used to reduce dust in the air, they directly increase its pollution of the Guadalupe River, bordering Wheatcraft's facility.

A new volume of large truck emissions, the stink of explosives, and other equipment exhaust, will add to the toxic irritation in every direction.

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Wheatcraft's quarry in Kerrville is hidden from the road by a thin row of trees and raised dirt. It is the ugliest wound in the earth for miles around. Devastation like that cannot be accomplished without years propelling tons of rock dust and other debris into the air.

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The threat to our air quality is enough reason to deny this permit, but neither can we ignore the damage to surrounding property values and to all aspects of our environment. Having seen the result already, how many more permanent giant open sores shall we invite them to carve into this part of Texas?

**The location and distance of my property from the proposed facility is:** 1 mile north.

**I use my property by:** for ranching and as my primary residence.

September 12, 2005

NSR 49657

H OPA
SEP 14 2005
BY

Chief Clerk
TCEQ
PO Box 13087
Austin TX 78711-3087

RE: Request for a Contested Case Hearing
Application 76508

Dear Mr. Chief Clerk:

Wheatcraft Inc. has applied for a permit to put a rock crusher and quarry on Highway 27 in Center Point Texas. The location of the crusher and quarry raises many questions about the air pollution resulting from this operation.

I am requesting a contested case hearing so we can find out what the real impact of the operation of this business will be. There are existing homes in the immediate area (including my own), as well as by their own application, 3 schools with 3,000 feet of this operation.

Please let a full hearing inform everyone as to what will happen to everyone concerned.

Sincerely,

John C. Kovacs
428 China Street
Center Point TX 78010

September 12, 2005

H OPA

SEP 12 2005

BY

Chief Clerk
TCEQ
PO Box 13087
Austin TX 78711-3087

RE: Request for a Contested Case Hearing
Application 76508

NSR
49657

Dear Mr. Chief Clerk:

Wheatcraft Inc. has applied for a permit to put a rock crusher and quarry on Highway 27 in Center Point Texas. The location of the crusher and quarry raises many questions about the air pollution resulting from this operation.

I am requesting a contested case hearing so we can find out what the real impact of the operation of this business will be. There are existing homes in the immediate area (including my own), as well as by their own application, 3 schools with 3,000 feet of this operation.

Please let a full hearing inform everyone as to what will happen to everyone concerned.

Sincerely,

John C. Kovacs
428 China Street
Center Point TX 78010

Sep 12 05 02:28p Kovacs 830-755-6494 p.2
From:8307556494 Sep 12 2005 14:29 P.02

The Kovacs Group
28991 IH 10 W Suite 280
Boerne TX 78006
210-530-0202
fax 830-755-6494

Date: 9/12

To: Chief Clerk

Company:

Fax #:

From: John Kovacs

Message:

Total number of pages included in this fax _____ (including cover page). If problems occur with the receipt of this fax, please contact Sheri at 210-530-0202.

Sep 12 05 02:28p Kovacs 830-755-6494 p.1
From:8307556494 Sep 12 2005 14:29 p.01

Gave form & comment (5)

CHIEF CLERKS OFFICE

# TCEQ Public Meeting Form

Thursday, November 9, 2006

## Wheatcraft, Inc.
## Proposed Air Quality Permit
## 76508

PLEASE PRINT:

Name: JOHN KOVACS

Address: 428 CHINA ST.

City/State: CENTER POINT TX Zip: 78010

Phone: (830) 634-7332

☐ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☐ No

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☑ I wish to provide formal oral comments.

☐ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this to the person at the information table. Thank you.

Have formal oral comment
Submitted map + photos

(4)

# TCEQ Public Participation Form
## Wheatcraft, Inc.
## Public Meeting
## Proposed Air Quality Permit No. 76508
## Tuesday, January 24, 2006

OPA
JAN 24 2006
BY

CHIEF CLERKS OFFICE
03 FEB -2 PM 1:38
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

PLEASE PRINT:

Name: JOHN KOVACS

Address: 428 CHINA ST.

City/State: CENTER POINT Zip: 78010

Phone: (830) 634-7332

☐ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☑ No

If yes, which one?

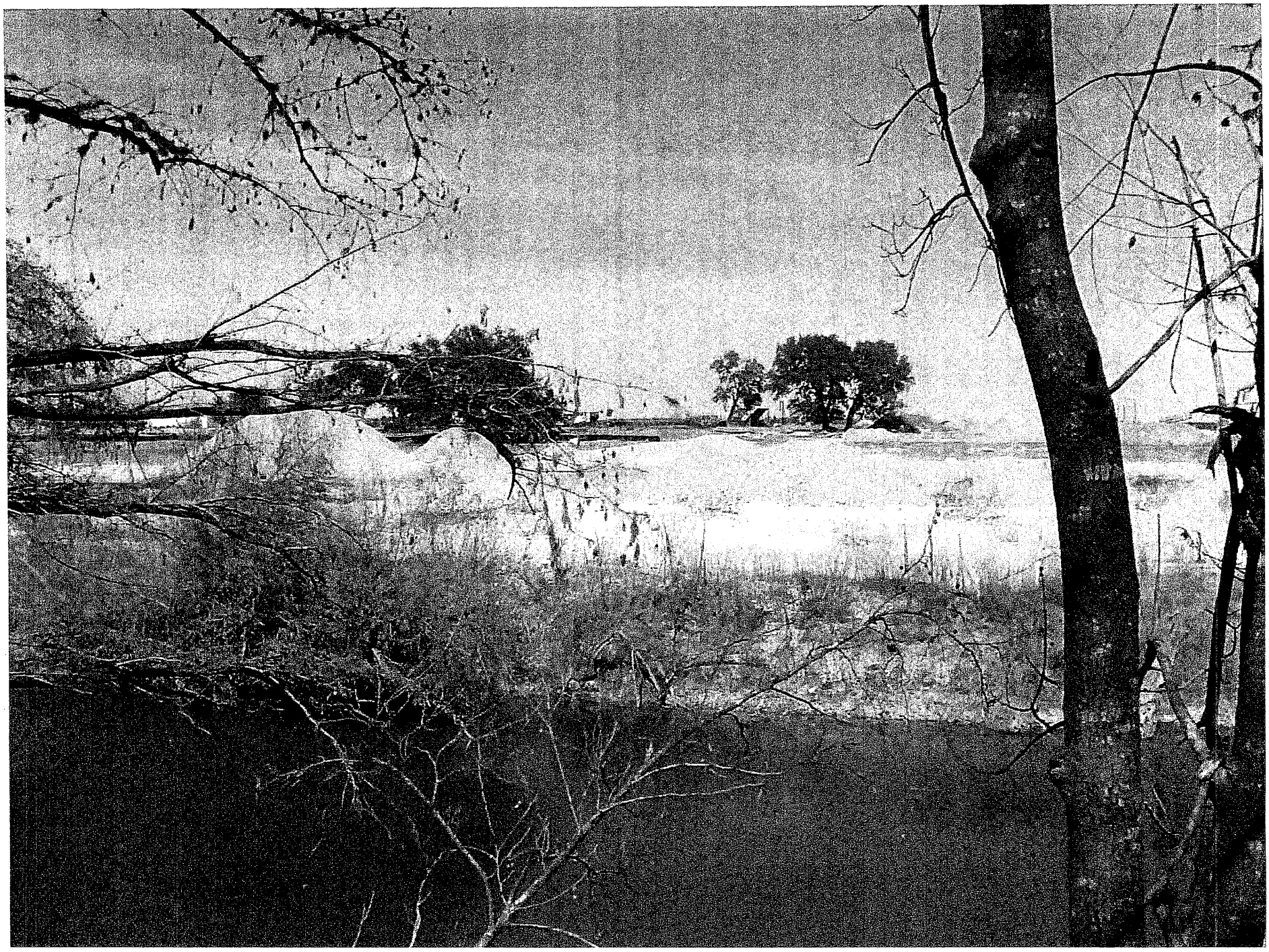
IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☑ I wish to provide formal oral comments.

☐ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

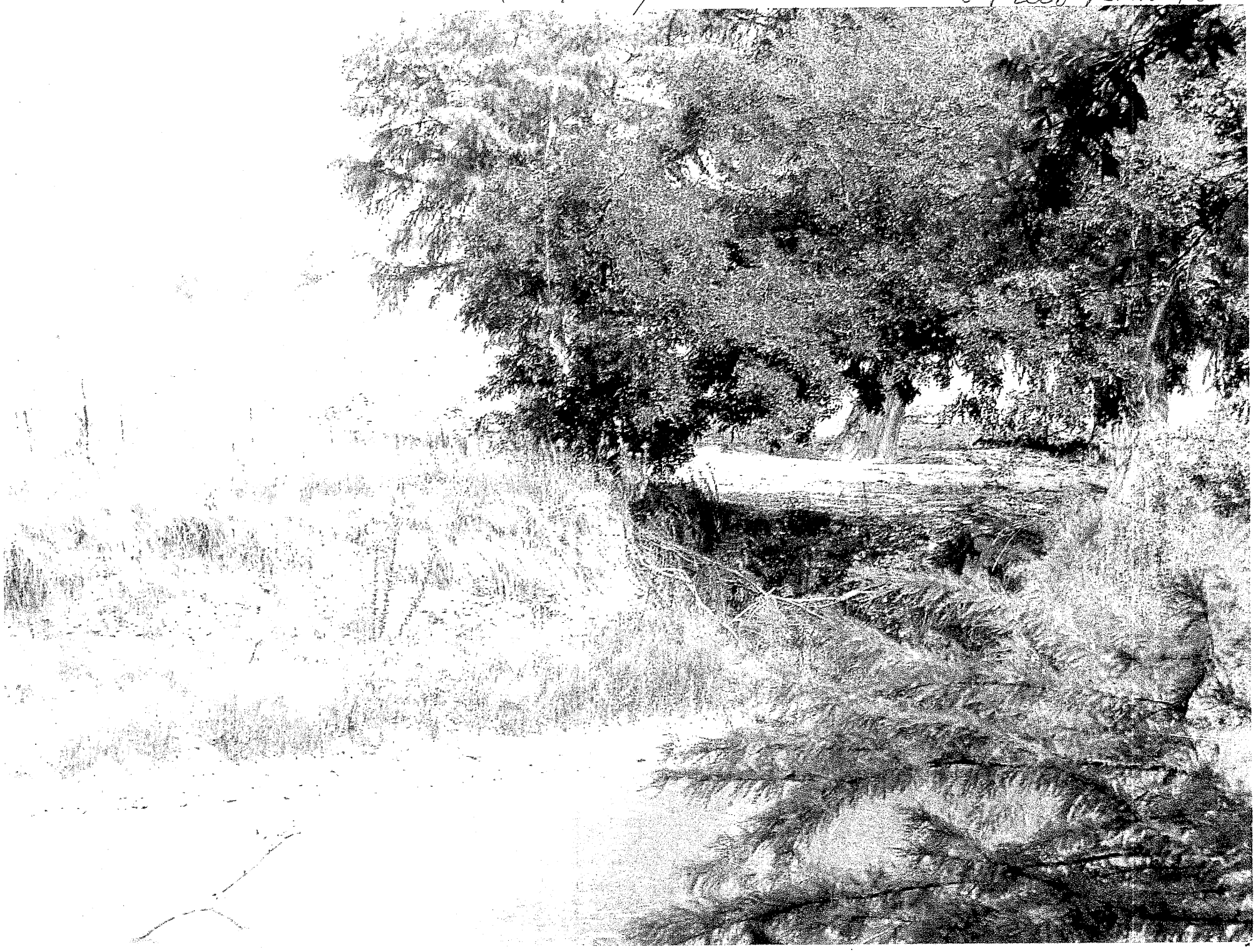
Please give this to the person at the information table. Thank you.



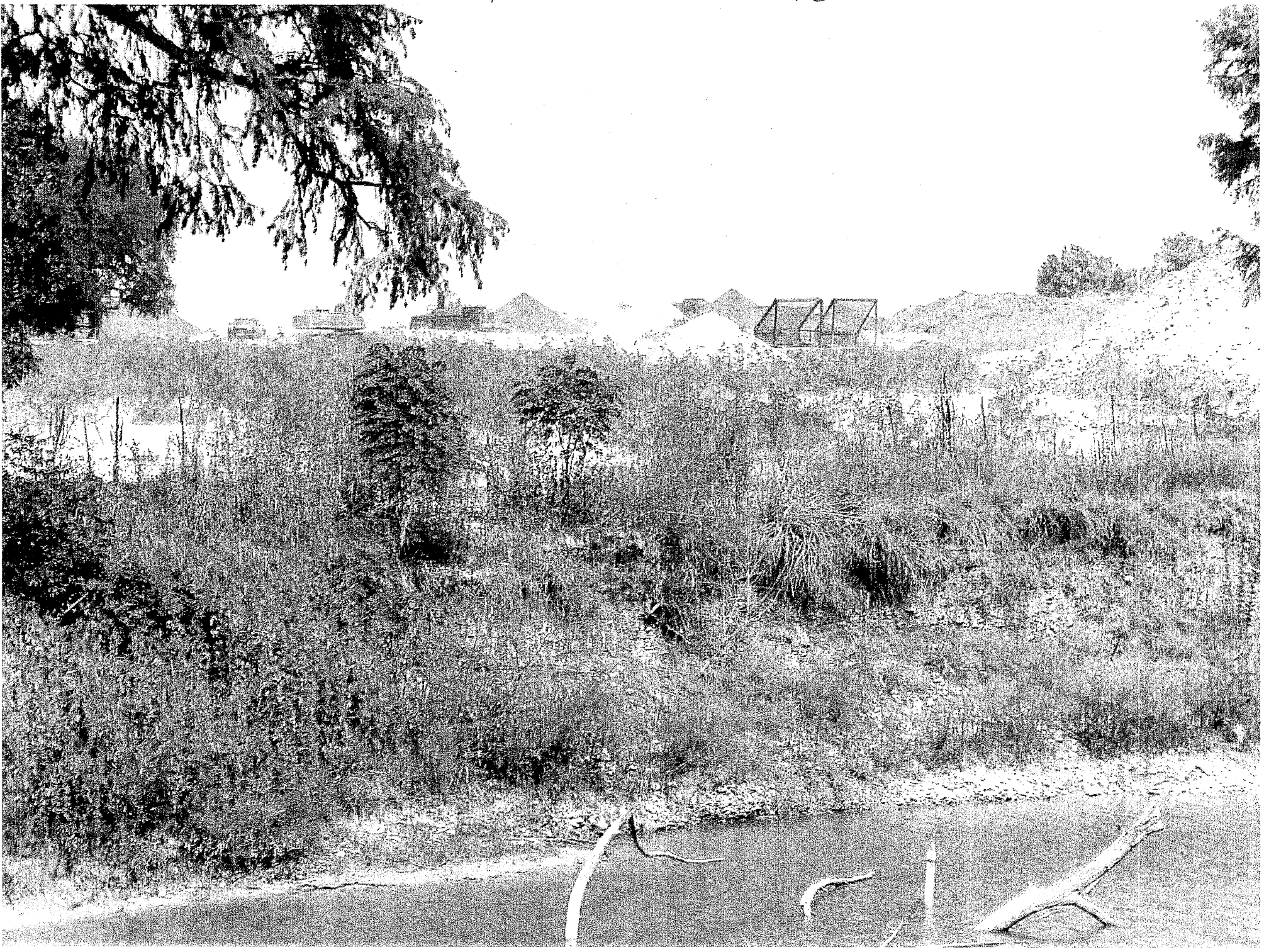
View directly across Guadalupe River from Rhodes Pit operation on Hwy 27 on 1/23/06

View directly across Guadalupe River from Rhodes Pit operation on Hwy 27 on 1/23/06

PROXIMITY TO RIVER - NO FLOOD PLAIN PERMIT



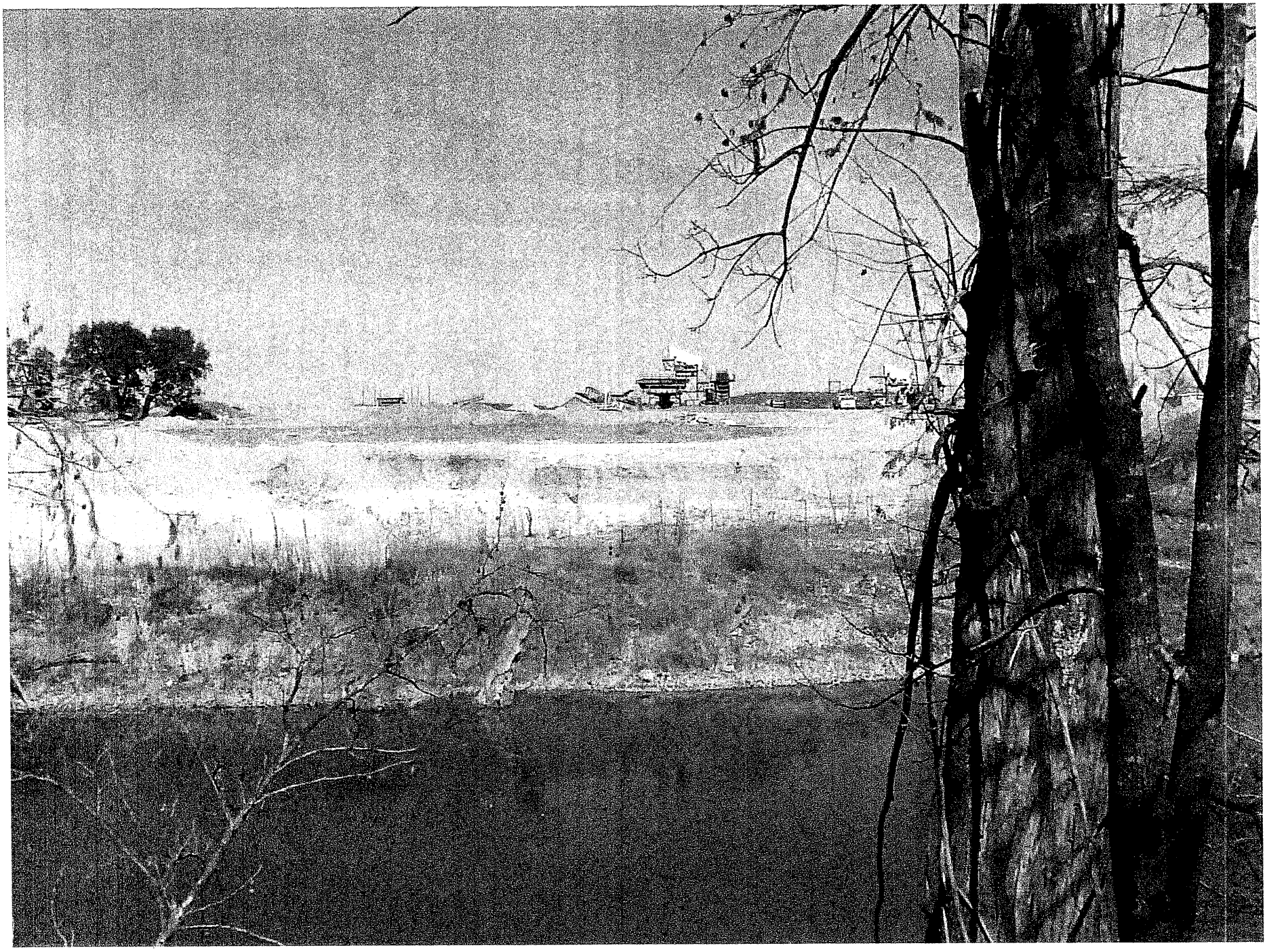
MINING IN OPERATION - NO PERMITS



FROM HWY 27 ~TOO CLOSE TO STATE HWY

DUST FROM TRUCK — ALSO SPEED IN EXCESS OF 5 MPH

DUST - NO SPRINKLER



View directly across Guadalupe River from Rhodes Pit operation on Hwy 27 on 1/23/06

January 10, 2006

Office of the Chief Clerk
Texas Commission on Environmental Quality
Mail Code MC-105
P. O. Box 13087
Austin, TX 78711-3087

2006 JAN 17 AM 10:35
CHIEF CLERKS OFFICE
OPA
JAN 17 2006
BY

Re: Air Quality Permit #76508 for Wheatcraft, Inc.

To Whom It May Concern:

I request a Contested Case Hearing for the proposed Air Quality Permit #76508 for Wheatcraft, Inc.

My family and I permanently reside approximately 1.5 miles north of the proposed site. My husband and son have severe allergies to air borne pollutants and take medication daily. We also raise livestock, and I believe that an operation of this nature will cause respiratory problems to both animals and people.

Respectfully,

Kay Kyle

Kay Kyle
600 Bluff Creek Rd
Center Point, TX 78010
(830) 634-2917

2005 SEP 28 AM 9:40

CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

OPAH

SEP 28 2005

BY JS

Name : Kay Kyle

Address: 600 Bluff Creek Rd

Center Point TX 78010

NSR/49657

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

That I oppose the operation of a rock crusher by Wheatcraft, Inc. in Center Point, Texas because of the harmful particulate matter the will be released into the air. My home is less than one mile from the proposed site. I raise livestock there also. My family takes medication for allergies. I work for Center Point ISD which is even closer to this site and believe that the children of this community should not be subjected to this harmful dust nor should they have to hear the diesel engines and the jaw crusher all day while trying to focus on their education. I am also concerned about the traffic on Hwy 27. Where is the 700 gallons per minute of water coming from? Is it coming from the river or the ground water table we all draw our drinking water from? What happens during a drought situation? What happens to the river when all this contaminated water runs back into it? How can you allow a company thats only financial benefit is to its owner come into a community harm our children and families, destroy our landscape, fill our air with pollutants, use up our precious water supply and the leave us with an empty hole in the ground?

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

2005 SEP 28 AM 9:40
CHIEF CLERKS OFFICE

Name: Kay Kyle

Address: 600 Bluff Creek Rd
Center Point Tx 78010

OPA #

Daytime telephone number: 830 634-2917

SEP 28 2005

BY

NSR 49657

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I

work for Center Point ISD

have allergies
my son and husband also have allergies

concerned about the increased traffic on Hwy 27. There is a curved between my driveway and plant entrance which makes turning left dangerous.

concerned as to where the 700 gallons per minute of water will come from.

The location and distance of my property from the proposed facility is:
less than one mile

I use my property by:
raise livestock
my permanant residence

Kay Kyle & ~~[illegible]~~ (16)

spoke — ~~[illegible]~~ submitted written comments previously + other comments already covered.

# TCEQ Public Participation Form

## Wheatcraft, Inc.

## Public Meeting

## Proposed Air Quality Permit No. 76508

## Tuesday, January 24, 2006

CHIEF CLERKS OFFICE

2006 FEB -2 PM 1:37

PLEASE PRINT:

Name: Bill + Kay Kyle

Address: 600 Bluff Creek Rd

City/State: Center Point TX Zip: 78010

Phone: (830) 634-2917

☐ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☒ No

If yes, which one?_____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☒ I wish to provide formal oral comments.

☐ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

January 10, 2006

Office of the Chief Clerk
Texas Commission on Environmental Quality
Mail Code MC-105
P. O. Box 13087
Austin, TX 78711-3087

CHIEF CLERKS OFFICE

OPA

JAN 18 2006

BY

Re: Public meeting for proposed Air Quality Permit #76508
for Wheatcraft, Inc.

DSR 49657

To Whom It May Concern:

The following are concerns that I would like discussed during the Formal Comment Period of the Public Meeting on January 24, 2006.

- Has Mr. Wheatcraft gotten his diversion rights for his 50 acre-feet of water for agricultural purposes changed to reflect the proposed use at the Hwy 27 location and the proposed mining purposes?

- Is there now a completed "air dispersion model" and what was the result of such model?

- Why is there no proposed "ambient air monitoring" to provide comparison during future operations at the Hwy 27 location?

- Why was there no archaeological study conducted before breaking ground for this operation, when the operation is located in a historically significant sector of the county?

- How much ground contamination can be expected from fossil fuels from the increased vehicle traffic and the machinery at the site?

- How much contamination of the river and the nearby crossing downstream can be expected from sediment?

- Can Mr. Wheatcraft clarify whether he proposed to crush only rock from the site, or rock from the site in addition to rock from elsewhere? Will there be crushing of concrete at this site? The parameters published on the TCEQ website do not distinguish clearly what this permit #76508 will include.

- Are any of the planned materials prone to cause or aggravate pulmonary fibrosis or other respiratory health issues? It is known that approximately 25% of the student body, faculty and staff of Center Point, ISD, which is in close proximity to this site, suffer from respiratory conditions.

- Where will the necessary water at the rate of 700 gal./minute come from and what will be its disposition and conditions of use.

- Why does the permit application request authorization for operations 12 hours/day, 7 days/week, 364 days/year when the TCEQ limits such operations of rock crushers to 180 days/year, maximum?

- Why was the environmental impact comment in the application entered without a site visit by the personnel filling out the application? The map accompanying the application is obsolete and does not indicate accurately the degree of established residential development, which would be within the TCEQ's published setback limits for residences, schools, churches, fences or highways not under construction or repair?

- Does Mr. Wheatcraft have a plan in place in the event of flooding? This area along the Guadalupe and Hwy 27 often flood in heavy rains.

- Since Mr. Wheatcraft has already been found in violation of TCEQ rules and been cited for disturbing the peace, what assurance do we have that the he will abide by all of the regulations and quality control methods that a permit of this nature will require? Will this site be monitored regularly? Would such visits be unannounced?

Thank you for the opportunity to express my concerns over this matter and will welcome your comments during the meeting.

Respectfully,

Kay Kyle

Kay Kyle
600 Bluff Creek Rd
Center Point, TX 78010
(830) 634-2917

26057 CCO

**Center Point Alliance for Progress**
P.O. Box 491
Center Point, Texas 78010

RECEIVED
OCT 06 2005
EXECUTIVE DIRECTOR
2005 OCT 10 PM 2:17
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

October 4, 2005

Executive Director
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087

OPA
OCT 11 2005
BY

Dear Sir:

The Center Point Alliance for Progress is a civic organization whose purpose is to work for the betterment of its community.

Wheatcraft, Inc., proposes to establish a rock crushing facility on the banks of the Guadalupe River in close proximity to our schools and numerous homes. This is of major concern to all who live in this community.

We believe the Wheatcraft Inc., Application No. 76508 is deficient in many areas and the health and safety of the community, its schools and children have not been adequately addressed in said application.

Therefore, the Center Point Alliance for Progress at its meeting of October 4, 2005, voted unanimously to urge the TCEQ to conduct a local public hearing on this matter at the earliest possible date, and thereafter to authorize a Contested Case Hearing.

Thank you for your consideration of this request.

Sincerely,

Glenda Lackey

Glenda Lackey, President

c. Hon. Rep. Harvey Hilderbran
Hon. Sen. Troy Fraser
Kerr County Commissioners' Court
Upper Guadalupe River Authority
Headwaters Groundwater Conservation District

CCO

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

Name: T.H. Lackey

Address: P.O. Box 157
Center Point, TX 78010

Daytime telephone number: 830-634-7783

RECEIVED
OCT 06 2005
EXECUTIVE DIRECTOR

NSR
49657

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I
Am concerned for the welfare of the community as a whole. The dust effecting the school children + elderly who have trouble breathing

2005 OCT 10 AM 9:14
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

The location and distance of my property from the proposed facility is:
539 FM 480. Approx. 5 miles

I use my property by:
homestead + Agriculture

OPA HR
OCT 11 2005
BY

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name : T.H. LACKEY

Address: P.O. BOX 157

Center Point, TX 78010

NSR 49657

CHIEF CLERKS OFFICE

2005 OCT 10 PM 2:17

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

I have A daughter that has A foster home In that Area. One Child has A problem with Asthma. I Am Concerned that this will Aggravate the problem even more. She Also has other Children in + out that would possible be Affected.

I Am Not Against them having A business. I have A business of my own. Just concerned About the Air Control Her Land is About 3 miles Away from propsed sight.

OPA HR

OCT 11 2005

BY

14 September 2005

OPA

H

SEP 22 2005

BY

Chairman
Texas Commission on Environment Quality
P.O. Box 13087
Austin, Texas 78711-3087

NSR
49657

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 SEP 22 PM 2:35
CHIEF CLERKS OFFICE

Dear Sir:

I am a landowner across the Guadalupe River from a proposed rock grinding operation proposed by Wheatcraft.

This would seriously affect the serenity of our quality of life and the land values of the area.

Please oppose this application request #76508. I request a "Contested Case hearing"

Sincerely -

Juliana M. Leonard
485 China Street
Center Point, Texas
(P.O. Box 953
Center Point, Tx 78010)
830-634-2673

14 September 2005

NSP 49657

Chairman
Texas Commission on Environment Quality
P.O. Box 13087
Austin, Texas 78711-3087

2005 SEP 15 PM 2:47
CHIEF CLERKS OFFICE

OPA
SEP 14 2005
BY

Dear Sir:

I am a landowner across the Guadalupe River from a proposed rock grinding operation proposed by Wheatcraft.

This would seriously affect the serenity of our quality of life and the land values of the area.

Please oppose this application request #76508. I request a "Contested Case hearing".

Sincerely -

Juliana M. Leonard
485 China Street
Center Point, Texas
(P.O. Box 953
Center Point, Tx 78010)
830-634-2673

To: Chairman
Texas Commission on Environment Quality
512-239-3311

From: Juliana M. Leonard
(485 China st) P.O. Box 953
Center Point, Tx 78010

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 SEP 15 AM 9:41
CHIEF CLERKS OFFICE

August 16, 2006

HR OPA
AUG 17 2006
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 AUG 17 AM 10: 12
CHIEF CLERKS OFFICE

Office of the Chief Clerk, MC-105
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Re: Wheatcraft Proposed Air Quality Permit #76508

Dear Clerk:
Am a resident, at 155 J J Lane, in Center Point, TX. My home is located within 2,000 feet of the proposed Wheatcraft rock crusher. Because of my respiratory problems, I am against the issuance of this permit. My home is located northwest of the rock crusher which is the direction the wind most often blows.

The second and very important reason for not issuing this permit is the rock crusher's proximity to the Center Point Schools—3,000 feet. Actually, the ag barn, where the FFA and 4H hold classes and some maintain their animals, is closer than 3,000 feet--as are the art classes, athletic field for pe classes, and the bus barn. The field where the band practices is even closer to the rock crusher location. And, the shop where home construction is taught is located within 2,000 feet of the rock crusher. To refresh your memory, the Center Point Independent School District Board (elected officials) sent you a letter requesting you deny Wheatcraft an air permit because 25% of the students and faculty suffer from respiratory problems, which are documented and on file in the school nurse's office. The Board, in the same letter, requested a contested case hearing.

TCEQ H&S Code Section 382.052 states; "the commission shall consider possible adverse short-term and long-term effects of air contaminants if the facility is within 3,000 feet of an elementary, junior high, or senior high." The Center Point School system encompasses all grades at one location.

There are many other homeowners located within a one half mile radius of this rock crusher. We were here first.

It seems no one is capable of concern about the damage to the Guadalupe River until it has been physically damaged; so that, we can point to the damage and say ah, yes, it is damaging the river.

At the present time, Kerr County is experiencing a drought, the river is down, well levels are down, and Kerr County and Kerrville (City) have mandatory water rationing. The water this rock crusher is going to consume to keep particulate matter under control will deplete an already low water table.

I respectively request a public hearing and a contested case hearing.

Sincerely,

Edgar R. Ligon, Jr.
P. O. Box 290583
Kerrville, TX 78029-0583

Cc:
Rep. Harvey Hilderbran
Sen. Troy Fraser
County Commissioner Bill Williams
Mr. Ray Buck, General Manager, UGRA
Mr. Gene Williams, General Manager, Headwaters Groundwater Conservation District

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2006 JAN 18 AM 9:45

CHIEF CLERKS OFFICE

January 16, 2006

Office of the Chief Clerk, TCEQ
Mail Code: MC-105
P.O. Box 13087
Austin, TX 78711-3087

NSR
49657

OPA

JAN 18 2006

BY

Reference: Proposed Air Quality Permit No. 76508

Comments submitted prior to the January 24, 2006 TCEQ meeting in Center Point, TX.

Am a resident, of Center Point, Texas, and located approximately one half mile, up wind, of Wheatcraft's proposed quarry rock crusher. Am located between the Wheatcraft mining and the Center Point all grade school. Suffer from dust allergies and the peace at my home would be jeopardized by the operation of a rock crusher. Am concerned about the students and staff, at Center Point School (all grades), located approximately 2000' from the proposed rock crusher operation. The Center Point School Board and Center Point School Superintendent are, on record with TCEQ, opposing the issuance of Air Quality Permit No. 76508. I, too, am opposed to the issuance of Air Quality Permit No. 76508. The Health and Safety Code, Chapter 382.056 requires the TCEQ to consider the possible adverse short-term and long-term effects of air contaminants to students and staff, and residents within the 3000' area.

Why has this facility been allowed to operate when it will create pollution, contaminate the Guadalupe River, and would render the air and water harmful, detrimental, and injurious to humans, animal life, and vegetation, which is a violation of Texas Water Code, Chapter 26?

Why has this facility been allowed to operate when it will pollute and contaminate the Guadalupe River and impair the usefulness, public enjoyment of the water for any lawful or reasonable purpose, which is a violation of the Texas Water Code, Chapter 26?

Why has this facility been allowed to operate equipment in the beds and banks of the Guadalupe River, which is a violation of TXR 150000?

Why has this facility been allowed to operate, in violation of title 40, part 122, section 2 of the Code of Federal Regulations, which governs waters of the United States, which states that a facility must not interfere with a river (Guadalupe River) which could be used by interstate or foreign travelers for recreational or other purposes?

Why hasn't this facility provided a storm water pollution prevention plan as required by TXR 150000?

Significant issues I would like addressed prior to a permit being issued are:

How does TCEQ propose to guarantee the health and safety of our school children and residents living within 3000' of the proposed rock crusher, in accordance with Chapter 382.056 of the Health and Safety Code?

Concerning the TCEQ Core Data Form signed 7/27/05 and submitted to TCEQ by Mr. Wheatcraft.
Item 6. Mr. Wheatcraft is not a new customer. He has had other quarries.
Item 38. Title V – Air, Industrial and Hazardous Waste, New Source Review – Air, Water Districts, Water Utilities, and Water Rights were not addressed. Why?

Concerning TCEQ Form PI-1, General Application, submitted to TCEQ by Mr. Wheatcraft.
Item VIII. Technical Information

A. Why doesn't the attached area map properly identify the location of the rock crusher and therefore, the rock crusher's proximity to the school and residences?
E. Why isn't there worst-case emissions data, since the health of school children and residents would be effected by the rock crusher's air emission contaminants?

Item IX. State Regulatory Requirements

B. Why isn't the proposed facility required to be able to measure emissions of significant air contaminants with details attached?
E. Why hasn't an atmospheric dispersion model been required, since the health of school children and residents would be effected by the rock crusher's air emission contaminants?
F. Last statement. Why hasn't the facility been required to install additional monitors on adjacent properties, including the school, and why not made available for the school staff and residents to monitor?

Item XI. Copies of This Application

E. Why wasn't the Core Data Form submitted to the EPA Region 6 office in Dallas, Texas?

Table 17 Rock Crushers—Submitted with Wheatcrafts Air Permit Application
Item 6. Maximum acreage covered by stockpiles: 0.4 acres. Wheatcraft has stockpiles that already cover several acres and the stockpile area is increasing daily.

Where is the 700 gallons of water per minute coming from and where will it be dispersed and contained?

Why hasn't an archeological study been required and completed?

How much sediment will be created by water and debris runoff into the Guadalupe River?

How much petroleum and chemical contamination of the ground will occur because of the large volume of trucks, earth moving equipment, and the associated quarry processing equipment?

TCEQ must remember that Wheatcraft has already been cited by TCEQ, for failure to follow TCEQ guidelines. Other Wheatcraft violations are: pumping from the river, operating in the flood plain, failure to have flood control runoff barriers, and septic.

Therefore, TCEQ should deny the Air Permit, based on Wheatcraft's present history. Or, TCEQ should impose stringent controls on Wheatcraft, until Wheatcraft can prove that it will abide by Texas and Federal Laws.

Furthermore, since Wheatcraft has proven it will not voluntarily follow Texas and Federal Laws, all monitoring devices should be placed where the citizens of Center Point would have access to the monitoring devices and instructed in the devices' operation and how to interpret the information provided by the monitoring devices.

TCEQ should take in consideration that this facility will cause noise pollution and will be a public and private nuisance. It will be heard on the Center Point school grounds and the Center Point business district.

I would, also, like to suggest that TCEQ propose to the Texas Legislature, that Texas Regulations be passed that would not allow this type of operation within a five mile radius of a town, school, park, or business.

Thank you,

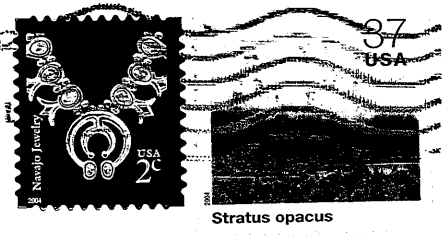
E. Robert Ligon, Jr.

E. Robert Ligon, Jr.
P. O. Box 290583
Kerrville, TX 78029-0583
830-377-7944

E. R. LIGON
POB 290583
KERRVILLE, TX
78029-0583

SAN ANTONIO TX 782

17 JAN 2006 PM 6




OFFICE OF CHIEF CLERK, TCEQ
MAIL CODE: MC-105
P.O. BOX 13087
AUSTIN, TX 78711-3087

RECEIVED
JAN 18 2006
TCEQ MAIL CENTER

78711+3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 SEP 27 AM 9:42
CHIEF CLERKS OFFICE

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

Name: ROBERT LIGON

Address: (Mailing - 155 JJ LANE, CNTR PT., TX)
POB 290583 KERRVILLE, TX 78029-0583

Daytime telephone number: 830-377-7944

OPA
SEP 27 2005
BY KY

WSR/49657

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I
HAVE ALLERGIES WHICH WOULD BE ENHANSED BY THE EMMISSIONS FROM THE PROPOSED FACILITY.

The location and distance of my property from the proposed facility is:
155 JJ LANE, CENTER POINT, TX
LESS THAN 1500' FROM PROPOSED FACILITY

I use my property by:
OWNER / OCCUPANT

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 SEP 27 AM 9:02

CHIEF CLERKS OFFICE

H OPA

SEP 27 2005

BY

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name : ROBERT LIGON

Address: POB 290583

KERRVILLE, TX 78029-0583

NSR/49657

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

MY HEALTH WOULD BE AFFECTED BY THE EMMISSIONS FROM THE PROPOSED FACILITY, WHICH WOULD BE LESS THAN FIFTHTEEN HUNDRED FEET FROM MY RESIDENCE.

Done formal o'l comment (4)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 NOV 20 PM 4:34
CHIEF CLERKS OFFICE

# TCEQ Public Meeting Form

## Thursday, November 9, 2006

## Wheatcraft, Inc.
## Proposed Air Quality Permit
## 76508

**PLEASE PRINT:**

**Name:** ROBERT LIGON

**Address:** POB 290583

**City/State:** KERRVILLE, TX **Zip:** 78029-0583

**Phone:** (830) 377-7944

☐ **Please add me to the mailing list.**

**Are you here today representing a municipality, legislator, agency, or group?** ☐ Yes ☑ No

**If yes, which one?** _____

**IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW**

☑ **I wish to provide formal oral comments.**

☐ **I wish to provide formal written comments at tonight's public meeting.**
**(Written comments may be submitted at any time during the meeting)**

**Please give this to the person at the information table. Thank you.**

MW

Gave formal oral comments
Submitted written comments

(11)

# TCEQ Public Participation Form
## Wheatcraft, Inc.
## Public Meeting
## Proposed Air Quality Permit No. 76508
## Tuesday, January 24, 2006

OPA
JAN 24 2006
BY

2006 FEB -2 PM 1:35
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

PLEASE PRINT:

Name: ROBERT LIGON

Address: POB 290583 (Physical Address 155 JJ LANE CENTER POINT, TX)

City/State: KERRVILLE, TX Zip: 78029-0583

Phone: (830) 377-7944

☑ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☑ No

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☑ I wish to provide formal oral comments.

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(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

49657
PSR

January 16, 2006

OPA
JAN 24 2006
BY

Office of the Chief Clerk, TCEQ
Mail Code: MC-105
P.O. Box 13087
Austin, TX 78711-3087

Reference: Proposed Air Quality Permit No. 76508

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Thank you,

E. Robert Ligon, Jr.
P. O. Box 290583
Kerrville, TX 78029-0583
830-377-7944

P.O. Box 1503
Center Point, TX 78010
Phone 830 634-2712
August, 31, 2006

HR OPA
SEP 05 2006
BY DM

CHIEF CLERKS OFFICE
2006 SEP -5 AM 10:46
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Office of the Chief Clerk
MC 105
TCEQ
P.O. Box 13087
Austin, TX 76711-3087

352R
49657

Dear Sir or Madam:

I request a contested case hearing concerning the Wheatcraft Rock Crusher permit #76508.

We bought 12.78 acres near Center Point about eleven years ago. After living in an industrial area outside of Houston for many years and suffering from numerous respiratory problems requiring medical attention and surgeries, we wanted to retire and live in a clean environment. However, this is now being threatened by the air and water pollution created by Wheatcraft.

Our area has enjoyed a nice increase in real estate prices along with the rest of the country, but this license approval, in our opinion, would make our area less desirable with the air, noise, and water pollution.

Another consideration is our water supply; wells are going dry—please refer to enclosed newspaper article—and burning pumps up at an alarming rate. The well at the Center Point schools has just this week gone dry. The ground and/or surface water supply will suffer even more if this license is approved.

The Wheatcraft Rock Crusher is quite close to our church, where many activities aside from regular services are held. With very young children and older people attending, in addition to others with compromised respiratory and other health concerns, we're sure you can understand our concern with a rock crusher less than a mile from our church.

Thank you for your thoughtful and moral consideration, since the outcome of this will certainly affect our health and our lives and those of Center Point and outlying areas.

Yours truly,

Pat Long Earl Long

Pat and Earl Long

## HOW WE SEE IT

# Falling wells mark critical stage in drought

A year and a half into the drought, water availability is becoming a critical issue in Kerr County. The Kerrville City Council on Tuesday voted in an emergency provision to change its drought management plan allowed watering schedule.

At the same time, area well service companies spoke up about the problems facing private well owners. An upsurge in calls about dry wells and burned out pumps caused by falling aquifer levels has pointed up how serious the water availability situation has become.

According to meteorologists, a break in the drought isn't likely until early 2007. In the city of Kerrville, water consumption on Saturday reached 96.5 percent of safe operating capacity at the city water treatment plant.

Falling water tables, particularly in the east of Kerr County have been noticeable for several months. The river corridor is particularly sensitive, due in part to the higher density population compared with other areas of the county.

Well service companies say that this drought is playing no favorites.

What we can say, whether we have exact science or not on the movement of water in the aquifers under Kerr County, is water is being sucked up through wells like soda through a straw, and it isn't being replenished by rainwater recharge.

The only way around the problem until the drought ends is conservation. Public water systems in Kerr County have been ordered to reduce consumption.

However, exempt private well owners have no legal limitations placed on them, but the only responsible — and arguably moral — course of action is to limit the amount of water being pumped and used. If you have a deeper well than your neighbor, then exorbitant water use risks creating a cone of depression and depleted water table that hurts them.

For city of Kerrville residents, the odd and even house number manner of permitting watering with a sprinkler should help balance water consumption, rather than having spikes that threaten to exceed safe operating capacity. City officials have offered two weeks of grace before the new rules take effect, but we suggest that residents should take heed now and ensure the city doesn't risk a water shortage. The latest watering information is available on the city Web site at www.kerrville.org and on the Times' Weather page.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 OCT -6 AM 9:40

CHIEF CLERKS OFFICE

OPA

OCT 0 6 2005

BY

NSR 49657

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

Name: Bill Lawrence

Address: PO Box 789 6268 Hwy 27
Center Point Tx 78010

Daytime telephone number: 830-634-7087

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I

Live within 1 mile of the plant which was formally used for ranching & livestock operating. I am a life long resident of this address.

Poor air quality.

Adverse affects to the Guadalupe River & our aquifer & water tables.

Heavy truck traffic on Hwy 27

This has always been a residential & ranching area.

The location and distance of my property from the proposed facility is: 1 mile

I use my property by: My Primary residence & raise horses.

MC

OPA H

OCT 0 6 2005

BY JS

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 OCT -6 AM 9:40

CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name: Bill Lowrance

Address: PO Box 789 6268 Hwy 27

Center Point TX 78010

NSR / 49657

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

I live within a mile of the proposed rock crushing plant.

I adamently oppose this operation for the following reasons:

1) Environmental impact would be devastating just by the water use of 700 gallons per minute to operate a rock crushing machine 6 days a week 12 hours a day.

2) It's located in a residential area.

3) All the health risks associated with breathing silica dust. (Similar to coal dust or Black Lung disease).

4) Property devaluation of the area

5 Danger to all traveling on Hwy 27 due to increase of traffic.

6 Deterioration of Hwy 27 due to heavy truck traffic.

Respectfully

Bill Lowrance

10/4/05

ne

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 OCT -6 AM 9:45

CHIEF CLERKS OFFICE

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

Name: Linda Lourance

Address: PO Box 789 6268 Hwy 27
Center Point Tx 78010

Daytime telephone number: 830-634-7087

OPA

OCT 06 2005

BY gs

NSR 49657

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I would be adversely affected in all aspects of the impact to our land/environment, air quality, the water tables, increase traffic due to heavy trucks,

This is a residential area.
It's less than a 1000 feet from Hwy 27
It's less than 440 yards from the Kovacs residence on FM 1350.
These 2 are TCEQ Violations

I have allergies that could develope into asmtha with poor air quality

The location and distance of my property from the proposed facility is: 1 mile

I use my property by: As our permanet residance, & we raise horses.

nc

OPA H

OCT 06 2005

BY JP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 OCT -6 AM 9:45

CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name : LINDA LOWRANCE

Address: PO Box 789 6268 Hwy 27

CENTER POINT TX 78010

NSR 49657

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that ~~of the propose~~ I live within a mile of the proposed site that Wheatcraft wants to operate the rock crushing plant, ~~if~~ they are allowed to do this it will be devasting to our community for the following reasons:

The enviromental impact would be devasting not only to the water & air quality, plus the Guadlupe River impact, there is nothing good to come of this.

We would be subject to poor air quality, especially from the silica dust that is a by-product of this activity, resulting in the same health issues associated with Black Lung Disease

Again I adamently opposes this operation

Respectfully

Linda Lowrance

10/4/05

MC

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

OPA #

SEP 28 2005

BY

CHIEF CLERKS OFFICE

2005 SEP 27 PM 2:35

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NSR 49657

Name: BenLucas

Address: 6723 Braden Circle
Kerrville, Tx 78028

Daytime telephone number: 830-377-4124

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I have purchased property within 3,000 feet of the proposed facility and plan to build my primary residence there within a year.

Air quality and particulate matter may directly impact the residence

If they run the plant 12 hours/day, as indicated in this permit, there will be days they will need to run in the darkness. Light and noise pollution will be a factor during sleeping hours

I also kayak on the Guadalupe river and treatment and release of the river water permit may adversely affect the water quality.

The location and distance of my property from the proposed facility is:
2,000 to 3,000 feet North West of the proposed pit (NOTE: IF they moved the crusher to the north side of Hwy 27 — they own the land there — I would be located within 1,000 feet of the crusher

I use my property by:
FARMING, WILDLIFE, soon to be permanent residence

Ben Lucas

OPA

SEP 28 2005

BY

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name : BEN LUCAS

Address: 6723 Braden Circle

Kerrville, TX 78028

NSR 49657

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 SEP 27 PM 2:35

CHIEF CLERKS OFFICE

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

Air quality will be directly impacted by a crushing facility -
The facility is within 1/2 mile of a public school (K-12) facility
The facility is within the 100 yr flood plain of the Guadalupe River
The facility ~~wi~~ may require more water than is currently permitted by the watermaster for the property.
It does not appear that the current permit for surface water is allocated to mining
The permit allocation includes "cement" which would produce much more dust and particulate matter from reclaiming cement than crushing native stone.
The hauling of cement for crushing both into and out of will distribute particulate matter up and down the roadways, and be washed into the Guadalupe River, directly impacting the quality of the river water
Is there a good mechanism to monitor any treatment and discharge of water taken from the Guadalupe River to ensure no degradation of the water quality in the river occurs?

B Lucas

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

OPA

SEP 28 2005

BY

2005 SEP 27 PM 2:36

CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Name: Ellen Y Lucas

Address: 6723 Braden Circle
Kerrville, Tx 78028

Daytime telephone number: (830) 377-4030 896-6262

NSP/49657

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I own property that is within 3,000 ft of the proposed facility & plan to build a permanent residence there within a year.

Air quality & particulate matter will directly affect the residence.

The plant, being run 12 hrs/day, as indicated in their permit, there will be days they will run into the night. Light & noise ~~will~~ pollution will be a factor during sleep hours.

My husband & I are avid kayakers & have a special interest in the overall wellfeing of the Guadalupe River on a water & environmental level. The adverse affects this river water permit will have on the Guadalupe is of special interest to anyone that cares about protecting the river from any kind of pollution.

The location and distance of my property from the proposed facility is:
2,000 - 3,000 ft NW of proposed pit. (NOTE: If they moved the crusher to the north side of Hwy 27 - they own land there - I would be located within 1,000 ft of the crusher.

I use my property by:
FARMING, WILDLIFE, soon to be permanent residence

Ellen Y Lucas

OPA H

SEP 28 2005

BY Jo

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name : Ellen Lucas

Address: 6723 Braden Circle

Kerrville, Tx 78028

NSR 49657

2005 SEP 27 PM 2:36

CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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I would like to inform the TCEQ that

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

Name: JoAnn Lynch

Address: 669 FM 480 (PO Box 482)
Center Point, TX 78010

Daytime telephone number (830) 634-7866

OPA
OCT 05 2005
BY

NSR/49657

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I

- suffer from airborne allergies
- run a retail business on FM 480 less than one mile from the facility
- volunteer at the elementary school (air and noise pollution)

The location and distance of my property from the proposed facility is:

1½ miles southwest of the facility.

I use my property by:

Our home on FM 480 is our sole residence

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 OCT -4 PM 3:25
CHIEF CLERKS OFFICE

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Mailer Signature: WR Lynch

**FROM:** (PLEASE PRINT) PHONE (830) 634-7866

WR & JoAnn Lynch
PO Box 482
Center Point, TX 78010

**TO:** (PLEASE PRINT) PHONE ( )

OFFICE OF THE CHIEF CLERK MC-105
TCEQ
PO Box 13087
Austin, TX 78711-3087

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EMS

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name : JoAnn Lynch

Address: 669 FM 480 (PO Box 482)

Center Point, TX 78010

OPA H NSR 49657

OCT 05 2005

BY J

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

public health and safety is at risk:

- rock-crushing at this location presents a threat to air quality to nearby residents and schools.
- no air dispersion model exists.
- no archaeological model exists
- no particulate ambient air sampling has been provided for.
- threat of pulmonary fibrosis from particulates in the air.

In addition to air quality concerns, the Guadalupe River will be impacted adversely.

CHIEF CLERKS OFFICE
2005 OCT -4 PM 2:25
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☐ NO DELIVERY ☐ Weekend ☐ Holiday

Mailer Signature: WR Lynch

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WR & JoAnn Lynch
PO Box 482
Center Point, TX 78010

**TO:** (PLEASE PRINT) PHONE ( )

OFFICE OF THE CHIEF CLERK MC-105
TCEQ
PO Box 13087
Austin, TX 78711-3087

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EMS

Did not give oral comment
Did not file written comments.

# TCEQ Public Meeting Form

**Thursday, November 9, 2006**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 NOV 20 PM 4:35
CHIEF CLERKS OFFICE

## Wheatcraft, Inc.
## Proposed Air Quality Permit
## 76508

**PLEASE PRINT:**

**Name:** JoAnn Lynch

**Address:** PO Box 482

**City/State:** Center Point, TX **Zip:** 78010

**Phone:** (830) 634-7866

☐ **Please add me to the mailing list.**

**Are you here today representing a municipality, legislator, agency, or group?** ☐ **Yes** ☑ **No**

**If yes, which one?** _____

**IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW**

☐ **I wish to provide formal oral comments.**

Mr. Koraes + Ms. Engel covered her comments.

✓ ☐ **I wish to provide formal written comments at tonight's public meeting.**

**(Written comments may be submitted at <u>any time</u> during the meeting)**

**Please give this to the person at the information table. Thank you.**

Mr. Luccarelli told us tonight that air particulates released per hour would be 1.27 lbs. He said at the last meeting that the pollution would be no worse than being in the room with a smoker. Mrs. Engel, Center Point School District nurse, told us at the same meeting that 25% of the students and faculty at Center Point schools have respiratory difficulties.

The school children don't have a choice — they have to be at this location breathing this pollution.


JoAnn Lynch
669 FM 480
Center Point
(830) 634-7866



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 NOV 20 PM 4:35
CHIEF CLERKS OFFICE

OPA RECEIVED
NOV 09 2006
AT PUBLIC MEETING


KW

OPA

JAN 20 2006

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2006 JAN 20 PM 2:25

CHIEF CLERKS OFFICE

49657

NSR

January 19, 2006

Office of the Chief Clerk, MC-105
TCEQ
PO Box 13087
Austin, TX 78711-3087

RE: Application permit 767508

Dear Chief Clerk:

I am again writing to you regarding my concerns and strong disapproval of the possibility that Wheatcraft, Inc. might be granted a permit to crush rocks in our community.

The impact of this rock crushing operation on the public schools, churches, and residences (all within a one-mile radius of the operation) would be detrimental to the health of the community. The quality of life of our residents would be impacted due to air contamination, river pollution, and noise.

Wheatcraft, Inc. proposes no checks for monitoring air or river quality. Environmental quality would be impacted greatly. Please do not allow this rock crushing facility to become operational.

Sincerely,

JoAnn Lynch

JoAnn Lynch

October 3, 2005

OPA

OCT 05 2005

BY

NSR/49657

Office of the Chief Clerk, MC-105
TCEQ
PO Box 13087
Austin, TX 78711-3087

RE: Air Quality Permit Application # 76508

Dear Chief Clerk:

My husband and I are retired public school principals who moved to this area from San Antonio just under three years ago. We chose our Center Point home because our little six acres is beautiful, and also because the area is quiet, clean, and has a river running through it. Some of the old ranches are slowly being sold off and divided into residential sites where nice homes are built so many other families can enjoy the peaceful Hill Country. Watching beautiful riverfront land being churned up -- excavated and stripped of all vegetation -- is heartbreaking and appears unnecessary and greedy. The air quality is a true concern to us since many of the Center Point residents are older and asthmatic, not to be lessened by the fact Wheatcraft proposes crushing rocks within just yards of three public schools, numerous residences, and several proposed housing sites.

As a community we need the help of your agency to monitor and control what we cannot. Any help you can give us will be appreciated.

Sincerely,

JoAnn Lynch

JoAnn Lynch

TEXAS CONMISSION ON ENVIRONMENTAL QUALITY
2005 OCT -7 PM 2:23
CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name : WR "Dub" LYNCH

Address: 669 FM 480 PO Box 482

Center Point, TX 78010

OPA

OCT 05 2005

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 OCT -4 PM 2:24

CHIEF CLERKS OFFICE

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

NSR 49657

I would like to inform the TCEQ that

I am concerned for the public health and safety for Center Point residents. My concerns are as follows:

- the rock crushing facility is close to three schools and several residences
- the amount of particulate matter dispersed into the air
- there is no particulate ambient air sampling plan or model provided
- there is no archaeological study or model provided

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Mailer Signature: WR Lynch

**FROM:** (PLEASE PRINT) PHONE (830) 634-7866

WR & JoAnn Lynch
PO Box 482
Center Point, TX 78010

**TO:** (PLEASE PRINT) PHONE ( )

OFFICE OF THE CHIEF CLERK MC-105
TCEQ
PO Box 13087
Austin, TX 78711-3087

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EMS

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 OCT 14 PM 2:24
CHIEF CLERKS OFFICE

Name: W R LYNCH

Address: 669 FM 480 PO Box 482
Center Point, TX 78010

Daytime telephone number: (830) 634-7866

NSR/49657

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I

- own and run a retail business on FM 480 within one mile from the facility
- suffer from airborne allergies

OPA
OCT 05 2005
BY

The location and distance of my property from the proposed facility is:

1½ miles southwest of the facility

I use my property by:

Our home on FM 480 is our sole residence

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Mailer Signature: WR Lynch

**FROM:** (PLEASE PRINT) PHONE (830) 634-7866

WR & JoAnn Lynch
PO Box 482
Center Point, TX 78010

**TO:** (PLEASE PRINT) PHONE ( )

OFFICE OF THE CHIEF CLERK MC-105
TCEQ
PO Box 13087
Austin, TX 78711-3087

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Visit **www.usps.com**
Call **1-800-222-1811**

EMS

Did not give oral comment
Will file written comments tonight

# TCEQ Public Meeting Form

**Thursday, November 9, 2006**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 NOV 20 PM 4:35
CHIEF CLERKS OFFICE

**Wheatcraft, Inc.**
**Proposed Air Quality Permit**
**76508**

**PLEASE PRINT:**

**Name:** WR Lynch

**Address:** 669 FM 480 PO Box 482

**City/State:** Center Point, TX **Zip:** 78010

**Phone:** (830) 634-7866

☐ **Please add me to the mailing list.**

**Are you here today representing a municipality, legislator, agency, or group?** ☒ **Yes** ☐ **No**

**If yes, which one?** _____

**IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW**

☒ **I wish to provide formal oral comments.**
Mr. Korras covered his issues + he'll submit others in writing before he leaves

☒ **I wish to provide formal written comments at tonight's public meeting.**

**(Written comments may be submitted at <u>any time</u> during the meeting)**

**Please give this to the person at the information table. Thank you.**

**Wheatcraft, Inc.**
**Proposed Air Quality Permit No. 76508**

W.R. Lynch
PO Box 482
669 FM 480
Center Point, TX 78010

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 NOV 27 PM 4:35
CHIEF CLERKS OFFICE

# MEETING AGENDA

**November 9, 2006 - 7:00 pm**

OPA RECEIVED
NOV 09 2006
AT PUBLIC MEETING

- Introduction [7:00 p.m.].....TCEQ
- Identify Elected Officials.....TCEQ
- Presentations.....Applicant & TCEQ

**Informal Discussion Period**

- Questions & Answers.....Public

Members of the public may ask questions during this time period. TCEQ staff and the Applicant will respond to questions. This time period is for discussion purposes and for obtaining information from TCEQ staff and the Applicant. **Questions and/or comments made during this period will not be considered formal comment, and will not go to the Commissioners. Additionally, no written response will be prepared for comments made during this period.**

**Formal Comment Period**

- Formal Comments.....Public

During the formal comment period members of the public may voice concerns or comments. **Neither the Applicant nor TCEQ staff will respond during the formal comment period.** A formal, written response will be prepared by the Executive Director on the permit. **The Executive Director will summarize the formal comments and prepare a written response which will be made available to the public upon request.**

**Everyone who wishes to comment will have the opportunity to do so, however, we may ask that each commenter limit their time so that everyone will have time to speak.**

- Closing Remarks/Adjournment.....TCEQ

**Please Note:** Written comments may be submitted anytime during the evening.

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2006 JAN 23 AM 9:56

CHIEF CLERKS OFFICE

OPA

JAN 23 2006

BY KS

Office of the Chief Clerk, MC-105
TCEQ
PO Box 13087
Austin, TX 78711-3087

January 17, 2006

USR/149657

RE: Application permit 76508

Dear Chief Clerk,

My wife and I are retired public education administrators. We moved to Center Point because we enjoy the quiet beauty of the area, access to the Guadalupe River, and the close proximity to "city necessities".

Because of the proposed rock-crushing facility, I am concerned for:

- my health (I suffer from air borne allergies),
- the impact the Wheatcraft operation will have on the Guadalupe River, ground water quality and surrounding environment,
- our children's health due to the facility being located so close to Center Point schools,
- the proximity to existing residences,
- the proximity to our historic downtown (the location of my business), and
- the areas developing future growth for our community.

In reference to some of my specific concerns are:

- impact of 700 gal/min taken from the Guadalupe River, its use by the facility, its return to the river, and the amount of sediment in what is returned to the river
- no plan/model to monitor ambient air quality
- contamination of the soil due to increased truck/machinery utilization/maintenance through fluids leaked during operation
- noise pollution

Any assistance or consideration you may afford Center Point residents in this matter will be greatly appreciated.

Sincerely,

WR Lynch

WR Lynch

OPA

OCT 05 2005

BY _____

Office of the Chief Clerk, MC-105
TCEQ
PO Box 13087
Austin, TX 78711-3087

October 3, 2005

NSR 149657

RE: Application permit 76508

Dear Chief Clerk,

My wife and I are retired public education administrators. We moved to Center Point because we enjoy the quiet beauty of the area, access to the Guadalupe River, and the close proximity to "city necessities".

I am not only concerned for my health and safety, but also the integrity of our community and the impact the Wheatcraft operation will have on the Guadalupe River and surrounding environment. My concerns are due to the rock-crushing facility being located so close to Center Point schools, existing residences, our historic downtown and areas developed for new homes encouraging growth for our community.

In reference to some of my specific concerns are:

- impact of 700 gal/min taken from the Guadalupe River, its use by the facility, its return to the river, and the amount of sediment in what is returned to the river
- no plan/model to handle run-off from local rains
- planned "oiling" of the roads contaminating the immediate area and the river in the event of run-off
- contamination of the soil due to increased truck/machinery utilization through fluids leaked during operation
- increased truck/machinery traffic
- noise pollution

Any assistance or consideration you may afford Center Point residents in this matter will be greatly appreciated.

Sincerely,

WR Lynch

WR Lynch

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 OCT -4 PM 2:24
CHIEF CLERKS OFFICE

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NO DELIVERY ☐ Weekend ☐ Holiday

Mailer Signature: WR Lynch

**FROM:** (PLEASE PRINT) PHONE (830) 634-7866

WR & JoAnn Lynch
PO Box 482
Center Point, TX 78010

**TO:** (PLEASE PRINT) PHONE ( )

OFFICE OF THE CHIEF CLERK MC-105
TCEQ
PO Box 13087
Austin, TX 78711-3087

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Visit **www.usps.com**
Call **1-800-222-1811**

EMS

Have formal oral comment

(2)

# TCEQ Public Participation Form
## Wheatcraft, Inc.
## Public Meeting
## Proposed Air Quality Permit No. 76508
## Tuesday, January 24, 2006

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 FEB -2 PM 1:36
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: LUR LYNCH

Address: 669 FM 480

City/State: Center Point, TX Zip: 78010

Phone: (830) 634-7866

☑ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☐ No

If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☒ I wish to provide formal oral comments.

☒ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

LOWERRE & FREDERICK
ATTORNEYS AT LAW
44 East Avenue, Suite 100
Austin, Texas 78701
(512) 469-6000 · (512) 482-9346 (facsimile)
Mail@LF-LawFirm.com

HR OPA
SEP 08 2006
BY PM

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 SEP -7 PM 4:03
CHIEF CLERKS OFFICE

September 7, 2006

Ms. LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality
Building F, Room 4301
12015 Park 35 Circle
Austin, Texas 78753
P.O. Box 13087
Austin, Texas 78711-3087

*Via Hand-Delivery*

NSR 49657

Regarding: Application of Wheatcraft, Inc., ("Wheatcraft") for Air Quality Permit No. 76508

Dear Ms. Castañuela:

My firm represents the Guadalupe River Environmental Action Team ("GREAT"). GREAT is a membership organization of homeowners and landowners in Kerr County. GREAT holds among its objectives the protection of the environmental and the maintenance of the quality of life in and around Center Point, Texas and along the Guadalupe River – the locale of the proposed Wheatcraft rock crushing facility for which the above-referenced permit application has been noticed. Many GREAT members own and occupy land within a mile of the proposed Wheatcraft facility, and some GREAT members own and occupy land within ½ mile of the proposed Wheatcraft facility.[1] These GREAT members and other GREAT members regularly travel the roadways bordering the proposed Wheatcraft facility and, thus, are at risk of health and aesthetic harms arising from air contaminants emitted by the proposed facility.

[1] For example, GREAT member, Ms. Marcey Downey owns and occupies land adjacent to the proposed Wheatcraft facility. GREAT members John and Cayce Kovacs own and occupy land within ½ mile of the proposed facility, at 428 China Street, Center Point, Texas 78010.

The permit, if granted, would allow the facility to interfere with GREAT members' use and enjoyment of their properties and the Guadalupe River, with the aesthetics of their views and tranquil rural settings and, potentially, would cause adverse effects to their health.

Many individual members of GREAT submitted comments and hearing requests on or before October 6, 2005, and again at the public meeting on January 24, 2006.

GREAT requests a contested case hearing on this permit application, unless the Executive Director determines not to issue Air Quality Permit No. 76508 and that decision goes unchallenged by Wheatcraft.

Regarding the application and the draft permit, GREAT offers the following comments and concerns including, but not limited to:

1. Improper Emission Factors /Inaccurate Emissions Calculations: The draft permit is based on incorrect and outdated emission factors. For example, there is a concern about whether the final emissions calculations included the appropriate emission factors for all screens. The proper emission factors are issues GREAT plans to litigate at hearing.

2. Omitted Sources of Emissions: Wheatcraft omitted several sources of particulate matter emissions in its application. The draft permit, therefore, does not accurately represent the emissions that will be generated from the Wheatcraft operations or the impact of these emissions.

3. Inappropriate Air Modeling/Underestimation of Emissions: In its modeling demonstration, Wheatcraft inappropriately made the area source too large, thus underestimating off-property impacts of particulate matter emissions.

4. Inadequate Air Modeling: In addition to the problems described above, the application does not provide any kind of analysis or modeling of respirable limestone, silica or other possible contaminants beyond the broad category of "Particulate Matter." The draft permit, therefore, again, may not accurately represent the emissions that will be generated from the Wheatcraft operations or the impact of these emissions. GREAT is also concerned that all of the items in TCEQ's March 27, 2006 letter detailing modeling deficiencies have not been appropriately addressed.

5. Failure to Demonstrate Compliance with the National Ambient Air Quality Standards for $PM_{2.5}$: The application does not provide any kind of analysis or modeling of particulate matter emission of a diameter of 2.5 microns or

less. The draft permit, therefore, again, may not accurately represent the emissions that will be generated from the Wheatcraft operations or the impact of these emissions.

6. Application of the Proper Effects Screening Levels (ESLs): As stated above, neither the application nor the draft permit address respirable silica or limestone emissions. The application and draft permit should include a statement as to what material will be crushed at the facility and the constituent make up of that material so that the proper ESLs may be applied.

7. Best Available Control Technology (BACT): GREAT disputes Wheatcraft's draft permit achieves BACT for particulate matter (i.e., for dust suppression for roads, for stockpiles and for other sources of dust at the proposed operations). Neither TCEQ nor Wheatcraft performed any comparison of available technologies. For example, water sprays with chemical additives are technically practicable and economically reasonable and have been demonstrated elsewhere to achieve a higher level of particulate control than do water sprays, alone.

8. Enforceability of Draft Permit Terms: All draft permit terms should be written to prevent air pollution, rather than provide unenforceable reactionary measures once a condition of air pollution has occurred. For example, draft permit term (5.)(A.) states that "All water systems shall be operated as necessary to control dust." The phrase 'as necessary to control dust' is too vague to be enforceable. The draft permit term should be re-written to specify how and when these systems are to be operated. TCEQ's own investigator stated that the phrase is too vague to be enforced. See the November 14, 2005 San Antonio Region 13 response to requests for comments on the draft permit. Another example of potentially unenforceable language is in the draft permit terms on visibility limits. The draft permit should state that personnel are available on-site who are trained and capable of making such determinations. How would such determinations be made at night? The draft permit is limited to 12 hours a day, but it does not specify that day-time only operations are permitted.

9. Recordkeeping: The recordkeeping requirement in the draft permit should be expanded to cover a 5-year period and to provide for public access to these records. Public access may be accomplished through a monthly record filing requirement with TCEQ or by explicit provision for public access to records kept at the Wheatcraft site. In addition, the draft permit contains hourly emission limits. These emission limits are not enforceable

unless there is a permit term requiring recordkeeping of hourly rates to verify compliance with these hourly limitations.

10. Monitoring – COMS or CEMS: The draft permit does not require continuous opacity or emissions monitoring of any point at the Wheatcraft operation. It should. EPA test methods 9 and 22, or their equivalents, are not adequate to assure compliance with the particulate emission allowables in the permit. This deficiency is particularly acute with regard to verifying compliance with the hourly emission rates in the MAERT.

11. Monitoring and Recordkeeping – Throughput: The draft permit, as currently written, provides no monitoring to assure that the limit on the throughput represented in the permit application will be met. Monitoring throughput is a critical permit term because it is the throughput representation that assures that the values in the MAERT are appropriate. Monitoring **and** recordkeeping of the throughput is, in fact, needed to determine whether the values in the MAERT have been exceeded. A special condition should be added to require installation of a weight belt at the load out point. Data collected from the weight bridges should be maintained as indicated in comment 9.

12. Monitoring: The draft permit should require property line air contaminant monitors to test for particulates, to assure compliance with the permit terms and to assure adequate protection of GREAT members' health.

13. Adequacy of Water Supply: While GREAT understands that Wheatcraft will use surface water rights from the Guadalupe River, Wheatcraft has not demonstrated that this water is available in adequate quantities to support the dust suppression on which Wheatcraft relies for particulate control. TCEQ should not issue a permit for this site until Wheatcraft makes a demonstration that it can, in fact, secure the necessary water supply to effectuate its particulate suppression plans. TCEQ's ability to enforce the permit on a daily or, even, monthly or quarterly basis is not sufficiently high that the agency should be comfortable with the naked commitment of Wheatcraft to secure the water from sources that are unknown. Moreover, GREAT is concerned that Wheatcraft has been pumping water from the Guadalupe River to support its current mining operations without adequate authorization.

14. Cumulative Impacts: The proposed Wheatcraft operations are in close proximity to several other mining operations and sources of particulate matter emissions. The draft permit and application do not appropriately account for these background emissions.

15. True Measure of Ambient and Operational Air Conditions: Wheatcraft has not been required to conduct baseline air quality monitoring for particulates at its proposed site. The permit should require one year of monitoring to establish baseline conditions. If a permit is granted, the permit should, as stated above, require continuous particulate monitoring located along appropriate property lines.

16. Proximity to Schools: According to the application there are 3 schools within 3,000 feet of the proposed site. TCEQ's "Review Analysis and Technical Review" states that there are no schools within 3,000 feet. A September 21, 2005 letter from the Center Point Independent School District Board President and Superintendent clearly states that the district is within 2,000 feet of the proposed facility.

17. Compliance History: Wheatcraft's compliance history, which includes beginning construction without a permit, warrants additional monitoring and recordkeeping provisions for this permit. In addition, because the closest TCEQ field office is in San Antonio there is concern about the response time of TCEQ investigators in the event that GREAT members complain regarding the proposed operation.

This concludes the comments of GREAT on the application filed by Wheatcraft and the associated draft permit. GREAT appreciates TCEQ's attention to GREAT's concerns and is available to provide additional elaboration, if any may be necessary, on the points made above.

Please add my firm, on behalf of GREAT, to the mailing list for actions related to this possible permit and/or the Wheatcraft operation. The firm's address and contact information is on its letterhead. I may also be contacted by email at: layla@lf-lawfirm.com.

Thank you for your attention.

Sincerely,

L. Layla Mansuri

cc: The Honorable Troy Fraser, Texas Senate
The Honorable Harvey Hilderbran, Texas House of Representatives
The Honorable Patrick Rose, Texas House of Representatives
The Honorable Bill Williams, Kerr County Commissioner

Ms. Lee Ann Ray, Center Point Independent School District Superintendent
Mr. Raymond L. Buck, Jr., Upper Guadalupe River Authority General Manager
Mr. Blas Coy, TCEQ Public Interest Counsel
Mr. Brad Patterson, TCEQ Environmental Law Division
Mr. Alex Berksan, P.E., TCEQ Air Permits Division

LOWERRE & FREDERICK
ATTORNEYS AT LAW
44 East Avenue, Suite 100
Austin, Texas 78701
(512) 469-6000 · (512) 482-9346 (facsimile)
Mail@LF-LawFirm.com

HR/OPA
SEP 08 2006
BY DM

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 SEP -7 PM 4:03
CHIEF CLERKS OFFICE

September 7, 2006

Ms. LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality
Building F, Room 4301
12015 Park 35 Circle
Austin, Texas 78753
P.O. Box 13087
Austin, Texas 78711-3087

*Via Hand-Delivery*

NSR/491657

Regarding: Application of Wheatcraft, Inc., ("Wheatcraft") for Air Quality Permit No. 76508

Dear Ms. Castañuela:

My firm represents the Texas Rivers Protection Association ("TRPA"). TRPA is a Texas not-for-profit membership organization with members throughout the state of Texas. TRPA has members in Kerr County and specifically in Center Point, Texas. TRPA holds among its objectives the protection of the flow, water quality and natural beauty of the rivers of Texas. In addition, TRPA promotes safe and wise use of Texas rivers. This includes the Guadalupe River which runs along the southern edge of the proposed Wheatcraft facility. TRPA members residing in Center Point and other TRPA members regularly canoe along, or 'paddle,' the segment of the Guadalupe River bordering the proposed Wheatcraft facility, and thus, are at risk of health and aesthetic harms arising from air contaminants emitted by the proposed facility.[1] The permit, if granted, would allow the facility to interfere with TRPA members' use and enjoyment of the Guadalupe River, with the aesthetics of their views and tranquil rural settings and, potentially, would cause adverse effects to their health.

[1] For example, TRPA members Ms. Ilse Bailey and Mr. Michael Van Winkle regularly paddle this segment of the Guadalupe River.

Many individual members of TRPA submitted comments and hearing requests on or before October 6, 2005, and again at the public meeting on January 24, 2006.

TRPA requests a contested case hearing on this permit application, unless the Executive Director determines not to issue Air Quality Permit No. 76508 and that decision goes unchallenged by Wheatcraft.

Regarding the application and the draft permit, TRPA offers the following comments and concerns including, but not limited to:

1. Improper Emission Factors /Inaccurate Emissions Calculations: The draft permit is based on incorrect and outdated emission factors. For example, there is a concern about whether the final emissions calculations included the appropriate emission factors for all screens. The proper emission factors are issues TRPA plans to litigate at hearing.

2. Omitted Sources of Emissions: Wheatcraft omitted several sources of particulate matter emissions in its application. The draft permit, therefore, does not accurately represent the emissions that will be generated from the Wheatcraft operations or the impact of these emissions.

3. Inappropriate Air Modeling/ Underestimation of Emissions: In its modeling demonstration, Wheatcraft inappropriately made the area source too large, thus underestimating off-property impacts of particulate matter emissions.

4. Inadequate Air Modeling: In addition to the problems described above, the application does not provide any kind of analysis or modeling of respirable limestone, silica or other possible contaminants beyond the broad category of "Particulate Matter." The draft permit, therefore, again, may not accurately represent the emissions that will be generated from the Wheatcraft operations or the impact of these emissions. TRPA is also concerned that all of the items in TCEQ's March 27, 2006 letter detailing modeling deficiencies have not been appropriately addressed.

5. Failure to Demonstrate Compliance with the National Ambient Air Quality Standards for $PM_{2.5}$: The application does not provide any kind of analysis or modeling of particulate matter emission of a diameter of 2.5 microns or less. The draft permit, therefore, again, may not accurately represent the emissions that will be generated from the Wheatcraft operations or the impact of these emissions.

6. Application of the Proper Effects Screening Levels (ESLs): As stated above, neither the application nor the draft permit address respirable silica or limestone emissions. The application and draft permit should include a statement as to what material will be crushed at the facility and the constituent make up of that material so that the proper ESLs may be applied.

7. Best Available Control Technology (BACT): TRPA disputes Wheatcraft's draft permit achieves BACT for particulate matter (i.e., for dust suppression for roads, for stockpiles and for other sources of dust at the proposed operations). Neither TCEQ nor Wheatcraft performed any comparison of available technologies. For example, water sprays with chemical additives are technically practicable and economically reasonable and have been demonstrated elsewhere to achieve a higher level of particulate control than do water sprays, alone.

8. Enforceability of Draft Permit Terms: All draft permit terms should be written to prevent air pollution, rather than provide unenforceable reactionary measures once a condition of air pollution has occurred. For example, draft permit term (5.)(A.) states that "All water systems shall be operated as necessary to control dust." The phrase 'as necessary to control dust' is too vague to be enforceable. The draft permit term should be re-written to specify how and when these systems are to be operated. TCEQ's own investigator stated that the phrase is too vague to be enforced. See the November 14, 2005 San Antonio Region 13 response to requests for comments on the draft permit. Another example of potentially unenforceable language is in the draft permit terms on visibility limits. The draft permit should state that personnel are available on-site who are trained and capable of making such determinations. How would such determinations be made at night? The draft permit is limited to 12 hours a day, but it does not specify that day-time only operations are permitted.

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12. Monitoring: The draft permit should require property line air contaminant monitors to test for particulates, to assure compliance with the permit terms and to assure adequate protection of TRPA members' health.

13. Adequacy of Water Supply: While TRPA understands that Wheatcraft will use surface water rights from the Guadalupe River, Wheatcraft has not demonstrated that this water is available in adequate quantities to support the dust suppression on which Wheatcraft relies for particulate control. TCEQ should not issue a permit for this site until Wheatcraft makes a demonstration that it can, in fact, secure the necessary water supply to effectuate its particulate suppression plans. TCEQ's ability to enforce the permit on a daily or, even, monthly or quarterly basis is not sufficiently high that the agency should be comfortable with the naked commitment of Wheatcraft to secure the water from sources that are unknown. Moreover, TRPA is concerned that Wheatcraft has been pumping water from the Guadalupe River to support its current mining operations without adequate authorization.

14. Cumulative Impacts: The proposed Wheatcraft operations are in close proximity to several other mining operations and sources of particulate matter emissions. The draft permit and application do not appropriately account for these background emissions.

15. True Measure of Ambient and Operational Air Conditions: Wheatcraft has not been required to conduct baseline air quality monitoring for particulates at its proposed site. The permit should require a year of monitoring to establish baseline conditions. If a permit is granted, the permit should, as

stated above, require continuous particulate monitoring located along appropriate property lines.

16. Proximity to Schools: According to the application there are 3 schools within 3,000 feet of the proposed site. TCEQ's "Review Analysis and Technical Review" states that there are no schools within 3,000 feet. A September 21, 2005 letter from the Center Point Independent School District Board President and Superintendent clearly states that the district is within 2,000 feet of the proposed facility.

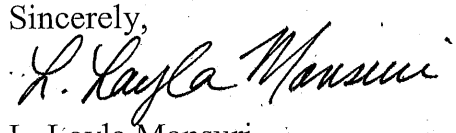
17. Compliance History: Wheatcraft's compliance history, which includes beginning construction without a permit, warrants additional monitoring and recordkeeping provisions for this permit. In addition, because the closest TCEQ field office is in San Antonio there is concern about the response time of TCEQ investigators in the event that TRPA members complain regarding the proposed operation.

This concludes the comments of TRPA on the application filed by Wheatcraft and the associated draft permit. TRPA appreciates TCEQ's attention to TRPA's concerns and is available to provide additional elaboration, if any may be necessary, on the points made above.

Please add my firm, on behalf of TRPA, to the mailing list for actions related to this possible permit and/or the Wheatcraft operation. The firm's address and contact information is on its letterhead. I may also be contacted by email at: layla@lf-lawfirm.com.

Thank you for your attention.

Sincerely,



L. Layla Mansuri

cc: The Honorable Troy Fraser, Texas Senate
The Honorable Harvey Hilderbran, Texas House of Representatives
The Honorable Patrick Rose, Texas House of Representatives
The Honorable Bill Williams, County Commissioner
Ms. Lee Ann Ray, Center Point Independent School District Superintendent
Mr. Raymond L. Buck, Jr., Upper Guadalupe River Authority General Manager
Mr. Blas Coy, TCEQ Public Interest Council

Mr. Brad Patterson, TCEQ Environmental Law Division
Mr. Alex Berksan, P.E., TCEQ Air Permits Division

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

2005 SEP 27 AM 9:47

CHIEF CLERKS OFFICE

Name: Neva J. Martin

Address: 477B Stone Leigh
Center Point, TX

NSR 49657

Daytime telephone number: 830-634-7411

OPA
H SEP 27 2005
BY KG

I request a contested case hearing. ✓

I will be specifically affected by the above proposed facility in that I
Have Allery + Asthma. I am under the care of a Dr. & don't Need Any thing else to cause my Health to Get worse.

Please do Not Let Wheatcraft, Inc. into this area

The location and distance of my property from the proposed facility is:
About 2 miles N. (as the Crow flys.

I use my property by:
I Live here

**PUBLIC COMMENT on Proposed Air Quality Permit No.76508, Wheatcraft, Inc.**

**Name: Jon Maxwell**

**Address: P O Box 835**

**Center Point, Texas 78010**

NSR 49657

OPA

H SEP 22 2005

BY

**I request a local public hearing.**

**I request to be placed on the mailing list for the above permit.**

**I would like to inform the TCEQ that**

**I will be specifically affected by the above proposed facility in that I believe will have a negative effect on the Quality of life, and the enviornment. My ranch is due north of the proposed location and will experience air pollution caused by crushing rocks and reclaimed concrete. The Guadeloupe River, which is a recreational river, will be polluted by dust runoff and Oil runoff used on the road(s). Heavy truck traffic in and out will cause excess ware and tare on State and County roads that are maintained by My Tax money. Noise polution ceated by crushing rocks and concrete will be in excess of the standards set by the EPA, at the Guadeloupe River.**

**The location and distance of my property from the proposed facility is:**
**Five Miles north of the proposed location.**
**I use my property by: Goat and Sheap Ranching**

**Thank You**

Jon Maxwell

**Jon Maxwell**

**REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No.76508**
**by applicant Wheatcraft, Inc.**

**Name: Jon Maxwell**
**Address: 395 McDonald Lp. N**
**Center Point, Texas 78010**
**Daytime telephone number: (830) 634 2585**

NSR/49657

CHIEF CLERK'S OFFICE

**I request a contested case hearing.**

**I will be specifically affected by the above proposed facility in that I believe will have a negative effect on the Quality of life, and the enviornment. My ranch is due north of the proposed location and will experience air pollution caused by crushing rocks and reclaimed concrete. The Guadeloupe River, which is a recreational river, will be polluted by dust runoff and Oil runoff used on the road(s). Heavy truck traffic in and out will cause excess ware and tare on State and County roads that are maintained by My Tax money. Noise polution ceated by crushing rocks and concrete will be in excess of the standards set by the EPA, at the Guadeloupe River.**

**The location and distance of my property from the proposed facility is: Five Miles north of the proposed location.**
**I use my property by: Goat and Sheap Ranching**

OPA
H SEP 22 2005
BY

**Thank You**
**Jon Maxwell**

# TCEQ Public Participation Form
## Wheatcraft, Inc.
## Public Meeting
## Proposed Air Quality Permit No. 76508
## Tuesday, January 24, 2006

PLEASE PRINT:

Not in CAD

Name: Jon W Maxwell

Address: 795 McDonald Lp

City/State: Canyon Point, Texas Zip: 78010

Phone: (830) 634 2585

☐ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☐ No

If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ I wish to provide formal oral comments.

☑ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

**Objections to Proposed Air Quality Permit No.76508**
**by applicant Wheatcraft, Inc.**

**Name: Jon Maxwell**
**Address: 395 McDonald Lp. N**
**Center Point, Texas 78010**
**Daytime telephone number: (830) 634 2585**

**I am opposed to permitting Wheatcraft Inc. to contaminate the Air and water.**

**I will be specifically affected by the above proposed facility in that I believe will have a negative effect on the Quality of life, and the enviornment. My ranch is due north of the proposed location and will experience air pollution caused by crushing rocks and reclaimed concrete. The Guadeloupe River, which is a recreational river, will be polluted by dust runoff and Oil runoff used on the road(s). Heavy truck traffic in and out will cause excess ware and tare on State and County roads that are maintained by My Tax money. Noise polution ceated by crushing rocks and concrete will be in excess of the standards set by the EPA, at the Guadeloupe River.**

**The location and distance of my property from the proposed facility is:**
**Five Miles north of the proposed location.**
**I use my property for: Goat and Sheap Ranching**

**Thank You**

Jon Maxwell

**Jon Maxwell**
PO Box 835
Center Point, Texas 78010

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 SEP 26 AM 10: 03

CHIEF CLERKS OFFICE

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

Name: Sam McCarty

Address: 214 China St.
Center Point, Tx. 78010

Daytime telephone number: 634-2794

OPA

SEP 26 2005

BY KY

NSF 49657 H

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I

would be allowing a dangerous health hazard into our community not only affecting what little healthy environment that is left but also the lives of children as well as adults. It would even affect property value in a negative way.

The location and distance of my property from the proposed facility is:

1000 ft.

I use my property by:

Homestead + daily living

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

2005 SEP 26 AM 10: 03

CHIEF CLERKS OFFICE

Name : Sam McHarty

Address: 214 China St.

Center Point

OPA

SEP 26 2005

BY Ky

✓ I request a local public hearing.

✓ I request to be placed on the mailing list for the above permit.

NSR 49657

I would like to inform the TCEQ that

When are you going to actually take a stand and back up what your organization represents? It is such a weak facade when money and political power control what you do.
If you really have any value in your existence then you will take a stand againt the proposed health hazard to our community!

Sam McHart

File your comments in writing with the Office of Chief Clerk, MC-105
TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

Name: Laurie Milton

Address: PO Box 476
Center Point TX 78010

Daytime telephone number: (830) 896-7200

H

OPA
SEP 22 2005
BY

NSR
46657

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I

live within a mile of the site and will be affected by the contaminents in the air and the noise pollution. We also enjoy the river downstream from the site and feel that the river can be polluted or at least abused.

The location and distance of my property from the proposed facility is:

One mile south of the site

I use my property by: living there

MILTON
P.O. BOX 476
Center Point TX
78010

SAN ANTONIO TX 782
PM
21 SEP
2005

USA

Air 105

TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RECEIVED
SEP 22 2005
TCEQ MAIL CENTER

78711+3087

Spoke but withdrew her formal questions as covered by other speakers.

(12)

# TCEQ Public Participation Form
## Wheatcraft, Inc.
## Public Meeting
## Proposed Air Quality Permit No. 76508
## Tuesday, January 24, 2006

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 FEB -2 PM 1:37
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: LAURIE MILTON

Address: PO BOX 476

City/State: CENTER POINT TX Zip: 78010

Phone: (830) 634-2415

☐ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☑ No

If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☑ I wish to provide formal oral comments.

☐ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

Name: Phillip Minton

Address: PO Box 476
Center Point

Daytime telephone number: 896-7200

NSR/49657

OPA
H SEP 22 2005
BY DC

I request a contested case hearing.

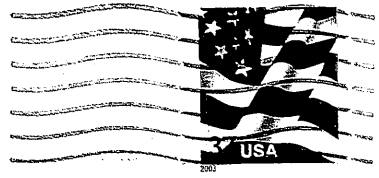
I will be specifically affected by the above proposed facility in that I
- live in the vecinity & would breathe the pollution emitted
- drive the roads around the facility (Hwy 27 + FM 1350) on a daily basis. Increased traffic will increase pollution, wear out the Hwys & increase the chances for auto accidents
- swim, tube & kayak & fish in the Guadalupe River which will no doubt suffer a pollution problem

The location and distance of my property from the proposed facility is:
A mile as a crow flies

I use my property by: Residense

MILTON
P.O. BOX 476
Center Point TX
78010

SAN ANTONIO TX 782
PM
21 SEP
2005




MC 105

TCEQ
P.O. BOX 13087
Austin, TX 78711-3087

RECEIVED
SEP 22 2005
TCEQ MAIL CENTER

78711+3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 SEP 14 AM 9:38
CHIEF CLERKS OFFICE

H OPA
SEP 13 2005
BY

NSR
49657

September 13, 2005

Chairman
Texas Commission on Environmental Quality
PO Box 13087
Austin, Texas 78711-3087

VIA Fax 512-239-3311
Hard copy to follow

Dear Sir:

Re: Wheatcraft application 76508

I hereby request a Contested Case Hearing on this application to mine along the Guadalupe River in Center Point, Texas.

I am particularly concerned that all environmental tests be performed prior to the approval of the application.

This project is very close to residential neighborhoods. The existing Center Point School is within the 3000 foot radius. The future school location could be seriously affected as it is immediately NW of the site. Prevailing SE breezes could move airborne particulates directly over the site. I would request an air dispersing model study and potential ground level concentration study be mandated prior to the approval.

I am further concerned with its proximity to the Guadalupe River. Is the current agricultural water permit to be used? What will be done to protect runoff back into the Guadalupe River?

I look forward to a public hearing where by we can all be assured that all environmental impact potentials will be understood and problems resolved prior to actual operation.

Thank you for your consideration.

John R, Mosty
Resident within 3000 ft.

# OPA

SEP 13 2005

BY

September 13, 2005

NSR 49657

2005 SEP 13 AM 9:56
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Chairman
Texas Commission on Environmental Quality
PO Box 13087
Austin, Texas 78711-3087

VIA Fax 512-239-3311
Hard copy to follow

Dear Sir:

Re: Wheatcraft application 76508

I hereby request a Contested Case Hearing on this application to mine along the Guadalupe River in Center Point, Texas.

I am particularly concerned that all environmental tests be performed prior to the approval of the application.

This project is very close to residential neighborhoods. The existing Center Point School is within the 3000 foot radius. The future school location could be seriously affected as it is immediately NW of the site. Prevailing SE breezes could move airborne particulates directly over the site. I would request an air dispersing model study and potential ground level concentration study be mandated prior to the approval.

I am further concerned with its proximity to the Guadalupe River. Is the current agricultural water permit to be used? What will be done to protect runoff back into the Guadalupe River?

I look forward to a public hearing where by we can all be assured that all environmental impact potentials will be understood and problems resolved prior to actual operation.

Thank you for your consideration.

John R, Mosty
Resident within 3000 ft.

Office of Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, Tx. 78711-3087

HR OPA
OCT 12 2005
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 OCT 11 PM 2:28
CHIEF CLERKS OFFICE

October 3, 2005

Certified Mail Return Receipt Requested.

Reference: Wheatcraft Inc. Application (Air Quality Permit # 76508) for a Rock Crushing Permit in Center Point, Texas; AKA Rhodes Pit

NSR
149657

Dear Sirs,

I own property in Center Point, Texas which is approximately 1500 feet from the proposed Rhodes Pit. It is my understanding that Wheatcraft Inc has an application pending for a rock crushing operation at this site. I oppose this permit and request a contested and public hearing on this matter. I believe the approval of this permit would have a detrimental effect on the air quality, the Guadalupe River, the health of area residents and my property values. My property abuts the Guadalupe River and is utilized for recreational purposes.

I further request that I be put on your mailing for this matter and that I be notified of any future correspondence concerning the matter.

Robert L Mosty Jr.
223 La Costa
Montgomery, Texas 77356

Day time phone 936-448-2358

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508 by applicant Wheatcraft, Inc.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 AUG 22 AM 9:29
CHIEF CLERKS OFFICE

Date: August 20, 2006

OPA
AUG 22 2006
BY KY

Name: Gerald (Jerry) Nunnery

Address: 410 Center Point Dr.
Center Point Tx. 78010

DSR
49657

Daytime Telephone Number: 830-634-2844

I request a contested case hearing.

**I will be specifically affected by the above proposed facility in that**

I have asthma and inhalation allergies for which I take Singular and Allegra and I use Advair(a bronchodilator). My health will definitely be compromised by the plethora of dust particles that will inundate the air from the crushing of rock at this plant. I may develop chronic obstructive pulmonary disease which is caused by airborne pollutants and which may lead to bronchoconstriction, inflammation, and lung tissue damage. In addition, I may contract silicosis, a deadly lung disease from exposure to the silica dust that will infiltrate the air.

My family and I swim, fish, and play in the Guadalupe River from acreage adjacent to the site. This plant will most certainly cause all of us to breathe the air polluted with the crushed rock dust particles.

**My property is located** at 410 Center Point Dr., about 11/2 miles south of the plant.

**I use my property** for ranching. I spend most of my days in the outdoors training and working my horses. I keep Albuterol (a short-acting bronchodilator) with me at all times, in case of an asthma attack. In the future, my lungs could be exposed to the rock crushing dust particles on a daily basis.

OPA

JAN 10 2006

BY _____

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2006 JAN -9 PM 3:02

CHIEF CLERKS OFFICE

410 Center Point Dr.
Center Point, TX. 78010
January 8, 2006

Ref: Proposed Air Quality Permit #76508

NSR 49657

TCEQ:

In your publication Air PBR 106.142: Rock Crushers, you state:
"The plant must be at least ½ mile form the nearest:
Recreational area....
Residence....."

The Guadalupe River in the hill country is used year round as a recreational area by numerous fishermen, tubers, swimmers, canoeists, and kayakers. The river is less than **400 feet** from the proposed site and will be terribly polluted by any of the rock crushing debris. My children, grandchildren, in-laws, and I swim and fish in the river adjacent to and downstream from the proposed rock crusher site and we fear these activities will be halted if the crusher will be allowed a permit and emit air and water pollutants.

The CPISD is located very near the proposed site and the children will be affected daily by polluted air if the crusher is constructed.

Our relatives and others reside **less than ½ mile** from the proposed crushing site along Hwy 27 and FM1350. This is an urban area that is growing in residences.

From your own stipulations in the publication listed above, there would seem to be no way that you could even consider granting a permit for the rock crushing facility.

Thank you,

Jerry Nunnery

Jerry Nunnery

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2005 SEP 30 AM 9:45

CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name : Gerald D. Nunnery

Address: 410 CENTER POINT, DR.

CENTER POINT, TX. 78010

OPA
SEP 30 2005
BY

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

NSR
49657

In determining the feasibility of granting this permit, I submit stipulations from Air PBR 106:

1. (Your publication states: "The plant must be at least ½ mile from the nearest recreational area, residence, etc.) There are numerous households that are closer than ½ mile to the proposed site. There is a housing subdivision with about 15 tracts being developed directly across the highway from the proposed site.

2. . (Your publication states: The plant must be at least 1,000 feet from any state or federal highway not currently under maintenance or construction). The proposed plant is less than 500 feet from state Highway 27.

I am vehemently opposed to the granting of the permit that would allow Wheatcraft, Inc., to construct a rock crushing facility to crush rock and cement for the following reasons:

1. Air pollution
   The dust created will infiltrate our area polluting our clean air causing breathing difficulties for everyone, esp. the elderly. Crushing the rocks and cement will allow silica dust particles to be inhaled, exposure to which can lead to silicosis, a terrible lung disease.
2. Noise pollution
   The machine will run the majority of each day causing constant noise, disturbing the peace of our serene surroundings.
3. Water pollution
   To clean the crushed material, the plant will use and dispose of water, most of which will affect the Guadalupe River, adjacent to the facility. The murky water will cause damage to fish and other wildlife, as well as river vegetation. Swimming and tubing in the river will be unpleasant and possibly injurious to one's health.
4. Road degradation
   Running 18-wheeler trucks numerous times of the day in and out of the facility will cause degradation of Hwy 27, a two-lane road.

For the sake of Center Point, the Guadalupe River, and the residents of the surrounding areas, I plead with you not to grant this permit.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

2005 SEP 30 AM 9:45

CHIEF CLERKS OFFICE

Name: Gerald D. Nunnery

Address: 410 CENTER POINT DR.
CENTER POINT, TX. 78010

Daytime telephone number: 830-634-2844

NSR 49657

OPA

SEP 30 2005

BY KY

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I

have asthma and inhalation allergies for which I have taken medication for years. My health will be compromised by the addition of dust particles from the crushing of rock and cement by this plant. In addition, I may contract silicosis a deadly lung disease) from exposure to the silica dust that will infiltrate the air.

My work on my ranch will be disturbed by the constant noise of the rock and cement crushing.

My grandchildren and I swim and play in the Guadalupe River near the proposed site and this plant will most certainly cause the clean water to become murky and filled with silt.

The location and distance of my property from the proposed facility is:

410 Center Point Dr, about 1 1/2 mile from the proposed site.

I use my property by:

ranching and raising crops for my horses. My tank(used for watering horses and fishing) could also be affected by the air pollution caused by the proposed facility.

TCEQ TEXAS COMMISSION ON ENVIRONMENTAL QUALITY





Have you had contact with the TCEQ lately? Complete our Customer Satisfaction Survey.

BACK TO: Indexes to Air Permits by Rule



# Air PBR 106.142: Rock Crushers

Rock crushers with a maximum rated capacity of 200 tons per hour or less must be operated according to the specific conditions stated in Title 30, Texas Administrative Code (30 TAC), Section 106.142, and meet the general conditions stated in 30 TAC Section 106.4 to be permitted by rule.

You might nee know about m one PBR. Chec PBR Index for process or typ equipment you

To operate under this permit by rule (PBR), you must (1) submit a claim **and receive our written approval** *before* construction of the facility begins and (2) keep records as described below.

## Quick Screen

To determine whether your facility qualifies for this PBR, first consider this quick screen:

- The operating schedule of your plant must not exceed 1,600 hours per year.
- The plant must be at least 1/2 mile from the nearest:
  - recreational area
  - residence, other than that of the facility owner, facility operator, or site owner
  - other structure, unless used by only the facility owner, facility operator, or site owner
- The plant must be at least 1,000 feet from any state or federal highway not currently under maintenance or construction.

If your facility complies with these limitations:

- Complete our PBR Applicability Checklist, form TCEQ-10149, to find out whether your facility meets the general conditions for a PBR,
  –and–
- Complete our PBR 106.142 Checklist, form TCEQ-10104, to find out whether it meets the specific conditions for this PBR.

If your facility cannot comply with the conditions indicated in these checklists, see Types of New Source Review Authorizations for other options.

Nunnery
410 C.P. Dr
C.P, TX 78010

SAN ANTONIO TX 782
PM
28 SEP
2005

USA
37

Office of Chief Clerk, MC-105
TCEQ
P.O. Box 13087
Austin, TX
78711-3087

RECEIVED
SEP 30 2005
TCEQ MAIL CENTER

7871130 87

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 SEP 29 AM 9:42
CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name : Karen Mussnerey

Address: 410 Center Point Dr.

Center Point, TX 78010

OPA
SEP 29 2005
BY

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

NSR 49657

In determining the feasibility of granting this permit, I submit stipulations from Air PBR 106:

1. (Your publication states: "The plant must be at least ½ mile from the nearest recreational area, residence, etc.) There are numerous households that are closer than ½ mile to the proposed site. There is a housing subdivision with about 15 tracts being developed directly across the highway from the proposed site.

2. . (Your publication states: The plant must be at least 1,000 feet from any state or federal highway not currently under maintenance or construction). The proposed plant is less than 500 feet from state Highway 27.

I am vehemently opposed to the granting of the permit that would allow Wheatcraft, Inc., to construct a rock crushing facility to crush rock and cement for the following reasons:

1. Air pollution
   The dust created will infiltrate our area polluting our clean air causing breathing difficulties for everyone, esp. the elderly. Crushing the rocks and cement will allow silica dust particles to be inhaled, exposure to which can lead to silicosis, a terrible lung disease.
2. Noise pollution
   The machine will run the majority of each day causing constant noise, disturbing the peace of our serene surroundings.
3. Water pollution
   To clean the crushed material, the plant will use and dispose of water, most of which will affect the Guadalupe River, adjacent to the facility. The murky water will cause damage to fish and other wildlife, as well as river vegetation. Swimming and tubing in the river will be unpleasant and possibly injurious to one's health.
4. Road degradation
   Running 18-wheeler trucks numerous times of the day in and out of the facility will cause degradation of Hwy 27, a two-lane road.

For the sake of Center Point, the Guadalupe River, and the residents of the surrounding areas, I plead with you not to grant this permit.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

2005 SEP 29 AM 9:42

CHIEF CLERKS OFFICE

Name: Karen Nunnery

Address: 410 Center Point Dr.
Center Point, TX 78010

Daytime telephone number: 830-634-2844

OPA
SEP 29 2005
BY KY

H

NSR 49657

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I work at Center Point School as the Speech Pathologist and will be exposed to the polluted air and constant noise as will the children of Center Point ISD. To infiltrate the air with silica dust which could possibly cause lung diseases in the students and faculty is an outrage. Our community prides itself on the peace, cleanliness, and lack of polluted air that we enjoy. We deserve to have a voice in what comes into our area and we DO NOT want a rock crushing facility.

The Center Point ISD campus is located ½ mile from the proposed site.

The location and distance of my property from the proposed facility is:

410 Center Point Dr, about 1 1/2 mile from the proposed site.

I use my property by:

ranching and raising crops for my horses. My tank(used for watering horses and fishing) could also be affected by the air pollution caused by the proposed facility.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 SEP 26 PM 2:19

CHIEF CLERKS OFFICE

OPA

SEP 27 2005

BY

NSR 49657

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

Name: George & Daryn Oliver

Address: 331 Center Point Dr
Center Point TX 78010

Daytime telephone number: 830 634 3267

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I am concerned that the water & air quality will be greatly affted by Wheatcraft's mining activities.
The property on which Wheatcraft is located is too close to the river and Route 27. The dust from the mining operation would obstruct the view of the drivers on 27 & 1350 and settle in the Guadalupe River. The uncontrolled runoff would also pollute the river and in turn, affect our environment.
There are many homes, churches & CPISD that would be greatly affected by the dust that would be put into the air, which would affect those with asthma & other respiratory illnesses.
Wheatcraft proposes a 12 hr/7 day a week operation, which would also increase the noise that is already apparent from traffic on 27. If blasting is proposed & allowed, this too would increase the noise & danger in our neighborhood

The location and distance of my property from the proposed facility is:
less than two mills

I use my property by:
Enjoying the greenery, shelter and beauty that surrounds us. Center Point Dr is serene and just plain beautiful.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 SEP 26 PM 2:19

CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name : George & Daryn Oliver

Address: 331 Center Point Dr

Center Point TX 78010

OPA
SEP 27 2005
BY

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

NSR 49657

I would like to inform the TCEQ that

I am concerned that the water & air quality will be greatly affected by Wheatcraft's mining activities.

If Wheatcraft is allowed to mine at the proposed property, the property value surround the area would decrease in value.

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

H OPA
SEP 26 2005
BY RY

Name: Carolyn S Osborn

Address: 321 Center Point Dr
Center Point TX 78010

Daytime telephone number: 830 792 3300

NSR/49657

2005 SEP 26 AM 9:57
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I will be affected by air quality and noise. Furthermore our entire community will be affected by not only air quality and noise but water quality and perhaps quantity. We expect property values to drop and quality of life to be impaired for all residents. The Guadalupe River will be impacted negatively for residents many miles downstream

The location and distance of my property from the proposed facility is:

About one mile south.

I use my property by:

living there! I've bought a wonderful retirement home where I had planned to live for the next 30 years!

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 SEP 26 AM 9:58

CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name: Carolyn S Osborn

Address: 321 Center Point Dr

Center Point TX 78010

OPA

SEP 26 2005

BY KY

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

NSR 49657

I would like to inform the TCEQ that

I believe Wheatcraft plans to operate their rock crushing plant in excess of 1600 hours per year. They are within ½ mile of many residences, churches, and school. They are within 1,000 feet of both Hwy 27 and FM 1350. Rock crushing plants spew rock particles in every direction coating and killing vegetation, in this case all along the Guadalupe River and on homes. We will be breathing the air and have an increase of respiratory illness. Even the noise by itself will damage quality of life for hundreds of residences. Water runoff into the Guadalupe will hurt wildlife and recreation. There will excessive road damage to Hwy 27 and all tax-payers will bear the cost.

OPA H

OCT 0 6 2005

BY JB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 OCT -6 AM 9: 46

CHIEF CLERKS OFFICE

**PUBLIC COMMENT On proposed Air Quality Permit No. 76508, Wheatcraft, Inc.**

**Name:** Raúl V. Peña

**Address:** 717 Witt Rd

Center Point, Texas 78010

NSR/49657

**I request a local public hearing.**

**I request to be placed on the mailing list for the above permit.**

**I would like to inform the TCEQ that**

The facility does not meet the requirements that it must be within ½ mile from any recreational area, any residence not owned by the operator and must be at least 1000 feet from any state or federal highway. I do not understand how they can be granted a permit or a variance to operate if they do not meet the above criteria. The main problem that I see is that the facility is within ½ mile of a school, which is down wind of the prevailing winds, and that students will be exposed to increased levels of air born particulate matter. If it is the mission of TCEQ to protect the citizens of this state then I cannot see how in good conscience TCEQ can or should grant Wheatcraft a permit to operate. It is also my understanding that no construction on the rock crusher can or should be started until a permit is granted. After driving down highway 27 today it is apparent that Wheatcraft has already started construction before any permit has been granted. I am outraged! Is there no rule of law?

MC

Peña
~~[illegible]~~ 718 Witt Rd.
Center Point, TX
78010

SAN ANTONIO TX 782
PM
23 SEP
2005

37 USA

Office of Chief Clerk, MC-105
TCEQ
PO Box 13087
Austin, TX 78711-3087

RECEIVED
SEP 26 2005
TCEQ MAIL CENTER

78711-3087

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2005 SEP 26 AM 10: 03

CHIEF CLERKS OFFICE

NSR
49657

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name : SANDRA L. PENA

Address: 718 Witt Road

Center Point, TX 78010

OPA
SEP 26 2005
BY

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that (See my comments on the other side)

The applicant, Wheatcraft, Inc., does not meet the state requirements for PBR106.142:Rock Crushers. Specifically:

1. The proposed facility will operate 12 hours/day, 7 days/week, or in excess of 4,300 hours per year.
2. There are a number of residences and other structures well within ½ mile of the proposed facility.
3. There is a recreational area (the Government Crossing of the Guadalupe River) within ½ mile of the proposed facility.
4. The proposed facility appears to be with 1,000 feet of State Highway 27 and FM 1350.
5. The proposed facility is within 3,000 feet of the Center Point School District's schools.

In addition, there are major unresolved issues concerning air quality and the monitoring of same; noise pollution; daily water use that is projected to far exceed the existing water permit on the property; and potential environmental damage to the property and the river as a result of the daily operation of the facility.

Sandra Peña

Have formal oral comment (9)

# TCEQ Public Participation Form
## Wheatcraft, Inc.
## Public Meeting
## Proposed Air Quality Permit No. 76508
## Tuesday, January 24, 2006

TCEQ
2006 FEB -2 PM 1:37
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: SANDRA PEÑA

Address: 718 Witt Rd

City/State: Center Point Zip: 78010

Phone: (830) 634 - 2545

☐ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☑ No

If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☑ I wish to provide formal oral comments.

☐ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

2005 SEP 26 AM 10: 04

CHIEF CLERKS OFFICE


Name: Brent Sayer

Address: P. O. Box 1058
Center Point, Texas 78010


NSR 49657

OPA
SEP 26 2005
BY

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that:

For multiple reasons proposed Air Quality Permit No.76508 for Wheatcraft, Inc. must be denied. Wheatcraft has demonstrated a total lack of regard concerning the emission of particulate matter into the environment and the effect that the emission of such material will have on the local geology; erosion; groundwater; air quality; surface water, including conditions of the Guadalupe River and other impacted watersheds; impacts to plants and animals; fisheries; noise; traffic; explosion risk and vibration; land use relationships and aesthetics.

Wheatcraft does not possess rights to sufficient water to accommodate the use as described in their application. Additionally, according to the TCEQ website quick screen, under Air PBR 106.142, Wheatcraft is deficient in numerous categories. Those deficiencies are:

- **Plant location must be at least 1000 feet from any state or federal highway.** Wheatcraft lies directly adjacent to State Highway 27 and is in close proximity to Highway 1350.
- **Plant location must be at least ½ mile from the nearest: recreational area, residence, other structure.** It is debatable if the Wheatcraft facility is far enough away from Center Point school facilities. Wheatcraft is clearly out of compliance when it comes to proximity to residential housing, some who are within just a few hundred feet.
- **Operating Schedule of plant must not exceed 1,600 hours per year.** To the best of my knowledge, Wheatcraft has proposed operating 12 hours per day, 6 days per week. Given a 48 work week year, operating 72 hours per week, this would accumulate to a total of 3,456 hours during the course of a year; clearly a violation of the mandate of Air PBR 106.142

My property lies approximately 1 mile from the Wheatcraft location. I have experienced bouts of pneumonia and pleurisy and feel certain that the airborne particulates generated by the facility will be adverse to my heath.

I respectfully request, after due consideration, this application be denied.

Brent Sayer

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

OPA

JAN 12 2006

BY

2006 JAN 11 PM 2:43

CHIEF CLERKS OFFICE

NSR 49657

January 9, 2006

Office of Chief Clerk
TCEQ
Mail Code MS-105
P.O. Box 13087
Austin, TX 78711-3087

RE: Proposed Air Quality Permit #76508

I am writing to register my opposition to the above referenced permit request.

There are several areas where Wheatcraft, Inc. the applicant, is in clear violation. The TCEQ website under Air PBR 106.142: Rock Crushers states:

**Plant must be at least ½ mile from the nearest: recreational area, residence, other structure.** The location where Wheatcraft is in the process of constructing the rock crusher is well within the defined ½ mile radius of many neighbors. My residence is within one mile. The crusher location is very close to the Center Point school facilities. CPISD has stated their opposition to the crusher operation and have noted that a high percentage of the children attending the district deal with respiratory issues. Additionally, the crusher is situated within a few feet of the Guadalupe River and poses great risk to the waterway.

**Plant must be at least 1,000 feet from any state or federal highway.** The location where the crusher is currently being assembled is within the 1000 foot radius of both State Highway 27 and Highway 1350. The Wheatcraft property is adjacent to Highway 27. I am concerned about the added traffic and the associated impact it will have on the residents of the area.

Pertaining to the Wheatcraft, Inc application:

- Why is there no proposal in the permit application for particulate ambient air monitoring?
- Where will the water that will be required for the operation originate from? It is my understanding that the diversion point for the water rights which Wheatcraft possesses is not adjacent to the facility and application for a change in diversion location must be filed
- Will the crusher by used to crush rock, concrete, or both?
- Has an Air Disbursement Model been completed?
- What are the plans to control sediment runoff into the Guadalupe River?

On October 19, 2005 Mr. David Hendricks of the San Antonio Express News reported during an Environmental Seminar held by the San Antonio Manufacturing Association and the San Antonio Water System that Commissioner Larry Soward told the audience that "Penalties are supposed to hurt". Mr. Soward further went on to say, "The underlying philosophy of the agency's penalty policies under development will be to make them a deterrent to the violating company and others".

Commissioner Soward also went on to say that he wants added to the penalty formula to include the cost of compliance vs. noncompliance and the economic benefits a company gained by noncompliance. If a company makes a million dollar profit because it didn't comply with environmental regulations, that should be factored into the penalty.

I applaud Commissioner Soward's efforts to enforce the rules. I also expect that the TCEQ will enforce its own rules and deny Wheatcraft, Inc's application for an air quality permit.

Sincerely,

Brent Sayer

PO BOX 1058

Center Point, TX 78010

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 SEP 26 AM 9:58

CHIEF CLERKS OFFICE

Name: Theresa M. Sayer

Address: P. O. Box 1058
Center Point, Texas 78010

NSR 49657

OPA

SEP 26 2005

BY

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that:

I am very concerned about the proposed Air Quality Permit #76508 for Wheatcraft, Inc. My husband and I recently moved to the area escaping the more polluted Dallas area. We did this to help improve our overall health. Having been a life long allergy sufferer I have felt much better since our move.

If a permit were issued for rock crushing it would produce an extreme amount of dust and other airborne debris in the air. As the trucks leave the plant they would continue to throw dust from their vehicles as they make their way out of town.

There are several farmers in the area who raise hay for livestock feed. They irrigate their fields in order to raise a healthy crop of feed. The dust from the plant would likely float through the air landing on the crops in the field. I don't believe this would create healthy feed for animals that would end up in the public food chain.

I notice on the TCEQ website under Air PBR 106.142: Rock Crushers that there are several minimum requirements for issuance of a permit. I would like to point out that Wheatcraft's proposed location does not meet any of the criteria. The Quick Screen criteria follows:

> Operating Schedule of plant must not exceed 1,600 hours per year. According to the information I have reviewed the plan intends to operate 12 hours per day, 6 days per week. This equals 3744 hours in a 52 week period.
>
> Plant must be at least ½ mile from the nearest: recreational area, residence, other structure. The Wheatcraft proposed location is well under ½ mile from many of my neighbors. It is also about a mile from my residence. Additionally, the operation would be 2,000 feet from Center Point school grounds.
>
> Plant must be at least 1,000 feet from any state or federal highway. The location is less than 1,000 feet from Highway 27. In addition, this highway is heavily traveled by resident traffic as well as our neighbors to the east and west. The added truck traffic would cause major road damage and be dangerous to an already heavily traveled roadway.

Based on the information I have presented an Air Quality Permit should not be issued for Wheatcraft, Inc.

Theresa M Sayer

January 9, 2006

OPA

JAN 12 2006

BY _____

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2006 JAN 11 PM 2:44

CHIEF CLERKS OFFICE

Office of the Chief Clerk
TCEQ
Mail Code MS-105
P.O. Box 13087
Austin, TX 78711-3087

NSR 49657

RE: Proposed Air Quality Permit #76508

I am writing to register my opposition to the above referenced permit request.

The operation of the rock crusher at this location does not meet all the criteria outlined by TCEQ website under Air PBR 106.142: Rock Crushers. Your website indicates the following:

**Operating Schedule of plant must not exceed 1,600 hours per year.** According to the information I have reviewed the plan intends to operate 12 hours per day, 6 days per week. This equals 3744 hours in a 52 week period. Although Wheatcraft has recently noted they will only work 7 hours per day 4 days per week there are no controls in place to keep them from increasing work hours once the permit has been issued.

**Plant must be at least ½ mile from the nearest: recreational area, residence, other structure.** The Wheatcraft proposed location is well under ½ mile from many of my neighbors. It is also about a mile from my residence. The operation would be 2,000 feet from Center Point school grounds. Lastly, it is less than ½ mile from the Guadalupe River which is used by me for recreational purposes, this makes me an impacted party to the rock crusher.

**Plant must be at least 1,000 feet from any state or federal highway.** The location is less than 1,000 feet from Highway 27. In addition, this highway is heavily traveled by resident traffic as well as our neighbors to the east and west. The added truck traffic would cause major road damage and be dangerous to an already heavily traveled roadway.

Based on the information I have presented an Air Quality Permit should not be issued for Wheatcraft, Inc as it does not meet TCEQ's minimum requirements.

There are also many questions that Wheatcraft has not addressed in his Air Quality Permit:

- Where is the 700 gallon per minute water originating from?
- Has an Air Disbursement Model been completed?
- Are the intentions to crush rock or concrete?
- Why is there no proposal in the permit application for particulate ambient air monitoring?
- What are the plans to control sediment runoff into the Guadalupe River?

I don't believe Wheatcraft has done enough to insure public safety from breathing dust and particulate matter. Nor have they demonstrated how they will maintain and protect our river.

Sincerely,

Theresa McCarthy Sayer
P.O. Box 1058
Center Point, Texas 78010

H OPA
JAN 20 2006
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2006 JAN 20 PM 2:25

CHIEF CLERKS OFFICE

FORMAL

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

49657
NSR

Name: Peggy Schlottman

mailing Address: P.O. Box 1374 Center Point Tx 78010

Physical address 1255 Hwy 27 Center Point Tx 78010

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

I live at 1255 Hwy 27, Center Point, Texas about 1/4 mile from the proposed location for the Wheatcraft Inc. Rock crushing plant on Hwy 27.
The excavation in the past few months has already caused substantial pollution of the river. The river is murky and filled with silt.
I am adamantly opposed to an air permit for a rock crusher which will now be polluting our air with a variety of highly toxic particles such as silica dust (exposure to respirable silica dust can lead to the development of silicosis, a debilitating and potentially deadly lung disease) and the heavy metal particles which have lain dormant in the rock and silt of the River valley.
In addition to the water + air pollution comes the excessive noise of this plant to our previously quiet River Valley AND My home!
Highway 27 is a very busy highway and now with this plant next door, the 18-wheeler traffic will be a disaster for my home!
Please DO NOT allow this permit which will ruin our river and River Valley community.

Thank's for your assistance in this matter

Peggy Schlottman
Jan 10, 2006

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

## NOTICE OF PUBLIC MEETING FOR PROPOSED AIR QUALITY PERMIT

PROPOSED AIR QUALITY PERMIT NO. 76508

**APPLICATION.** Wheatcraft, Inc., P. O. Box 290068, Kerrville, Texas 78029-0068, has applied to the Texas Commission on Environmental Quality (TCEQ) for Air Quality Permit No. 76508, which would authorize construction of a Rock Crushing Facility at the Rhodes Pit Rock Quarry located at 6133 Highway 27, Center Point, Kerr County, Texas. The facility will emit the following air contaminant: particulate matter.

The TCEQ executive director has determined the application is administratively complete and will conduct a technical review of the application.

**PUBLIC MEETING/PUBLIC COMMENT.** A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. During the Informal Discussion Period, the public is encouraged to ask questions of the applicant and TCEQ staff concerning the application, but these informal comments made during the informal period will not be considered by the Commissioners before reaching a decision on the permit and no formal response will be made. During the Formal Comment Period, members of the public may state their formal comments into the official record. A written response to all formal comments will be prepared by the Executive Director and considered by the Commissioners before they reach a decision on the permit. A copy of the response will be sent to each person who submits a formal comment or who requested to be on the mailing list for this application and provides a mailing address.

**The Public Meeting is to be held:**
**Tuesday, January 24, 2006 at 7:00 p.m**
**Center Point School Cafetorium**
**218 China**
**Center Point, Texas 78010**

**INFORMATION.** Citizens are encouraged to submit written comments by mail before the meeting to the Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, TX 78711-3087 or at anytime during the meeting. If you need more information, please call the TCEQ Office of Public Assistance, Toll Free, at 1-800-687-4040. *Si desea información en Español, puede llamar 1-800-687-4040.* General information about the TCEQ can be found at our web site at www.tceq.state.tx.us.

The permit application is available for viewing and copying at the TCEQ central office located at 12100 Park 35 Circle, Building E, Room 103, Austin, Texas 78753; the TCEQ San Antonio regional office located at 14250 Judson Road, San Antonio, Texas 78233-4480. The facility's compliance file, if any exists, is available for public review in the TCEQ central office and the TCEQ San Antonio regional office at the addresses listed above. Further information may also be obtained from Wheatcraft, Inc., P. O. Box 290068, Kerrville, Texas 78029-0068 or by calling Mr. Larry Lucarelli, Senior Environmental Engineer for AARC Environmental, Inc. at (713) 974-2272.

Issued: December 21, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 OCT -3 PM 2:29

CHIEF CLERKS OFFICE

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

Name: Peggy Schlottman

Mailing Address: P.O. Box 1374 Center Point, Tx 78010

Physical Address: 6255 Hwy 27 Center Point Tx 78010

OPA

Daytime telephone number: 1-717-651-1261

OCT 04 2005

BY

NSR 49657

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I have River Front property and the excavation in the past few months has already caused substantial pollution of the River. The River is murky and filled with silt. The rock crusher will now be polluting our air with a variety of highly toxic dust particles such as Silica Dust (exposure to respirable silica dust can lead to the developement of silicosis, a debilitating and potentially deadly lung disease) and the heavy metal particles which have lain dormant in the Rock and silt of the River Valley. In addition to this pollution comes the excessive noise of this plant to our previously quiet River Valley and my home. Hwy 27 is a very busy highway and now with this plant, The 18-wheeler traffic next to my home will be a disaster.

The location and distance of my property from the proposed facility is:
My home is at 6255 Hwy 27 about 1/4 mile from the proposed location for the Wheatcraft, Inc. Rock Crushing plant on Hwy 27.

I use my property by:
Living in my home on this property and caring for about 250 pecan trees on this property.

Peggy Schlottman
9-26-05

MC

OPA

OCT 04 2005

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 OCT -3 PM 2:29

CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name: Peggy Schlottman

mailing Address: P.O. Box 1374 Center Point Tx 78010

Physical address 6255 Hwy 27 Center Point Tx 78010

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

NSR 49657

I would like to inform the TCEQ that

I Live at 6255 Hwy 27, Center Point, Texas about 1/4 mile From the proposed Location For the Wheatcraft Inc. Rock crushing plant on Hwy 27.

The excavation in the past Few months has already caused substantial pollution of the River. The River is murky and Filled with silt.

I am adamantly opposed to an air permit For a Rock crusher which will now be polluting our air with a variety of highly toxic particles such as silica dust (exposure to respirable silica dust can lead to the development of silicosis, a debilitating and potentially deadly lung disease) and the heavy metal particles which have lain dormant in the Rock and silt of the River valley.

In addition to the water + air pollution comes the excessive noise of this plant to our previously quiet River Valley AND My home!

Highway 27 is a very busy highway and now with this plant next door, the 18-wheeler traffic will be a disaster For my home!

Please DO NOT Allow this permit which will ruin our river and River Valley community.

Thanks For your assistance in this matter

Peggy Schlottman

9-26-05

OPA
H JAN 20 2006
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2006 JAN 20 PM 2:25

CHIEF CLERKS OFFICE

49657
NSK

FORMAL

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name : RONNIE SCHLOTTMAN

MAILING Address: P.O. BOX 1374 CENTER POINT, TEX., 78010

PHYSICAL ADDRESS: 6255 HWY. 27 CENTER POINT, TEX., 78010

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

I LIVE AT 6255 HWY. 27, CENTER POINT, TEXAS ABOUT 1/4 MILE FROM THE PROPOSED LOCATION FOR THE WHEATCRAFT, INC. ROCK CRUSHING PLANT ON HWY 27.

THE EXCAVATION IN THE PAST FEW MONTHS HAS ALREADY CAUSED SUBSTANCIAL POLLUTION OF THE RIVER. THE RIVER IS MURKY AND FILLED WITH SILT.

I AM ADAMANTLY OPPOSED TO AN AIR PERMIT FOR A ROCK CRUSHER WHICH WILL NOW BE POLLUTING OUR AIR WITH A VARIETY OF HIGHLY TOXIC PARTICALES SUCH AS SILICA DUST (EXPOSURE TO RESPIRABLE SILICA DUST CAN LEAD TO THE DEVELOPEMENT OF SILICOSIS, A DEBILITATING AND POTENTIALLY DEADLY LUNG DISEASE) AND THE HEAVY METAL PARTICALES WHICH HAVE LAIN DORMANT IN THE ROCK AND SILT OF THE RIVER VALLEY.

IN ADDITION TO THE WATER + AIR POLLUTION COMES THE EXCESSIVE NOISE OF THIS PLANT TO OUR PREVIOUSLY QUIET RIVER VALLEY AND MY HOME!

HIGHWAY 27 IS A VERY BUSY HIGHWAY AND NOW WITH THIS PLANT NEXT DOOR, THE 18-WHEELER TRAFFIC WILL BE A DISASTER FOR MY HOME!

PLEASE DO NOT ALLOW THIS PERMIT WHICH WILL RUIN OUR RIVER AND RIVER VALLEY COMMUNITY.

THANKS FOR YOUR ASSISTANCE IN THIS MATTER.

R. W. Schlottman
1-9-06

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

## NOTICE OF PUBLIC MEETING FOR PROPOSED AIR QUALITY PERMIT

PROPOSED AIR QUALITY PERMIT NO. 76508

**APPLICATION.** Wheatcraft, Inc., P. O. Box 290068, Kerrville, Texas 78029-0068, has applied to the Texas Commission on Environmental Quality (TCEQ) for Air Quality Permit No. 76508, which would authorize construction of a Rock Crushing Facility at the Rhodes Pit Rock Quarry located at 6133 Highway 27, Center Point, Kerr County, Texas. The facility will emit the following air contaminant: particulate matter.

The TCEQ executive director has determined the application is administratively complete and will conduct a technical review of the application.

**PUBLIC MEETING/PUBLIC COMMENT.** A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. During the Informal Discussion Period, the public is encouraged to ask questions of the applicant and TCEQ staff concerning the application, but these informal comments made during the informal period will not be considered by the Commissioners before reaching a decision on the permit and no formal response will be made. During the Formal Comment Period, members of the public may state their formal comments into the official record. A written response to all formal comments will be prepared by the Executive Director and considered by the Commissioners before they reach a decision on the permit. A copy of the response will be sent to each person who submits a formal comment or who requested to be on the mailing list for this application and provides a mailing address.

**The Public Meeting is to be held:**
**Tuesday, January 24, 2006 at 7:00 p.m**
**Center Point School Cafetorium**
**218 China**
**Center Point, Texas 78010**

**INFORMATION.** Citizens are encouraged to submit written comments by mail before the meeting to the Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, TX 78711-3087 or at anytime during the meeting. If you need more information, please call the TCEQ Office of Public Assistance, Toll Free, at 1-800-687-4040. *Si desea información en Español, puede llamar 1-800-687-4040.* General information about the TCEQ can be found at our web site at www.tceq.state.tx.us.

The permit application is available for viewing and copying at the TCEQ central office located at 12100 Park 35 Circle, Building E, Room 103, Austin, Texas 78753; the TCEQ San Antonio regional office located at 14250 Judson Road, San Antonio, Texas 78233-4480. The facility's compliance file, if any exists, is available for public review in the TCEQ central office and the TCEQ San Antonio regional office at the addresses listed above. Further information may also be obtained from Wheatcraft, Inc., P. O. Box 290068, Kerrville, Texas 78029-0068 or by calling Mr. Larry Lucarelli, Senior Environmental Engineer for AARC Environmental, Inc. at (713) 974-2272.

Issued: December 21, 2005

TEXAS COMMISSION ON ENVIRONMENTAL

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

2005 OCT -3 PM 2:30

CHIEF CLERKS OFFICE

Name: RONNIE SCHLOTTMAN

MAILING Address: P.O. BOX 1374 CENTERPOINT, TEX., 78010

PHYSICAL ADDRESS: 6255 HWY 27 CENTER POINT, TEX., 78010

Daytime telephone number: 1-717-651-1261

NSR 49657

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I HAVE RIVERFRONT PROPERTY AND THE EXCAVATION IN THE PAST FEW MONTHS HAS ALREADY CAUSED SUBSTANCIAL POLLUTION OF THE RIVER. THE RIVER IS MURKY AND FILLED WITH SILT. THE ROCK CRUSHER WILL NOW BE POLLUTING OUR AIR WITH A VARIETY OF HIGHLY TOXIC DUST PARTICLES SUCH AS SILICA DUST (EXPOSURE TO RESPIRABLE SILICA DUST CAN LEAD TO THE DEVELOPMENT OF SILICOSIS, A DEBILITATING AND POTENTIALLY DEADLY LUNG DISEASE) AND THE HEAVY METAL PARTICALES WHICH HAVE LAIN DORMANT IN THE ROCK AND SILT OF THE RIVER VALLEY.
IN ADDITION TO THIS POLLUTION COMES THE EXCESSIVE NOISE OF THIS PLANT TO OUR PREVIOUSLY QUIET RIVER VALLEY AND MY HOME. HWY 27 IS A VERY BUSY HIGHWAY AND NOW WITH THIS PLANT, THE 18-WHEELER TRAFFIC NEXT TO MY HOME WILL BE A DISASTER.

The location and distance of my property from the proposed facility is: MY HOME IS AT 6255 HWY 27 ABOUT 1/4 MILE FROM THE PROPOSED LOCATION FOR THE WHEATCRAFT, INC. ROCK CRUSHING PLANT ON HWY 27.

I use my property by: LIVING IN MY HOME ON THIS PROPERTY AND CARING FOR ABOUT 250 PECAN TREES ON THIS PROPERTY.

R.W. Schlottman
9-26-05

OPA

OCT 04 2005

BY

MC

OPA #

OCT 04 2005

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 OCT -3 PM 2:30

CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name: RONNIE SCHLOTTMAN

MAILING Address: P.O. BOX 1374 CENTERPOINT, TEX., 78010

PHYSICAL ADDRESS: 6255 HWY. 27 CENTERPOINT, TEX., 78010

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

NSR/49657

I would like to inform the TCEQ that

I LIVE AT 6255 HWY. 27, CENTER POINT, TEXAS ABOUT 1/4 MILE FROM THE PROPOSED LOCATION FOR THE WHEATCRAFT, INC. ROCK CRUSHING PLANT ON HWY 27.

THE EXCAVATION IN THE PAST FEW MONTHS HAS ALREADY CAUSED SUBSTANCIAL POLLUTION OF THE RIVER. THE RIVER IS MURKY AND FILLED WITH SILT.

I AM ADAMANTLY OPPOSED TO AN AIR PERMIT FOR A ROCK CRUSHER WHICH WILL NOW BE POLLUTING OUR AIR WITH A VARIETY OF HIGHLY TOXIC PARTICALES SUCH AS SILICA DUST (EXPOSURE TO RESPIRABLE SILICA DUST CAN LEAD TO THE DEVELOPMENT OF SILICOSIS, A DEBILITATING AND POTENTIALLY DEADLY LUNG DISEASE) AND THE HEAVY METAL PARTICALES WHICH HAVE LAIN DORMANT IN THE ROCK AND SILT OF THE RIVER VALLEY.

IN ADDITION TO THE WATER + AIR POLLUTION COMES THE EXCESSIVE NOISE OF THIS PLANT TO OUR PREVIOUSLY QUIET RIVER VALLEY AND MY HOME!

HIGHWAY 27 IS A VERY BUSY HIGHWAY AND NOW WITH THIS PLANT NEXT DOOR, THE 18-WHEELER TRAFFIC WILL BE A DISASTER FOR MY HOME!

PLEASE DO NOT ALLOW THIS PERMIT WHICH WILL RUIN OUR RIVER AND RIVER VALLEY COMMUNITY.

THANKS FOR YOUR ASSISTANCE IN THIS MATTER.

R. W. Schlottman

9-26-05

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

OPA H

OCT 0 3 2005

BY

Name: Mr. George H. Schroeder

Address: PO Box 937
Center Point, TX 78010-0937

NSR 49657

Daytime telephone number: 830 634 2589

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 OCT -3 AM 10:23
CHIEF CLERKS OFFICE

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I

1. POLLUTION by Dust and Noise because of prevailing WINDS.

2. EXCESSIVE WATER USE, EFFECTING Aquafer Level and therefore our WELLS.

The location and distance of my property from the proposed facility is:

Appr. 2 MILES

I use my property by: RAISING SHEEP, DONKEYS fruit

Sincerely:

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

OPA
SEP 27 2005
BY

2005 SEP 27 AM 9:41
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Name: NELL I. SEVEY

Address: P.O. Box 443 (501 SKYLINE DR. E.)
CENTER POINT, TX. 78010-0443

NSR/49657

Daytime telephone number: (WORK) 830-634-2952

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I
PARTICLES IN THE AIR THAT WOULD CAUSE BREATHING PROBLEMS. AND CONTAMINATION OF THE RIVER THAT I HAVE 325 FT. ON MY PROPERTY.

The location and distance of my property from the proposed facility is:
ABOUT 1½ MILES WEST OF SITE BUT WORK IN DOWN TOWN CENTER POINT ALL DAY

I use my property by:
PERSONAL PROPERTY. MY SON & DAUGHTER & 2 CHILDREN LIVE ON MY PLACE. WE HAVE REGISTERED DOGS.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 SEP 30 AM 9:44

CHIEF CLERKS OFFICE

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

Name: Luke Sheets

Address: 126 Albrecht Rd E
Center Point, Tx 78010

Daytime telephone number: (830) 634-2376

NSR/49657

OPA
SEP 30 2005
BY KY

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I
I live less than 1 miles from the proposed facility. My concern is the air pollution that will be caused from this facility. I ~~am~~ receive a prescription for allergies and the ~~dust~~ pollution from the proposed facility is a major concern. Our community also has a school less than 1 miles from the proposed facility and the air pollution will certainly have a negative affect on the children. I am also concerned with the pollution that will be put into the river. I have property on the river and I couldn't stand to see it destroyed by pollution.

The location and distance of my property from the proposed facility is:
less than 1 mile down river

I use my property by:
reside on property

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2005 SEP 30 AM 9:44

CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

NSR
49657

Name : Luke Sheets

Address: 126 Albrecht Rd E

Center Point, Tx 78010

H

OPA
SEP 30 2005
BY KY

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

I feel that a rock crushing facility will negatively impact our community in several ways. It will pollute the river. It will pollute the air and will cause our small community to be heavely traveled by 18 wheelers. The proposed facility will cause extreme noise pollution, which will greatly affect Center Point ISD, churches, and private residences. ~~This~~ The facility is located less than 2 miles from Center Point ISD the air pollution will have a definate impact on the children of the community.

January 10, 2006

HR OPA
JAN 17 2006
BY

CHIEF CLERKS OFFICE

Office of the Chief Clerk
Texas Commission on Environmental Quality
Mail Code MC-105
P. O. Box 13087
Austin, TX 78711-3087

Re: Air Quality Permit #76508 for Wheatcraft, Inc.

NSR
49657

To Whom It May Concern:

I request a Contested Case Hearing for the proposed Air Quality Permit #76508 for Wheatcraft, Inc.

My husband and I permanently reside approximately one half mile downstream of the proposed site. I am very concerned about the pollution that will drain into the Guadalupe River. I own riverfront property so that I am able to enjoy such activities as swimming, canoeing, and fishing. A facility of this nature will severely affect the water quality of the river and destroy its natural beauty. I have been disturbed by the loud machines coming from Wheatcraft, Inc. already and am worried about the noise on a daily basis if the facility is granted a permit. This proposed rock-crushing facility would also cause extreme air pollution. My husband and I have severe allergies for which we take medication daily. Because we live so close to the facility, I'm afraid our allergies will worsen.

Respectfully,

Sarah Sheets

Sarah Sheets
126 Albrecht Rd E
Center Point, TX 78010
(830) 634-2376

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

Name: Sarah Sheets

Address: 126 Albrecht Rd E
Center Point Tx 78010

Daytime telephone number: 830 634-2376

NSR 49657

OPA
SEP 30 2005
BY

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I
live less than 1 mile downstream from the proposed rock crushing facility. I am concerned about the waste + pollution that will go into the river and flow past my property. I also take medication for allergies, and I am concerned about the dust + pollution that will be released into the air. I do not want to listen to this facility 6 days a week.

2005 SEP 30 PM 4:13
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

The location and distance of my property from the proposed facility is:
less than 1 mile down river from proposed facility

I use my property by:
I reside on my property in Center Point. I also raise horses on my property.

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

OPA

H SEP 30 2005

BY KY

Name : Sarah Sheets

Address: 126 Albrecht Rd E

Center Point Tx 78010

NSR 49657

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 SEP 30 AM 9:43

CHIEF CLERKS OFFICE

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

I strongly oppose the operation of a rock crushing facility in Center Point, Texas. The Hill Country is known for its clean air and quality of life. A rock crushing facility will greatly impact our area. The Guadalupe River will become polluted with wastes from the facility. The once clean hill country air will become a cloud of dust, and the once quiet small town will be heavily traveled by Eighteen-Wheelers. This facility will be too close to the School, churches, and private residences. This facility will affect the health of our community. I am also very concerned about the noise this facility will produce. This facility wants to operate 12 hours a day, six day a week. The noise will definitely be a problem for the school and the residents.

January 10, 2006

Office of the Chief Clerk
Texas Commission on Environmental Quality
Mail Code MC-105
P. O. Box 13087
Austin, TX 78711-3087

OPA
JAN 17 2006
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 JAN 17 AM 10: 36
CHIEF CLERKS OFFICE

NSR 49657

Re: Public meeting for proposed Air Quality Permit #76508
for Wheatcraft, Inc.

To Whom It May Concern:

The following are concerns that I would like discussed during the Formal Comment Period of the Public Meeting on January 24, 2006.

- Has Mr. Wheatcraft gotten his diversion rights for his 50 acre-feet of water for agricultural purposes changed to reflect the proposed use at the Hwy 27 location and the proposed mining purposes?

- Is there now a completed "air dispersion model" and what was the result of such model?

- Why is there no proposed "ambient air monitoring" to provide comparison during future operations at the Hwy 27 location?

- Why was there no archaeological study conducted before breaking ground for this operation, when the operation is located in a historically significant sector of the county?

- How much ground contamination can be expected from fossil fuels from the increased vehicle traffic and the machinery at the site?

- How much contamination of the river and the nearby crossing downstream can be expected from sediment?

- Can Mr. Wheatcraft clarify whether he proposed to crush only rock from the site, or rock from the site in addition to rock from elsewhere? Will there be crushing of concrete at this site? The parameters published on the TCEQ website do not distinguish clearly what this permit #76508 will include.

- Are any of the planned materials prone to cause or aggravate pulmonary fibrosis or other respiratory health issues? It is known that approximately 25% of the student body, faculty and staff of Center Point, ISD, which is in close proximity to this site, suffer from respiratory conditions.

- Where will the necessary water at the rate of 700 gal./minute come from and what will be its disposition and conditions of use.

- Why does the permit application request authorization for operations 12 hours/day, 7 days/week, 364 days/year when the TCEQ limits such operations of rock crushers to 180 days/year, maximum?

- Why was the environmental impact comment in the application entered without a site visit by the personnel filling out the application? The map accompanying the application is obsolete and does not indicate accurately the degree of established residential development, which would be within the TCEQ's published setback limits for residences, schools, churches, fences or highways not under construction or repair?

- Does Mr. Wheatcraft have a plan in place in the event of flooding? This area along the Guadalupe and Hwy 27 often flood in heavy rains.

- Since Mr. Wheatcraft has already been found in violation of TCEQ rules and been cited for disturbing the peace, what assurance do we have that the he will abide by all of the regulations and quality control methods that a permit of this nature will require? Will this site be monitored regularly? Would such visits be unannounced?

Thank you for the opportunity to express my concerns over this matter and will welcome your comments during the meeting.

Respectfully,

Sarah Sheets
126 Albrecht Rd E
Center Point, TX 78010
(830) 634-2376

Sp. se but said her c mments were already covered by others

(19)

# TCEQ Public Participation Form
## Wheatcraft, Inc.
## Public Meeting
## Proposed Air Quality Permit No. 76508
## Tuesday, January 24, 2006

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 FEB -2 PM 1:37
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Sarah Sheets

Address: 126 Albrecht Rd E

City/State: Center Point TX Zip: 78010

Phone: 830 634-2376

☐ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☐ No

If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☒ I wish to provide formal oral comments.

☐ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 SEP 23 AM 9:32

CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name: Linnette Shine

NSR/49657

Address: PO Box 171
CenterPoint, Tx 78010

OPA HB
SEP 23 2005
BY

I request a local public hearing. yes

I request to be placed on the mailing list for the above permit. yes

I would like to inform the TCEQ that
Our community and school families are very worried about the health of our children and ourselves. The quality of our drinking water will be worse, and during working hours the plant will be putting harmful products into our air.
This plant will pollute our water table and our air quality and we want to keep our environment safe.

File your comments in writing with the Office of Chief Clerk, MC-105
TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 SEP 23 AM 9:32

CHIEF CLERKS OFFICE

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

Name: Linnette Shine

Address: PO Box 171
Center Point, Tx 78010

Daytime telephone number: 830-377-2824
work 830-634-2533

NSR 49657

OPA HR
SEP 23 2005
BY

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I work for Center Point ISD and my son goes to school at this location. We would be affected by the air contaminants put out by the proposed plant. We will also be drinking water contaminated by the plant. We live 3 miles from the facility and I'm sure air & water quality will be affected there as well.

The location and distance of my property from the proposed facility is:
my home is 3 miles
school is 1000 feet

I use my property by:

**Donald Shirkey**
P.O. Box 253, Center Point, TX 78010
830-634-2845

OPA

AUG 28 2006

BY

Texas Commission for Environmental Quality,
Office of the Chief Clerk,

Friday, August 25, 2006

I am writing to request a contested case hearing relating to Wheatcraft Materials and permit #76508.

I enjoy spending a lot of time out of doors. My good fortune is that I have two patios. I use one for exercise and the other as a place to eat my meals. The one problem with this is that I have sever allergy problems. The dust from the rock crusher operation would greatly increase my allergy problems and reduce the pleasure that I get from using my patios.

In addition I have a art studio on the second floor of the old bank building at 219 Highway 480. During the fall, winter, spring and summer mornings, I open the windows and door for cross ventilation. Any dust in the air would adhere to the wet oils and acrylics that I use to paint with. This would degrade my paintings.

Though this is not a high priced area my property did cost a lot. Texas real estate law says that you do not buy land. What you buy is the right to USE, POSSESS AND ENJOY it. The dust in the air will cause a loss of value and would reduce my right to enjoy the property.

I live at 221 Highway 480. My house and the art building are less than one half a mile West of the place where Wheatcraft proposes to put the rock crushing operation.

Besides the air pollution from the rock crusher itself there is the dust thrown up by the trucks going to and fro from Highway 27 into the working area. This is already a problem with their operation West of Center Point. As the prevailing winds are from the South East and East the main problem for me would be the rock crushing operation which is to be placed East of Center Point.

With the hills full of rock, I question why Wheatcraft chose this location. The operation could be put far from any populated area on much cheaper land where there would be no complaints from anyone. It appears that Wheatcraft wants to use the Guadalupe River as a source of water to wash the stone and a place for runoff. In effect to drain the river and then use is as a sewer. If they simply build holding ponds so the waste water evaporates, this will be a waste of water that others down stream are counting on for life. Think Canyon Lake and the City of San Antonio, New Braunfels, Seguin, Gonzales, Cuero and Victoria, Texas. The Guadalupe River is important to all of those cities. To unleash contaminants into the river could bring illness to a lot of people who cannot afford to get help. To simply contain the waste water until it evaporates could bring hardship to a great part of Texas.

By denying an air quality permit for this location you will not harm Wheatcraft's business. Remember they can simply move the rock crushing operation to a place where they will not endanger the lives of so many others.

Donald Shirkey

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 AUG 28 AM 9:57
CHIEF CLERKS OFFICE

Filed written comments.
Did not give oral comments.

# TCEQ Public Meeting Form

## Thursday, November 9, 2006

## Wheatcraft, Inc.
## Proposed Air Quality Permit
## 76508

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 NOV 20 PM 4:35
CHIEF CLERKS OFFICE

**PLEASE PRINT:**

**Name:** Donald Shirkey

**Address:** P.O. Box 253 (221 Highway 480)

**City/State:** Center Point TX **Zip:** 78010

**Phone:** (830) 634-2845

☑ **Please add me to the mailing list.**

**Are you here today representing a municipality, legislator, agency, or group?** ☐ **Yes** ☑ **No**

**If yes, which one?** _____

**IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW**

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

**(Written comments may be submitted at <u>any time</u> during the meeting)**

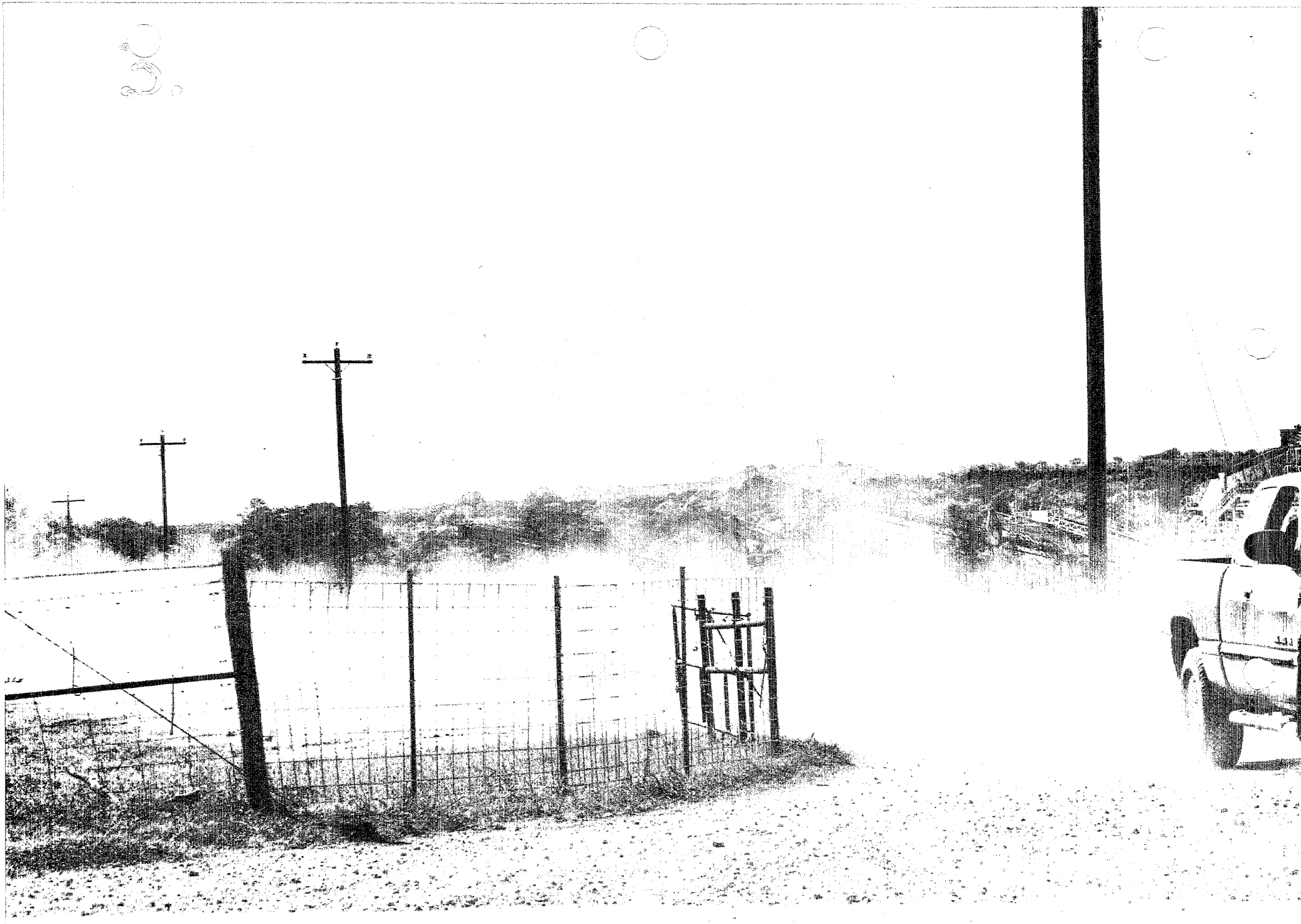
**Please give this to the person at the information table. Thank you.**

MW

WHEATCRAFT
MATERIALS
895-3030

2.

1/17/2006



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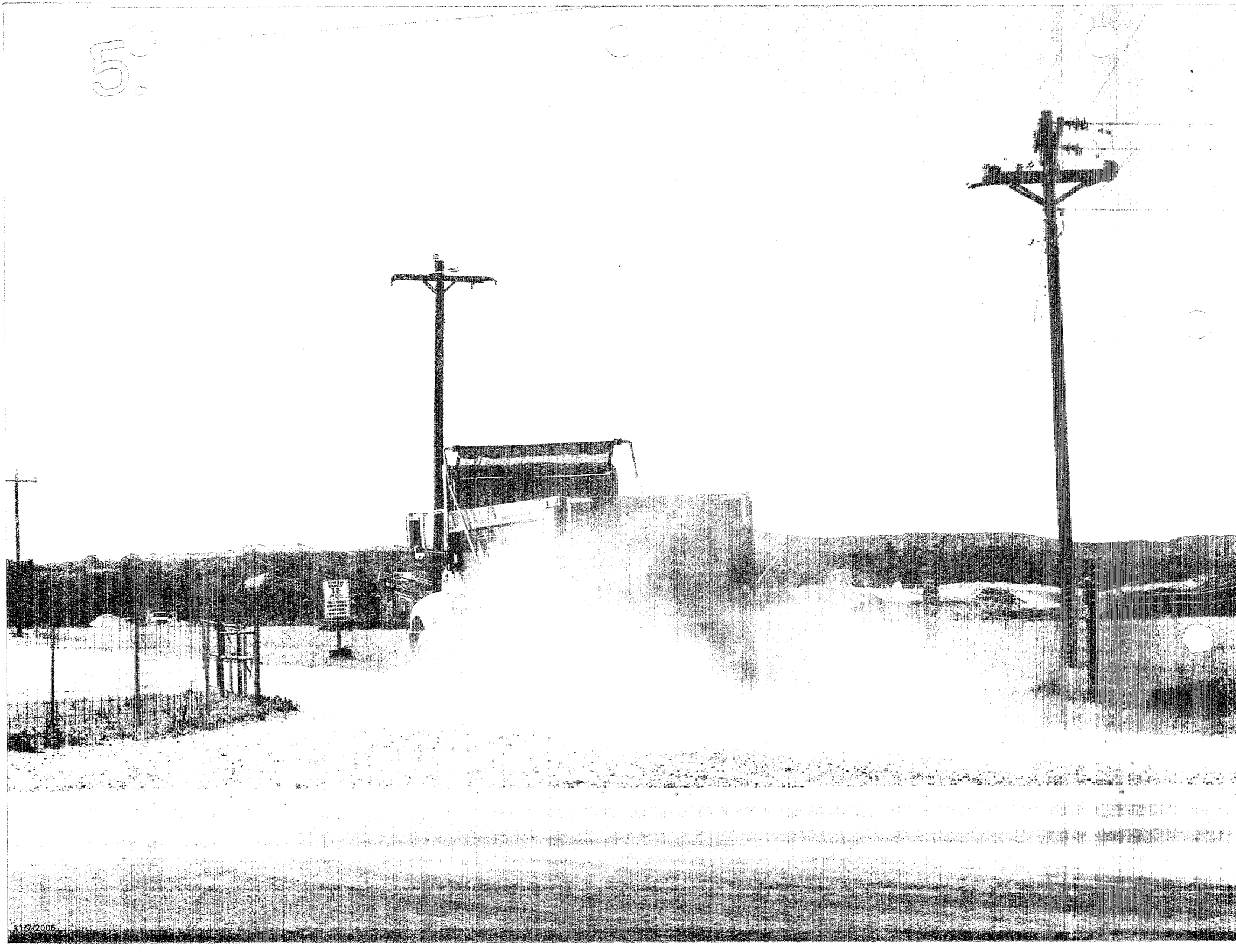

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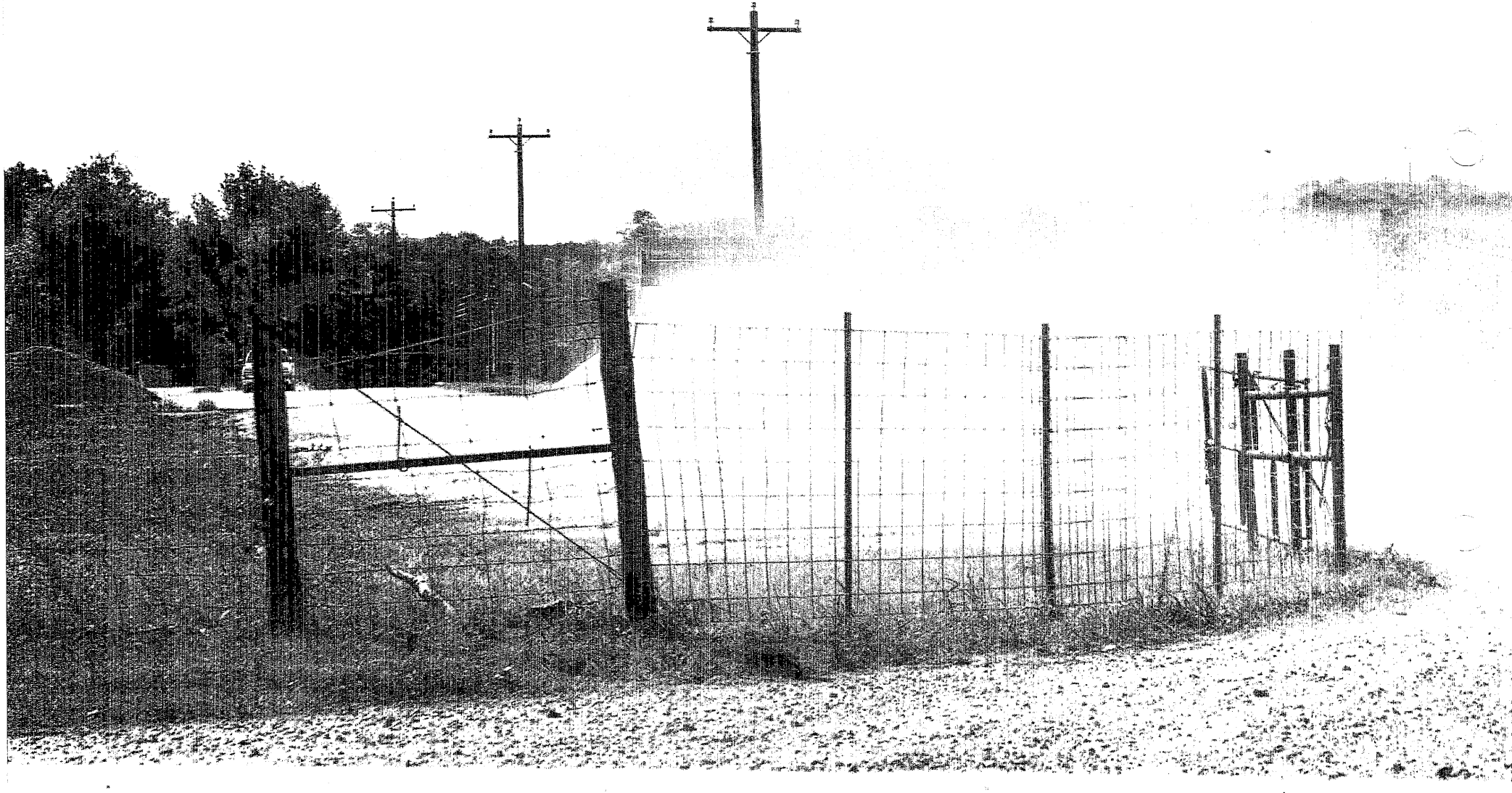

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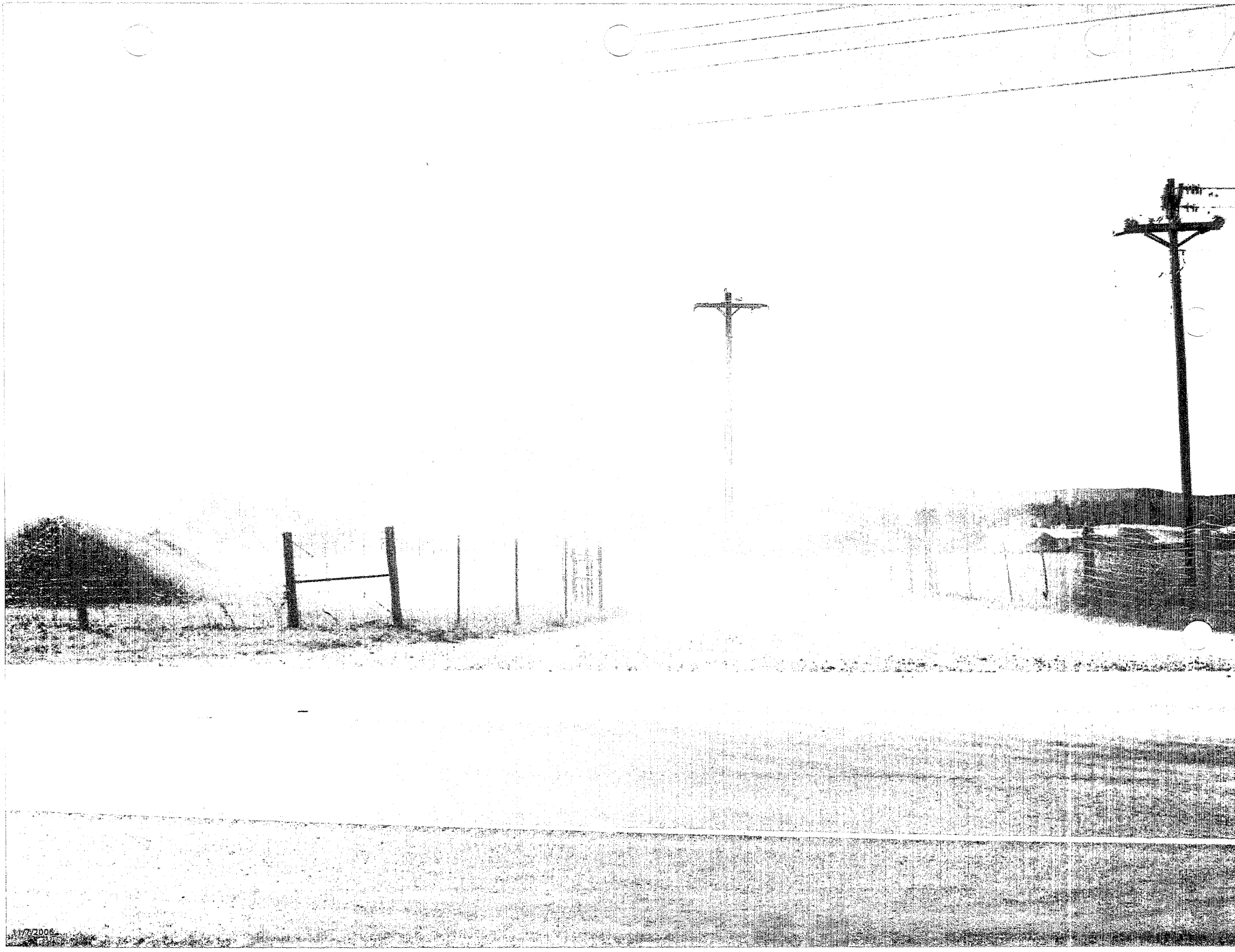
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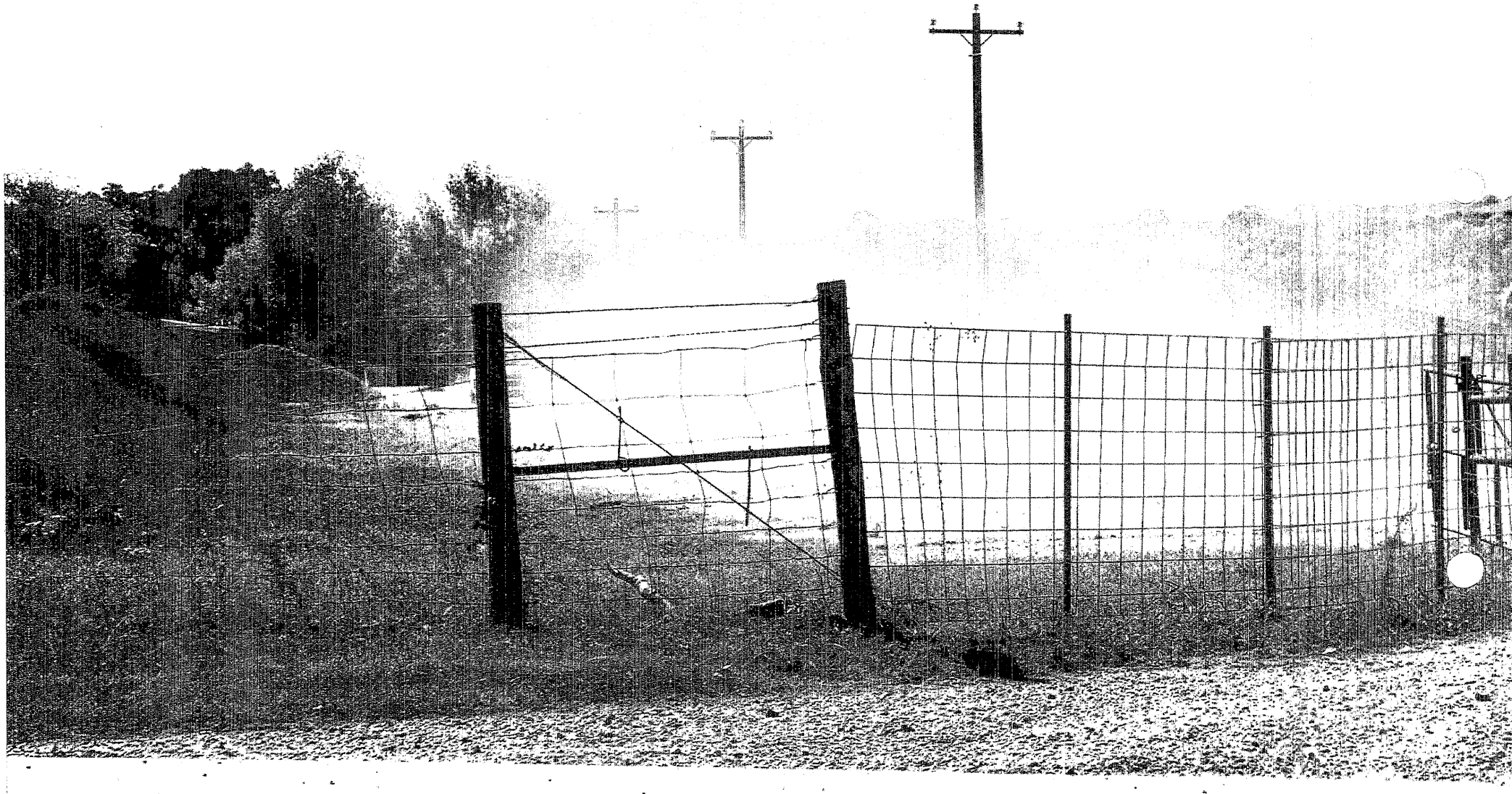
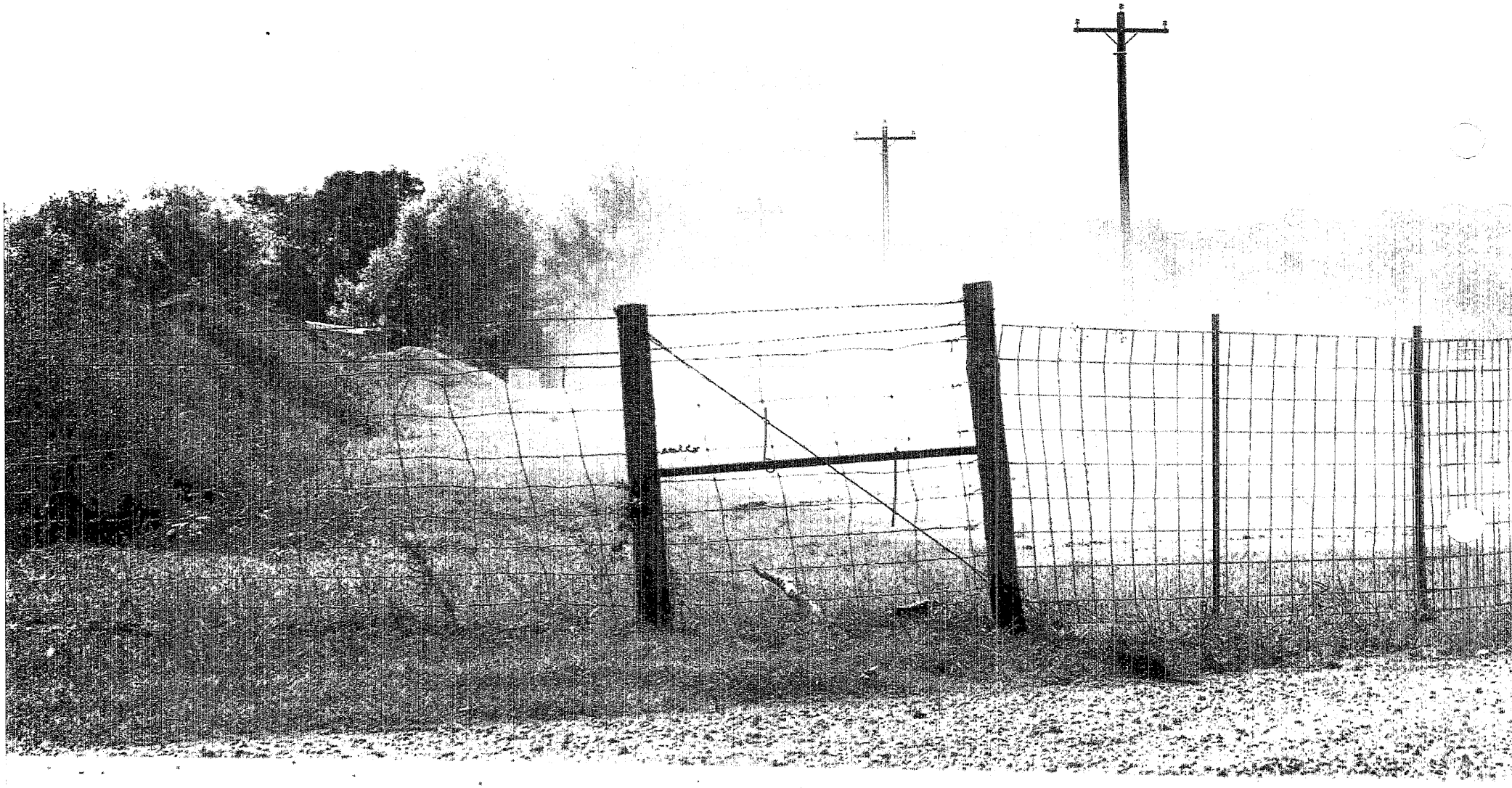




11/7/2006

11/7/2006

OPA

JAN 17 2006

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2006 JAN 13 PM 2:54

CHIEF CLERKS OFFICE

Office of the Chief Clerk
TCEQ
Mail Code MC-105
PO Box 13087
Austin TX 78711-3087

NSR 49657

Wheatcraft, Inc.

RE: Proposed Air Quality Permit # 76508

I am writing to register my opposition to the above referenced permit request.

The operation of a rock crusher at this location would be very detrimental to our community for the following reasons:

1. The dust generated by the rock crusher would severely impact the health of the people immediately surrounding the location. This includes my 86 year old father-in-law, who lives with us. We live right in the radius of dust dispersion.
2. The dust would also impact the children at the public schools within the same bull's eye.
3. The noise currently generated by just the screening process already in operation is extremely loud. A rock crusher would make the noise unbearable.
4. The river cannot help but be negatively impacted by the dust and silt generated by a rock crusher.
5. Where will they get all of the water they are requesting for this permit? How will they rivers aquifer be protected on discharge?

Even though Wheatcraft has indicated in their permit application the intention of putting environmental pollution controls in place to control these negative conditions we can have no faith in their actual implementation or continued use. Wheatcraft has already shown an obvious disregard for any law or regulations. They have had a pump illegally removing water from the Guadalupe, and they proceeded with construction of the rock crusher. This is in complete disregard of TCEQ's own regulations on this matter.

I respectfully request that you deny this permit completely and permanently.

Yours truly,

John C. Kovacs

And what will this do to the water quality of the Guadalupe river?

Donald Shirkey
P.O. Box 253
Center Point TX 78010

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 OCT -6 AM 9:39

CHIEF CLERKS OFFICE

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

Name: Lisa Skidmore

Address: P.O. Box 1501
Center Point 78010

Daytime telephone number: 830-634-7701

OPA # NSR 49657

OCT 06 2005

BY

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I

my husband has asthma
the school is only 3000 ft from
the planned site.
No water quality has been done

The location and distance of my property from the proposed facility is:

4000 yrd.

I use my property by:

My home

Lisa Skidmore 10-5-03

Me

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

2005 OCT -6 AM 9:45

CHIEF CLERKS OFFICE

Name: Michael R Skidmore

Address: P.O. Box 1501 (310 China Street
Centerpoint Tx 78010

Daytime telephone number: 830-634-7618

NSR 49657

OPA #

OCT 06 2005

BY Je

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I have asthma & it is also close to the school.

It will also cause a lot of traffic.

No water quality study has been done. ~~4000 yards~~

The location and distance of my property from the proposed facility is:
310 China Street is 4000 yards

I use my property by:
As my home

Mike Skidmore 3-5-05

MC

PO Box 1501
Center Point Tx 78010

SAN ANTONIO TX 782
PM
05 OCT
2005

Office of Chief Clerk, MC105
TCEQ
P.O. Box 13087
Austin Tx 78711-3087

RECEIVED
OCT 06 200
TCEQ MAIL CE

78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 OCT -6 AM 9:45

CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name : Mike Skidmore

OPA JS

OCT 06 2005

BY JS

Address: PO Box 1501

Center Point Tx 78010

NSR 49657

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

This close to the school out ~~[illegible]~~ older person who have Resigatory problem

Mike Skidmore 10-5-05
310 China Street

MC

HR OPA

SEP 06 2006

BY DM

2006 SEP -6 AM 9:51

CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

W5R/49657

September 3, 2006

Texas Commission on Environmental Quality (TCEQ)
LaDonna Castañuela, Chief Clerk
MC-105
PO Box 13087
Austin, TX 78711-3087

Dear Ms. Castañuela:

My husband and I are writing to request a contested case hearing against Wheatcraft Materials, Permit Number 76508.

We are property owners 1 mile east of Center Point, TX on China St. East and directly across the Guadalupe River from Wheatcraft Materials; our property description R14955 and residence property R14949 is listed on the enclosed map. These properties were formerly owned by my father, David B. Wray, now deceased.

As owners of these properties situated directly across from the Wheatcraft facility, we are strongly opposed to their application for rock crushing.

We believe that the resulting air and noise pollution will effectively destroy the quality of life in the Hill Country, as we often visit this area to escape from the noise and air pollution of Houston, TX and to enjoy the serenity of my childhood home. We are often disturbed by the noise pollution that comes from the activity currently going on at the Wheatcraft facility, and we are further upset that they intend to continue even more intense work 7 days a week, 12 hours a day, all year long. We anticipate no peace from such a large, noisy facility. We believe without doubt that our property value in the area will dramatically decrease due to Wheatcraft's operation.

My husband and I are both sensitive and allergic to dust emissions and particulate pollution. With the Wheatcraft facility in such close proximity, we are very much concerned that the air quality will be severely diminished and our health greatly affected. As a surgical nurse at MD Anderson in Houston, I have seen personally the effects of smoking and air pollution on many patients' lungs, and I am concerned about the added health risks this rock crushing facility will have, not just on us, but on others living nearby. Regarding air quality, one Wheatscraft spokesman was recently quoted in a local paper stating that the air quality would be similar to that of "being in a room with a smoker".

As you already know, Wheatcraft Materials has been cited by TCEQ or notified by the Upper Guadalupe River Authority (UGRA) for violations including pumping from the river without a mining permit, operating without a Storm Water Discharge Permit, and operating without proper water quality safeguards in place. Because of Wheatcraft's past failures to abide by the law and/or regulations, we believe that they may also disregard future regulations once they have begun their rock crushing operations. Even if

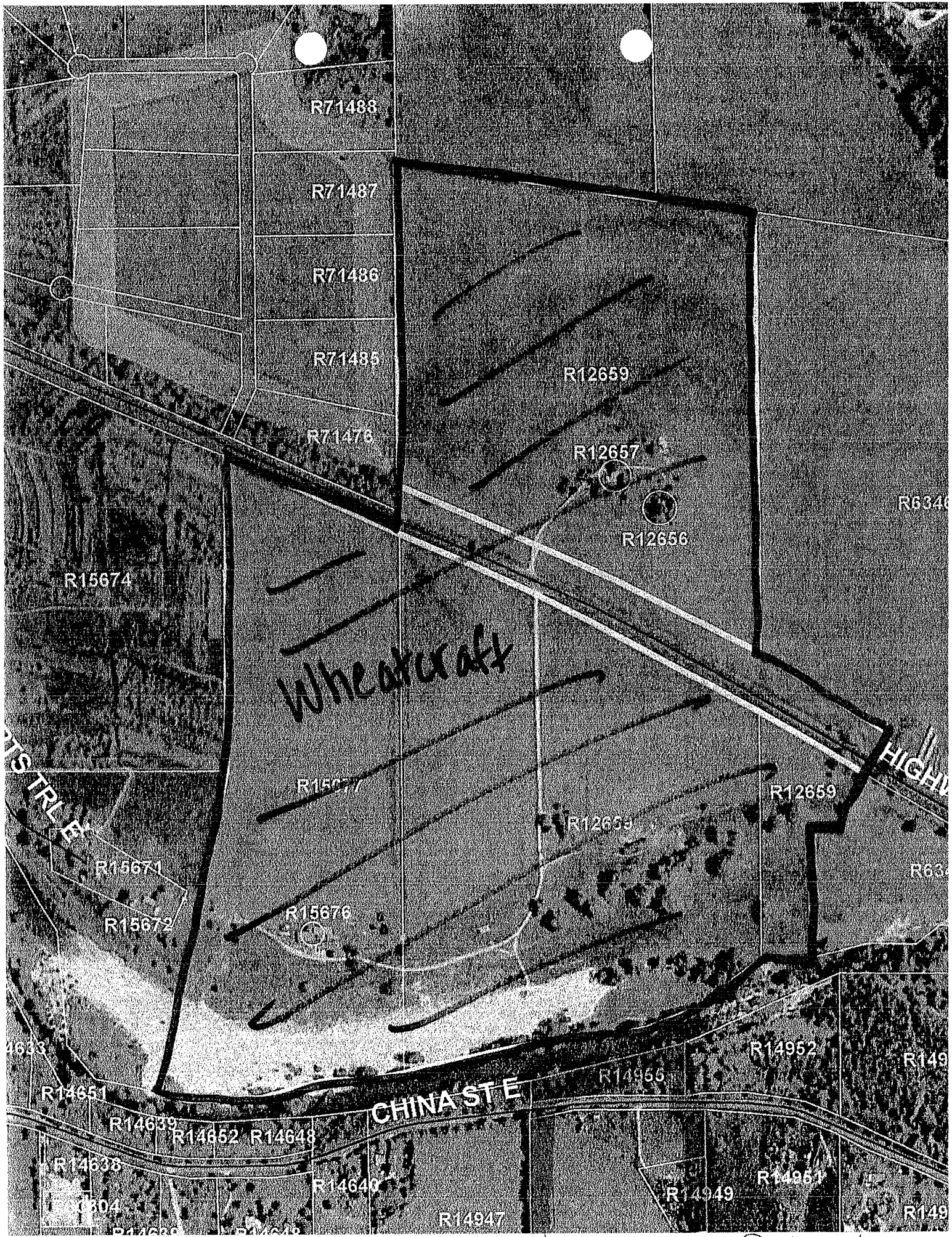
safeguards are implemented by Wheatcraft, how can we be guaranteed that these safeguards will be continued by this company, given their previous violations? How will short term spikes in pollution be managed or contained? What about the additional environmental impact from Wheatcraft's increased semi-truck traffic generating more air and noise pollution in the area?

We are also very concerned about the application to drill a well into the Lower Trinity Aquifer to extract large quantities of groundwater. It appears that Wheatcraft is attempting to gain access to surface water from the Guadalupe River and to groundwater sources. The Hill Country is a very delicate area where water resources are precious, especially in times of drought. Why should a facility of this nature be allowed to garnish such a disproportionate amount of these water resources? Because our property is beyond the reach of the town's water supply, we must use well water. We do not want our well water nor any future irrigation needs via the Guadalupe River to be adversely affected by Wheatcraft's operations.

In summary, we strongly believe that Wheatcraft Materials' permit for rock crushing and associated other operations should be intensely scrutinized, and our concerns as well as the concerns of our neighbors requesting to contest this permit be heard by TCEQ. Please help the citizens of Center Point, Texas preserve the Hill Country for everyone and future generations.

Sincerely,

Suzanne Wray Smith & Brian Smith
4602 Kingfisher
Houston, TX 77035
(713) 721-6384 home
(713) 366-5061 work




WRAU Property: R14955 & R14949

Suzanne Wray
4602 Kingfisher
Houston, TX 77035

AUSTIN TX 787
05 SEP 2006 PM 3 L

USA 39

OFFICE of the Chief Clerk
TCEQ MC-105
P.O. BOX 13087
Austin, TX 78711-3087

RECEIVED
SEP 06 2006
TCEQ MAIL CENTER
RB

78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 OCT -3 AM 10:30

CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name: PHILLIP W & SARAH M. SNEED

MAILING ADDRESS:
P.O. BOX 3441
ABILENE, TX 79604

Address: LOT 1B BLUFF CREEK RANCH
359 BLUFF CREEK ROAD
CENTER POINT, TX 78010

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

NSR 49657

I would like to inform the TCEQ that

We own the above referenced property in Center Point, TX. It is our intention to build a residence on the property and we bought the property with the knowledge that the area was quiet, that the air was not polluted and that the Guadalupe River was nearby.

We now understand that Wheatcraft, Inc. intends to build a rock crushing plant across highway 27 from our property. Our property is located less than 1/2 mile from HWY 27 and we are quite concerned about the problems that this type of business might cause to the environment. This would include the quality of the air.

Please deny their request for Air Quality Permit No. 76508.

OPA

OCT 03 2005

BY

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

Name: PHILLIP W. & SARAH M. SNEED
LOT 1B BLUFF CREEK RANCH
Address: 359 BLUFF CREEK ROAD
CENTER POINT, TX 78010

MAILING ADDRESS:
P.O. BOX 3441
ABILENE, TX 79604

Daytime telephone number: 325-677-5444 X 191
325-370-7084

NSR/49657

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I own property within approx 1/2 mile of the proposed facility. We intend to build a residence on the property and feel that the plant proposed by Wheatcraft, Inc, will threaten the quality of the environment in many ways which include Air Quality. Please deny the Air Quality Permit No. 76508

OPA

OCT 03 2005

BY

The location and distance of my property from the proposed facility is:
approximately Seven (7) miles from Comfort, 12 miles from Kerrville on HWY 27 at Center Point, TX

I use my property by: a proposed ~~as~~ residential property. (see above).

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 SEP 26 PM 2:16

CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name : Phil Spain

Address: 308 Heritage Tr.

Granbury, Tx 76048

OPA
SEP 27 2005
BY

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

N5R/49657

I would like to inform the TCEQ that

I am a property owner in Center Point & plan to move there & retire in the next few years. I had planned on building upscale housing on my land to market & also to live there as well.

I have concerns & living near the dust currently being created on the Wheatcraft land would be bad enough but if you allow the rock crusher there I will lose my dream of retiring in Center Point & Center Point will loose the economic development that would be lost from me & others like me that wouldn't want to build in an area where peoples quality of life & health would be at risk from poor air quality, an increased risk of flooding, & all the other negative effects of having a business next door that harms people, animals, the land, the soil, the water & one of the few pristine areas left in this country

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 SEP 26 PM 2:16

CHIEF CLERKS OFFICE

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

Name: [illegible]

Address: 308 Heritage Tr.
Granbury, Tx 76048

Daytime telephone number: 817 573-1875

OPA
SEP 27 2005
BY [illegible]

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I own land there that will no longer be usable for a residential development. I have enough care for my fellow man to not expose them to all the health problems created by a business that ruins neighborhoods & the quality of life for its residents for nothing but their profit margin.

The location and distance of my property from the proposed facility is:
Hwy 227

I use my property by:
Just purchased & planned to build homes, but not if these people are allowed to ruin the area for people & wildlife

Belinda Mosty Stanush
321 Blue Bonnet Blvd.
San Antonio, Texas 78209
210-823-5401 cell phone
210-822-5401

H OPA
AUG 15 2006
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 AUG 14 PM 2:47
CHIEF CLERKS OFFICE

August 11, 2006

Office of the Chief Clerk
Mc-105
TCEQ
P.O. Box 13087
Austin Texas 78711-3087

105R
49657

Dear Sirs:

Re proposed permit number 76508; Wheatcraft, Inc.; Rock crushing plant at 6133 Highway 27; Center Point; Kerr County; Texas; USA

The proposed operation of the rock crusher will degrade the air water quality and damage the Guadalupe River. The negative impact of the noise pollution, erosion, and water flow will change the area now and for a long time after Wheatcraft is allowed to operate. My property is across the river and within several hundred feet of the operation.

My question is who or what will be gained by the issue of this permit...and what will be lost. ONLY WHEATCRAFT WILL GAIN !!! My granddaughter has asthma. I doubt that she will be able to use and enjoy the Guadalupe River, that her grandmother (me), great grandparents and great-great grandparents, played, fished and swam. The air emissions would make this impossible.

I request a contested case hearing. If this permit is issued the property I own in Center Point will be unusable for any recreation...and I doubt that the current use for livestock has much value. The dust will affect the growth of crops. The noise will scare the livestock...and for recreation, would you want to picnic, try to fish or swim across the river within several hundred feet of the operation of a rock crusher??? Some inheritance this will be for my child and grandchildren. The value will be gone and the land unusable.

Please advise schedule of the contested case hearing I have requested.

Thanks,

Belinda Stanush

Belinda Stanush

OPA RECEIVED

JAN 24 2006

AT PUBLIC MEETING

BCB

# TCEQ Public Participation Form
## Wheatcraft, Inc.
## Public Meeting
## Proposed Air Quality Permit No. 76508
## Tuesday, January 24, 2006

PLEASE PRINT:

Name: Belinda Stanush (Stanush)

Address: 321 Blue Bonnet Blvd

City/State: San Antonio Tx Zip: 78209

Phone: (210) 823-5401

☑ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☑ No

If yes, which one?

I own riverfront property within 1 mile - have asked to be on mailing list and never notified - Why not?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ I wish to provide formal oral comments.

☒ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

Not in CID

# Center Point Independent School District

PO Box 377 ✦ Center Point Tx 78010
www.center-point.k12.tx.us

NSR/49457

OPA

JAN DEC 04 2

BY

September 21, 2005

To Whom It May Concern: - Aaron Kempf

The Center Point ISD is requesting a contested case hearing in regards to the request for issuance of Air Quality Permit No. 76508 by Wheatcraft, Inc., dba Rhodes Pit Rock Quarry. Our school district is within 2000 feet of the proposed rock crushing facility giving us reason to be concerned with air quality. The Health and Safety Code, Chapter 382.056 requires the TCEQ to consider the possible adverse short-term and long-term effects of air contaminants to our students and staff. We currently have 165 (25%) students and staff members with respiratory disorders or seasonal allergies. We are concerned with the amount of particulate matter that might be released into the air.

Other significant issues/questions we would like addressed prior to a permit being issued are:

- Whether or not an air dispersion model has been completed
- Whether or not an archeological study has been completed
- Why no "particulate" ambient air monitoring has been proposed
- Whether or not any of the primary listed crushed rocks are more prone to causing pulmonary fibrosis
- Where is the 700 gallons per minute of water use originating
- How much sediment will be discharged in the Guadalupe River
- How much petroleum/chemical contamination of the ground will occur from the large volume of trucks anticipated

The Center Point Board of Trustees oppose the issuance of an Air Quality Permit to Wheatcraft, Inc., dba Rhodes Pit Rock Quarry until and unless appropriate controls are established that will protect the health and safety of the Center Point residents and school children located in close proximity to this facility. At our regular called meeting on September 20, 2005, the Board voted unanimously to support the proposed Kerr County Commissioner's resolution calling for a contested case hearing on this issue.

Thank you for your consideration in this matter.

Sincerely,

Edwin Stearns
CPISD Board President

Lee Ann Ray
CPISD Superintendent

RECEIVED
SEP 26 2005
AIR PERMITS DIVISIO

cc: Commissioner Bill Williams
CPISD Board of Trustees
Representative Hilderbran
Senator Fraser

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 JAN -3 AM 10:28
CHIEF CLERKS OFFICE

Lee Ann Ray
Superintendent
830 634-2171
FAX 830 634-2254

✦

Scott Turner
Secondary Principal
830 634-2244
FAX 830 634-7430

✦

Vester Joiner
Elementary School Principal
830 634-2257
FAX 830 634-2119

✦

Janice Erwin
Business Manager
830 634-6108
FAX 830 634-2254

# Center Point Independent School District

PO Box 377 ✦ Center Point Tx 78010
www.center-point.k12.tx.us

OPA
OCT 07 2005
BY JS

September 21, 2005

To Whom It May Concern: - Aaron Kempf NSR 49657

The Center Point ISD is requesting a contested case hearing in regards to the request for issuance of Air Quality Permit No. 76508 by Wheatcraft, Inc., dba Rhodes Pit Rock Quarry. Our school district is within 2000 feet of the proposed rock crushing facility giving us reason to be concerned with air quality. The Health and Safety Code, Chapter 382.056 requires the TCEQ to consider the possible adverse short-term and long-term effects of air contaminants to our students and staff. We currently have 165 (25%) students and staff members with respiratory disorders or seasonal allergies. We are concerned with the amount of particulate matter that might be released into the air.

Other significant issues/questions we would like addressed prior to a permit being issued are:

- Whether or not an air dispersion model has been completed
- Whether or not an archeological study has been completed
- Why no "particulate" ambient air monitoring has been proposed
- Whether or not any of the primary listed crushed rocks are more prone to causing pulmonary fibrosis
- Where is the 700 gallons per minute of water use originating
- How much sediment will be discharged in the Guadalupe River
- How much petroleum/chemical contamination of the ground will occur from the large volume of trucks anticipated

The Center Point Board of Trustees oppose the issuance of an Air Quality Permit to Wheatcraft, Inc., dba Rhodes Pit Rock Quarry until and unless appropriate controls are established that will protect the health and safety of the Center Point residents and school children located in close proximity to this facility. At our regular called meeting on September 20, 2005, the Board voted unanimously to support the proposed Kerr County Commissioner's resolution calling for a contested case hearing on this issue.

Thank you for your consideration in this matter.

Sincerely,

Edwin Stearns
CPISD Board President

Lee Ann Ray
CPISD Superintendent

cc: Commissioner Bill Williams
CPISD Board of Trustees
Representative Hilderbran
Senator Fraser

RECEIVED
SEP 26 2005
AIR PERMITS DIVISIO

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 OCT -7 AM 11:39
CHIEF CLERKS OFFICE

Lee Ann Ray, Superintendent, 830 634-2171, FAX 830 634-2254 ✦ Scott Turner, Secondary Principal, 830 634-2244, FAX 830 634-7430 ✦ Vester Joiner, Elementary School Principal, 830 634-2257, FAX 830 634-2119 ✦ Janice Erwin, Business Manager, 830 634-8109, FAX 830 634-2254

MC

Center Point
Independent
School District
PO Box 377
Center Point, Texas 78010

163

TCEQ
PO BOX 13087
AUSTIN TX 78711-3087

RECEIVED
SEP 26 2005
AIR PERMITS DIVISIO

RECEIVED
SEP 26 2005
TCEQ MAIL CENTER

78711+3087-87 8012

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 SEP 27 AM 9:40
CHIEF CLERKS OFFICE

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

NSR 49657

Name: Edwin P. Stearns

Address: PO Box 599
Center Point, TX 78010-0599

Daytime telephone number: (830) 460-1217

OPA
SEP 29 2005
BY KY

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I am on the Board of Trustees for Center Point ISD and the facility is close enough to cause concern for our employees who have respiratory issues. Students with respiratory issues will be affected as well.

The location and distance of my property from the proposed facility is:
Approx. 2000 feet

I use my property by: Public School Campuses

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 OCT -3 AM 10: 08

CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name : JEFFREY C STILES

Address: 422 CHINA ST.

CENTER POINT TX 78010

NSR 49657

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

See ATTACHED LETTER

OPA

OCT 03 2005

BY

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 OCT -3 AM 10:08
CHIEF CLERKS OFFICE

Name: JEFFREY C STILES

Address: 422 CHINA ST.

CENTER POINT TX 78010

Daytime telephone number: (830) 634-2108

NSR/24657

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I
See ATTACHED LETTER

OPA

OCT 03 2005

BY

The location and distance of my property from the proposed facility is:
WELL WITHIN THE 3000 FT RADIUS

I use my property by:
LIVESTOCK + HAY PRODUCTION

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 OCT -3 AM 10: 08

CHIEF CLERKS OFFICE

Jeffrey C. Stiles
422 China St.
Center Point, Tx. 78010

OPA

OCT 0 3 2005

BY

September 27, 2005

TCEQ
Office of Chief Clerk, MC-105
PO Box 13087
Austin, Tx. 78711-3087

PERMIT NO. 76508

NSR 49657

To Whom It May Concern:

My name is Jeffrey C. Stiles. My wife, Sheila and I have moved from the Houston area to Center Point due to my health. I have a lot of concerns regarding the operation of a quarry and rock crusher at the proposed site. There are many health issues associated with this type of business that would directly affect my family located at 422 China St. We live well within the 3000-foot radius of the pit. I am 59 years old and the dust and debris would worsen my health and keep me from going outside. Even worse, I already suffer from asbestosis and silicosis. Any additional airborne pollution of any kind would definitely worsen my already compromised breathing.

In addition, I believe the pollution would impact the entire community very negatively and discourage people from moving or wanting to live in the area. This would be devastating to the economy. The elderly, retired citizens make up the majority of the population here and without them the entire area would suffer in many ways. These citizens already have health problems and the majority, like myself, moved to this area because of the clean air and beautiful surroundings.

Please let us know what we can do to keep this operation from getting a permit and keep our water and air clean for everyone.

Thank you,

Jeffrey C. Stiles

Jeffrey C. Stiles

See ATTACHMENTS (2)

**Jeffrey C Stiles**
**Sheila W Stiles**
Po Box 528
Center Point, TX 78010

SAN ANTONIO TX 782
PM
30 SEP
2005

37 USA

TCEQ
Office of Chief Clerk, MC-105
PO Box 13087
Austin, Tx. 78711-3087

RECEIVED
OCT 03 2005
TCEQ MAIL CENTER

78711+3087

# HEADWATERS GROUNDWATER CONSERVATION DISTRICT

COMMISSION ON ENVIRONMENTAL QUALITY
2005 OCT -6 AM 9:46
CHIEF CLERKS OFFICE

Board of Directors:

Mary Ellen Summerlin
*President*

James F. Hayes
*Vice President*

Mike Allen
*Secretary-Treasurer*

Gordon Morgan
*Director*

John R. Elliott
*Director*

NSR/49657

OPA H
OCT 06 2005
BY JS

October 5, 2005

VIA Fax: 512-239-3311

FAXED 10/5/05 - 3:30PM

Office of The Chief Clerk
TCEQ MC-105
PO Box 13087
Austin, TX 78711-3087

Re: Air Quality Permit Application No. 76508 before the Texas Commission on Environmental Quality; Wheatcraft, Inc. dba Rhodes Pit Rock Quarry, Applicant

Dear Sir or Madam:

Headwaters Groundwater Conservation District wishes to ensure its participation in any public hearing or contested hearing on this permit.

The basis of our concern is the applicant's possible need for groundwater either now or at some future time.

Sincerely,

Mary Ellen Summerlin

Mary Ellen Summerlin
President, HGCD

MES/jmk

125 Lehmann Dr
Ste 102
Kerrville, Texas 78028

Bus (830) 896-4110
Fax (830) 257-3201
www.hgcd.org

MC

# HEADWATERS GROUNDWATER CONSERVATION DISTRICT

Board of Directors:

Mary Ellen Summerlin
*President*

James F. Hayes
*Vice President*

Mike Allen
*Secretary-Treasurer*

Gordon Morgan
*Director*

John R. Elliott
*Director*

OPA

OCT 0 6 2005

BY _____

N52/49657

October 5, 2005

VIA Fax: 512-239-3311

Office of The Chief Clerk
TCEQ MC-105
PO Box 13087
Austin, TX 78711-3087

Re: Air Quality Permit Application No. 76508 before the Texas Commission on Environmental Quality; Wheatcraft, Inc. dba Rhodes Pit Rock Quarry, Applicant

Dear Sir or Madam:

Headwaters Groundwater Conservation District wishes to ensure its participation in any public hearing or contested hearing on this permit.

The basis of our concern is the applicant's possible need for groundwater either now or at some future time.

Sincerely,

Mary Ellen Summerlin

Mary Ellen Summerlin
President, HGCD

MES/jmk

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 OCT -5 PM 4:01
CHIEF CLERKS OFFICE

125 Lehmann Dr
Ste 102
Kerrville, Texas 78028

Bus (830) 896-4110
Fax (830) 257-3201
www.hgcd.org

MC

NSR 49657

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 SEP 26 AM 10:06
CHIEF CLERK'S OFFICE

Name: Frank Thomason

Address: 5720 Hwy 27 East
Center Point, Tx 78010

4

OPA
SEP 26 2005
BY DG

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

The gravel cement plant permit request in Center Point raises many health issues to adults & children in the area. The property in question is owned by Mr Wheatcraft dba Rhodes Gravel pit. We have not addressed many of the health risks involving air pollution with dust and other particles released in the air not to mention water pollution along the Guadalupe River. Our public school is within 3000 feet of this proposed project with no plan by Wheatcraft to deal with these health issues. We have many elderly in the community who have breathing problems. As a member of the community, parent, member of the Center Point School Board & resident I request a public hearing in Center Point to investigate the detrimental impact this will have based on information so far.

Thank!

Frank Thomason
830 634 7312

# THE COUNTY COURT
OF
KERR COUNTY, TEXAS

700 Main Kerrville, Texas 78028
Tel.: (830)792-2211
Fax: (830)792-2218
E-mail: kerrcocc@ktc.com

County Judge
Pat Tinley

Commissioners Court
H.A. "Buster" Baldwin, Pct. 1
William "Bill" Williams, Pct. 2
Jonathan Letz, Pct. 3
Dave Nicholson, Pct. 4

Clerk
Jannett Pieper

Court Coordinator
Kathy Mitchel



OCT -3 AM 10:22
CHIEF CLERKS OFFICE
OPA
OCT 03 2005
BY
NSR 49657


September 29, 2005

Office of Chief Clerk, MC-105
TCEQ
P.O. 13087
Austin, Texas 78711-3087

Re: Air Quality Permit Application No. 76508 before the Texas Commission on Environmental Quality; Wheatcraft, Inc. dba Rhodes Pit Rock Quarry, Applicant

Gentlemen:

Enclosed herewith is a copy of a Resolution which was passed unanimously by the Kerr County Commissioners' Court on September 26, 2005 regarding the above referenced Permit Application.

The Kerr County Commissioners' Court and the citizens they represent appreciate your attention to this very important matter.

Yours very truly,

Pat Tinley, County Judge

cc: Kerr County Commissioners
The Honorable Troy Fraser
The Honorable Harvey Hilderbran
Headwaters Groundwater Conservation District
Upper Guadalupe River Authority
FEMA

# RESOLUTION

WHEREAS Wheatcraft, Inc., dba Rhodes Pit Rock Quarry, located at 6133 Highway 27, Center Point, Texas, has made application to the Texas Commission on Environmental Quality, Permit No. 76508, to construct and operate a Rock Crushing Facility; and

WHEREAS There is substantial public interest about the amount of "Particulate Matter" that will be discharged into the air daily that may cause harm to the health of adults and children living in close proximity to the proposed rock crushing facility; and

WHEREAS Center Point Independent School district has educational facilities located within 2000 feet of the proposed rock crushing facility, and

WHEREAS Health and Safety Code, Chapter 382.056 requires the TCEQ to consider the possible adverse short-term and long-term effects of Air contaminants if a proposed facility is within 3000 feet of an elementary, junior high or senior high school; and

WHEREAS Other significant issues and/or questions raised must be addressed by the Applicant to the TCEQ before a permit is issued, such as:

- Whether or not an air dispersion model has been completed;
- Whether or not an archeological study has been completed;
- Why no "Particulate" ambient air monitoring has been proposed;
- Whether or not any of the primary listed crushed rocks are more prone to causing pulmonary fibrosis;
- Where is the 700 gallons per minute of water use originating;
- How much sediment will be discharged in the Guadalupe River;
- How much petroleum/chemical contamination of the ground will occur from the large volume of trucks anticipated;

THEREFORE BE IT RESOLVED

That Kerr County Commissioners' Court, meeting in Special Session on Monday, September 26, 2005 does hereby urge the TCEQ to examine carefully all aspects of the Air Quality Permit Application # 76508 filed by Wheatcraft, Inc., and insure all state laws and regulations are complied with; and be it

FURTHER RESOLVED
That Kerr County Commissioners' Court does hereby request the Executive Director of the TCEQ conduct a local Public Hearing and a Contested Hearing on said application at the earliest possible date; and be it

FURTHER RESOLVED
That copies of this Resolution of Opposition be forwarded to State Representative Harvey Hildebran, State Senator Troy Fraser, Headwaters Groundwater Conservation District, Upper Guadalupe River Authority and Federal Emergency Management Agency urging them to likewise request a Public Hearing and a Contested Hearing on this matter.

ADOPTED THIS 26TH DAY OF SEPTEMBER, 2005

Pat Tinley, County Judge

H. A. "Buster" Baldwin, Commissioner
Precinct 1

William H. Williams, Commissioner
Precinct 2

Jonathan Letz, Commissioner
Precinct 3

Dave Nicholson, Commissioner
Precinct 4

CHIEF CLERKS OFFICE
2005 OCT -3 AM 10:32
OPA
OCT 03 2005
BY

E - formal oral comment

# TCEQ Public Participation Form
## Wheatcraft, Inc.
## Public Meeting
## Proposed Air Quality Permit No. 76508
## Tuesday, January 24, 2006

CHIEF CLERKS OFFICE
2006 JAN -2 PM 1:36

PLEASE PRINT:

Name: Pat Tinley - Kerr County - Judge

Address: 700 Main

City/State: Kerrville TX Zip: 78028

Phone: (830) 792-2211

☐ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☒ Yes ☐ No

If yes, which one? Kerr County

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☒ I wish to provide formal oral comments. - [illegible]

☐ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

Name: JERRY W. TRICE

Address: 117 J J LANE

CENTER POINT, TX

Daytime telephone number: (830) 634-7453

NSR 49657

OPA

JAN DEC 04 2006

BY

CHIEF CLERKS OFFICE

2006 JAN -3 AM 10:28

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I

1. Why the State/TCEQ allowed this proposal to reach its present level when it didn't comply to AIR PBR 106.142 Rock Crusher Operation Permit to start with. (distance from housing/residence)
2. Health - I presently have allergy/sinus problems and don't feel I can tolerate this discharge of pollution in the area.
3. There is presently a gravel mining operation on the opposite side of town which causes most of the truck traffic presently. I can only imagine what this increase will impact safety on the highway.
4. I can presently hear from my residence, the noise of the gravel operation. I can't even imagine the intensification of a rock crusher.

The location and distance of my property from the proposed facility is:

less than 1/2 mile

I use my property by:

Primary Residence

RECEIVED
OCT 03 2005
AIR PERMITS DIVISION

Jerry W. Trice
9/28/05

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name : JERRY W. TRICE

Address: 117 J J LANE

CENTER POINT, TX 78010

NSR 49657

CHIEF CLERKS OFFICE

2006 JAN -3 AM 10:28

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

H

OPA

JAN DEC 04 2006

BY

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

1. It appears to me that Wheatcraft / Rhodes did not comply with AIR PBR 106.142 to apply for a permit.
2. There are too many health concerns - air noise, river pollution, etc. to allow this operation
3. Loss of local growth and revenue due to this operation being next door
4. The Guadalupe Bass is already on the endangered species list. Can they tolerate the silt and run off into the river?
5. Cost to maintain roads, state and local, due to increased trucks which are already saturated with like traffic. Safety factor should be considered.

RECEIVED
OCT 03 2005
AIR PERMITS DIVISION

RECEIVED
OCT 03 2005
AIR PERMITS DIVISION

Jerry W. Trice
9/28/05

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 SEP 29 AM 9:40

CHIEF CLERKS OFFICE

NSR 49657

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name : JERRY W. TRICE

Address: 161 J.J LANE (mailing address is 117 JJ LANE)

CENTER POINT, TX 78010

OPA
SEP 29 2005
BY Ky

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

1. It appears to me that Wheatcraft/Rhodes did not comply with AIR PBR 106.142 to apply for a permit.
2. I am presently on a fixed income. This operation will effect my future income from the recreational area - RV park.
3. There are too many health concerns - air, noise, river pollution, etc. to allow this operation.
4. Loss of local growth and revenue due to this operation next door.
5. The Guadalupe River Bass is already on the endangered species list. Can they tolerate the silt & run off into the river?
6. Cost to maintain roads, state and local, due to the increased trucks which are already saturated with ~~lif~~ like traffic. Safety factor should be considered.

Jerry Trice
9/28/05

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 SEP 29 AM 9:40
CHIEF CLERKS OFFICE

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

Name: JERRY W. TRICE

Address: 161 JJ LANE (mailing address is 117 JJ LANE)

CENTER POINT, TX 78010

Daytime telephone number: 830-634-7453

OPA
SEP 29 2005
BY

NSR 49657

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I

(1) why the State / TCEQ allowed this proposal to reach its present level when it didn't comply to AIR PBR 106.142 Rock Crusher Operation Permit to start with (distance from housing / residence)

(2) Health - I presently have allergy / sinus problems and don't feel I can tolerate this discharge of pollution in area.

(3) There is presently a gravel mining operation on the opposite side of town which caused most of the truck traffic presently. I can only imagine what this increase will impact safety on the highway.

(4) I can presently hear from my RV area, the noise of the gravel operation. I can't even imagine the intensification of a rock crusher.

The location and distance of my property from the proposed facility is:
less than 1/4 mile

I use my property by:
Used as RV park with all facilities. Should this Rock Crusher start operation it would most likely effect future income and/or sale value.

Jerry Trice
9/28/05

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 OCT -7 AM 11: 40

CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

OPA

OCT 07 2005

BY JS

Name: JERRY W. TRICE

Address: 117 J J LANE

CENTER POINT, TX 78010

NSR/49657

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

(1) It appears to me that Wheatcraft / Rhodes did not comply with AIR PBR 106.142 to apply for a permit.

(2) There are too many health concerns - air noise, river pollution, etc. to allow this operation

(3) Loss of local growth and revenue due to this operation being next door

(4) The Guadalupe Bass is already on the endangered species list. Can they tolerate the silt and run off into the river?

(5) Cost to maintain roads, state and local, due to increased trucks which are already saturated with like traffic. Safety factor should be considered.

RECEIVED
OCT 03 2005
AIR PERMITS DIVISION

RECEIVED
OCT 03 2005
AIR PERMITS DIVISION

Jerry W Trice
9/28/05

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 OCT -7 AM 11: 40
CHIEF CLERKS OFFICE

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

Name: JERRY W. TRICE

Address: 117 J J LANE
CENTER POINT, TX

Daytime telephone number: (830) 634-7453

OPA
OCT 07 2005
BY
NSR 49657

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I

(1) Why the State/TCEQ allowed this proposal to reach its present level when it didn't comply to AIR PBR 106.142 Rock Crusher Operation Permit to start with. (distance from housing/residence)
(2) Health - I presently have allergy/sinus problems and don't feel I can tolerate this discharge of pollution in the area.
(3) There is presently a gravel mining operation on the opposite side of town which causes most of the thick traffic presently. I can only imagine what this increase will impact safety on the highway
(4) I can presently hear from my residence, the noise of the gravel operation. I can't even imagine the intensification of a rock crusher.

The location and distance of my property from the proposed facility is:
less than 1/2 mile

I use my property by:
Primary Residence

RECEIVED
OCT 03 2005
AIR PERMITS DIVISION

Jerry W. Trice
9/28/05

Jerry W. Trice
117 Jj Ln
Center Point, TX 78010-5471

HOUSTON TX 772
30 SEP 2005 PM 6 L

TCEQ 163
P.O. Box 13087
Austin, Tx
78711-3087

RECEIVED
OCT 03 2005
TCEQ MAIL CENTER

78711+3087
77008-6737

*Jerry W. Trice*
*117 JJ Lane*
*Center Point, Texas 78010*
*Phone: (830) 634-7453*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 JAN 13 PM 2:56
CHIEF CLERKS OFFICE

OPA
JAN 17 2006
BY

January 11, 2006

Office of the Chief Clerk
Texas Commission on Environmental Quality
Mail Code MC-105
P.O. Box 13087
Austin, Texas 78711-3087

NSR
A96657

RE: Contest the rock crushing operation proposed by Wheatcraft, Inc.
Proposed Air Quality Permit #76508

Property Located at 161 J J Lane, Center Point, Texas

This property on J J Lane, on the Guadalupe River, was purchased and developed for RV's and a Recreational Area. It is located within ¼ mile of the proposed rock crushing operation with the operation's probability of air pollution and noise level. Being on a fixed income this will be detrimental to my lively hood.

TCEQ has <u>not required</u> the separation requirements to be met. By letting this operation to commence is not legal per <u>"your" rules</u> and unfair to local residents.

What action is required for TCEQ to enforce their own guidelines? Court?

Jerry W. Trice

Jerry W. Trice
Center Point, Texas

<<Prev Rule

# Texas Administrative Code

Next Rule>>

| | |
|---|---|
| **TITLE 30** | ENVIRONMENTAL QUALITY |
| **PART 1** | TEXAS COMMISSION ON ENVIRONMENTAL QUALITY |
| **CHAPTER 106** | PERMITS BY RULE |
| **SUBCHAPTER E** | AGGREGATE AND PAVEMENT |
| **RULE §106.142** | **Rock Crushers** |

Any rock crusher with a maximum rated capacity of 200 tons per hour or less that operates according to the following conditions of this section is permitted by rule:

(1) operating schedule of the plant does not exceed 1,600 hours per year;

(2) all in-plant haul roads and stockpiles are sprinkled with water and/or chemicals as necessary to achieve maximum control of dust emissions;

(3) water sprays are located at all belt transfer points, shaker screens, and inlet and outlet of all crushers and used as necessary to achieve maximum control of dust emissions;

(4) the plant is located at least 1/2 mile from any recreational area or residence or other structure not occupied or used solely by the owner of the facility or the owner of the property upon which the facility is located;

(5) the plant is located at least 1,000 feet from any state or federal highway not currently under maintenance or construction;

(6) before construction of the facility begins, written site approval is received from the executive director and the facility shall be registered with the commission using Form PI-7, including a current Table 17.

**Source Note:** The provisions of this §106.142 adopted to be effective March 14, 1997, 22 TexReg 2439; amended to be effective September 4, 2000, 25 TexReg 8653

Next Page Previous Page

List of Titles Back to List

HOME | TEXAS REGISTER | TEXAS ADMINISTRATIVE CODE | OPEN MEETINGS | HELP |

JERRY W TRICE
117 JJ LN
CENTER POINT TX 78010-5471

SAN ANTONIO TX 782

12 JAN 2006 PM 5 T

USA 2006 FIRST-CLASS

RECEIVED

JAN 13 2006

TCEQ MAIL CENTER

78711+3087

*Jerry W. Trice*
*117 JJ Lane*
*Center Point, Texas 78010*
*Phone: (830) 634-7453*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 JAN 13 PM 2:56
CHIEF CLERKS OFFICE

January 11, 2006

OPA
JAN 17 2006
BY

Office of the Chief Clerk
Texas Commission on Environmental Quality
Mail Code MC-105
P.O. Box 13087
Austin, Texas 78711-3087

NSR 149657

RE: Contest the rock crushing operation proposed by Wheatcraft, Inc.
Proposed Air Quality Permit #76508

Living within ½ mile of this rock crushing operation will most likely increase my problems with allergies and breathing.

Also, I cannot find anything on noise level. I presently can sit on my front porch and hear excessive noise from Wheatcraft's current mining operation. I presume that TCEQ doesn't apply noise as environmental quality.

Lastly, under the Texas Administrative Code, Title 30 - Environmental Quality, Part 1 - Texas Commission on Environmental Quality, Chapter 106, Permit by Rule - Chapter E - Aggregate and Pavement, Rule 102.142 Rock Crushers

4. It is obvious that TCEQ is not requiring this rule to be adhered to. Why? (This is like me asking Texas DOT to drive 85 MPH in a 50 MPH speed zone.

5. It appears to me that the separation to Highway 1350 has not been met.

NOTE: I feel that TCEQ should be accountable for their expenditures on this issue when, if they enforced the applied rules, this application would not have gotten to this point. My letter to appropriate elected officials will reflect this.

Jerry W. Trice

Jerry W. Trice
Center Point, Texas

<<Prev Rule

# Texas Administrative Code

Next Rule>>

| | |
|---|---|
| **TITLE 30** | ENVIRONMENTAL QUALITY |
| **PART 1** | TEXAS COMMISSION ON ENVIRONMENTAL QUALITY |
| **CHAPTER 106** | PERMITS BY RULE |
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(4) the plant is located at least 1/2 mile from any recreational area or residence or other structure not occupied or used solely by the owner of the facility or the owner of the property upon which the facility is located;

(5) the plant is located at least 1,000 feet from any state or federal highway not currently under maintenance or construction;

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**Source Note:** The provisions of this §106.142 adopted to be effective March 14, 1997, 22 TexReg 2439; amended to be effective September 4, 2000, 25 TexReg 8653

Next Page Previous Page

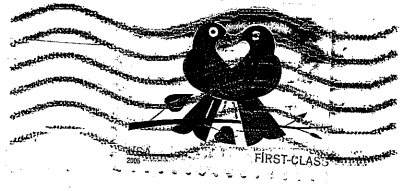
List of Titles Back to List

HOME | TEXAS REGISTER | TEXAS ADMINISTRATIVE CODE | OPEN MEETINGS | HELP |

JERRY W TRICE
117 JJ LN
CENTER POINT TX 78010-5471

SAN ANTONIO TX 782

12 JAN 2006 PM 5 T




RECEIVED

JAN 13 2006

TCEQ MAIL CENTER

78711+3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 SEP 29 AM 9:39

CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name : SUZANNE H. TRICE

Address: 161 JJ LANE (MAILING ADDRESS IS 117 JJ LANE)

CENTER POINT, TX 78010

OPA
SEP 29 2005
BY

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

1. APPLICATION REQUESTS OPERATING HOURS OF 4,380 PER YEAR. TECQ "QUICK SCREEN" LIMITS OPERATING HOURS TO 1,600 HOURS PER YEAR.
2. "QUICK SCREEN" STATES THE PLANT MUST BE AT LEAST 1/2 mile FROM NEAREST RECREATIONAL AREA. MY RECREATIONAL AREA (RV & CAMPING) IS about 1/4 mi FROM PLANT AREA.
3. "QUICK SCREEN" STATES THE PLANT MUST BE AT LEAST 1/2 mile FROM OTHER STRUCTURE. MY RECREATIONAL AREA'S BATH HOUSE & LAUNDRY building IS about 1/4 mi FROM PLANT.
4. "QUICK SCREEN" SAYS THE PLANT MUST be 1,000 ft FROM ANY STATE OR FEDERAL HIGHWAY. I do NOT BELIEVE WHEATCRAFT CAN POSITION THE PLANT TO EXCLUDE BOTH HWY 27 & 1350.
5. APPLICATION STATES THERE ARE NO OWNED VEHICLES. HOW MANY do they PROPOSE TO OBTAIN AFTER APPLICATION IS RECEIVED?

Suzanne H. Trice
09-28-2005

NSR 49657

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 SEP 29 AM 9:39

CHIEF CLERK'S OFFICE

NSR 49657

**REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508**
**by applicant Wheatcraft, Inc.**

Name: SUZANNE H. TRICE

Address: 161 JJ LANE
CENTER POINT, TX 78010

(MAILING ADDRESS IS 117 JJ LANE)

OPA
SEP 29 2005
BY

Daytime telephone number: 830-634-7453

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I will lose income and fellowship with family & friends that utilize this recreational area due to Wheatcraft's Rock Crusher for the following reasons.

1. The pollutants discharged in the air will aggravate allergies and respiratory problems.
2. The noise level from the crusher will not make this a desirable place for any type of recreation on the Guadalupe River.
3. There is a bathhouse with laundry on the property.

The location and distance of my property from the proposed facility is:
about 1/4 mile. Should the Rhodes Pit utilize the "FUTURE EXPANSION AREA" the distance from my recreational area to the pit would be about 1/8 mile

I use my property ~~by~~ FOR.
camping and recreational with bathhouse + laundry, holding tank, water, & Recreational Vehicle parking with hook-ups.

Suzanne H. Trice
09-28-2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 SEP 29 AM 9:39

CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name : SUZANNE H. TRICE

Address: 117 JJ LANE

CENTER POINT, TX 78010

OPA

SEP 29 2005

BY

NSR 49657

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

(1) My home is within 1/2 mile of plant area and within 1/4 mile from "Future Expansion Area." This distance should disqualify Wheatcraft from placing the rock crusher on indicated site.

(2) Several other residents are within 1/2 mile of proposed site.

(3) My allergies & respiratory problems will be aggrivated by the pollutens this rock crusher will put into the air.

(4) Proposed rock crusher site is located in a farming & ranching community. Pollutants will harm crops & animals which will impact the financial aspect of these farmers & ranchers.

Suzanne H. Trice

09-28-2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 SEP 29 AM 9:39

CHIEF CLERK'S OFFICE

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

OPA

SEP 29 2005

BY

Name: SUZANNE H. TRICE

Address: 117 JJ LANE
CENTER POINT, TX 78010

Daytime telephone number: (830) 634-7453

NSR/49657

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I

(1) HAVE A RESPIRATORY PROBLEM and ALLERGIES THAT WILL BE AGGRIVATED by THE TREMENDOUS AMOUNT OF POLLUTANTS THE ROCK CRUSHER WILL put INTO THE AIR

(2) DEVALUATION OF MY PROPERTY due to DUST & NOISE FROM ROCK CRUSHER OPERATIONS

The location and distance of my property from the proposed facility is:
WITHIN 1/2 mile - from proposed FACILITY
WITHIN 1/4 mile from "FUTURE EXPANSION AREA"

I use my property ~~by~~: AS:

PRIMARY RESIDENCE

Suzanne H. Trice
09-28-2005

**Suzanne H. Trice**
**117 JJ Lane**
**Center Point, Texas 78010**
*Phone: (830) 634-7453*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 JAN 13 PM 2:56
CHIEF CLERKS OFFICE

OPA
JAN 17 2006
BY

January 11, 2006

Office of the Chief Clerk
Texas Commission on Environmental Quality
Mail Code MC-105
P.O. Box 13087
Austin, Texas 78711-3087

NSR 194657

RE: Contest the rock crushing operation proposed by Wheatcraft, Inc.
Proposed Air Quality Permit #76508

I own and live at 117 J J Lane in Center Point, Texas, which is within the ½-mile radius of the proposed rock crusher property. Texas Administrative Code, TITLE 30, Part 1, Chapter 106, Subchapter E, Rule 106.142 pertains to Rock Crushers, states the plant must be located at least ½ mile from a residence or other structure not occupied or used solely by the owner of the facility or the owner of the property upon which the facility is located. Since I own and occupy 117 J J Lane I can definitely state that Wheatcraft, Inc. does not live at or own 117 J J Lane. Consequently, you must deny the application for permit as it does not meet the Texas Administrative Code previously mentioned.

Respectfully,

Suzanne H. Trice

Suzanne H. Trice

<<Prev Rule

# Texas Administrative Code

Next Rule>>

| | |
|---|---|
| **TITLE 30** | ENVIRONMENTAL QUALITY |
| **PART 1** | TEXAS COMMISSION ON ENVIRONMENTAL QUALITY |
| **CHAPTER 106** | PERMITS BY RULE |
| **SUBCHAPTER E** | AGGREGATE AND PAVEMENT |
| **RULE §106.142** | **Rock Crushers** |

Any rock crusher with a maximum rated capacity of 200 tons per hour or less that operates according to the following conditions of this section is permitted by rule:

(1) operating schedule of the plant does not exceed 1,600 hours per year;

(2) all in-plant haul roads and stockpiles are sprinkled with water and/or chemicals as necessary to achieve maximum control of dust emissions;

(3) water sprays are located at all belt transfer points, shaker screens, and inlet and outlet of all crushers and used as necessary to achieve maximum control of dust emissions;

(4) the plant is located at least 1/2 mile from any recreational area or residence or other structure not occupied or used solely by the owner of the facility or the owner of the property upon which the facility is located;

(5) the plant is located at least 1,000 feet from any state or federal highway not currently under maintenance or construction;

(6) before construction of the facility begins, written site approval is received from the executive director and the facility shall be registered with the commission using Form PI-7, including a current Table 17.

**Source Note:** The provisions of this §106.142 adopted to be effective March 14, 1997, 22 TexReg 2439; amended to be effective September 4, 2000, 25 TexReg 8653

Next Page Previous Page

List of Titles Back to List

HOME | TEXAS REGISTER | TEXAS ADMINISTRATIVE CODE | OPEN MEETINGS | HELP |

Ms. Suzanne H. Trice
117 Jj Ln.
Center Point, TX 78010-547

SAN ANTONIO TX 782

12 JAN 2006 PM 5 T

USA FIRST-CLASS

RECEIVED

JAN 13 2006

TCEQ MAIL CENTER

7871143087

*Suzanne H. Trice*
*117 JJ Lane*
*Center Point, Texas 78010*
*Phone: (830) 634-7453*

OPA
JAN 17 2006
BY

January 11, 2006

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 JAN 13 PM 2:54
CHIEF CLERKS OFFICE

Office of the Chief Clerk
Texas Commission on Environmental Quality
Mail Code MC-105
P.O. Box 13087
Austin, Texas 78711-3087

NSR 49657

RE: Contest the rock crushing operation proposed by Wheatcraft, Inc.
Proposed Air Quality Permit #76508

I own the property located at 161 J J Lane in Center Point, Texas, which is within a¼-mile radius of the proposed rock crusher property. This property is located on the Guadalupe River and is used as an RV and Recreational Park. In addition to RV hook ups, it has a bathhouse and laundry facility.

Texas Administrative Code, TITLE 30, Part 1, Chapter 106, Subchapter E, Rule 106.142 pertains to Rock Crushers, states the plant must be located at least ½ mile from a residence or other structure not occupied or used solely by the owner of the facility or the owner of the property upon which the facility is located.

Texas Commission on Environmental Quality at their web-site
http://www.tceq.state.tx.us/permitting/air/permitbyrule/subchapter-e/rock crushers.html
Has a "Quick Screen" for Rock Crushers, which states the plant must be at least ½-mile from the nearest recreational area.

It is evident that the Proposed Air Quality Permit #76508 should not be issued, as it does not meet the rules and regulations under the Texas Administrative Code or the "Quick Screen".

I ask that you follow the written rules of TCEQ and deny the application for permit to operate a rock crusher.

Respectfully,

Suzanne H. Trice

Suzanne H. Trice

Have you had contact with the TCEQ lately? Complete our Customer Satisfaction Survey.

BACK TO: Indexes to Air Permits by Rule

# Air PBR 106.142: Rock Crushers

Rock crushers with a maximum rated capacity of 200 tons per hour or less must be operated according to the specific conditions stated in Title 30, Texas Administrative Code (30 TAC), Section 106.142, and meet the general conditions stated in 30 TAC Section 106.4 to be permitted by rule.

To operate under this permit by rule (PBR), you must (1) submit a claim **and receive our written approval** *before* construction of the facility begins and (2) keep records as described below.

## Quick Screen

To determine whether your facility qualifies for this PBR, first consider this quick screen:

- The operating schedule of your plant must not exceed 1,600 hours per year.
- The plant must be at least 1/2 mile from the nearest:
  - recreational area
  - residence, other than that of the facility owner, facility operator, or site owner
  - other structure, unless used by only the facility owner, facility operator, or site owner
- The plant must be at least 1,000 feet from any state or federal highway not currently under maintenance or construction.

If your facility complies with these limitations:

- Complete our PBR Applicability Checklist, form TCEQ-10149, to find out whether your facility meets the general conditions for a PBR,
  –and–
- Complete our PBR 106.142 Checklist, form TCEQ-10104, to find out whether it meets the specific conditions for this PBR.

If your facility cannot comply with the conditions indicated in these checklists, see Types of New Source Review Authorizations for other options.

You might nee
know about m
one PBR. Chec
PBR Index for
process or typ
equipment you

<<Prev Rule

# Texas Administrative Code

Next Rule>>

| | |
|---|---|
| **TITLE 30** | ENVIRONMENTAL QUALITY |
| **PART 1** | TEXAS COMMISSION ON ENVIRONMENTAL QUALITY |
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(4) the plant is located at least 1/2 mile from any recreational area or residence or other structure not occupied or used solely by the owner of the facility or the owner of the property upon which the facility is located;

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**Source Note:** The provisions of this §106.142 adopted to be effective March 14, 1997, 22 TexReg 2439; amended to be effective September 4, 2000, 25 TexReg 8653

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HOME | TEXAS REGISTER | TEXAS ADMINISTRATIVE CODE | OPEN MEETINGS | HELP |

T

Ms. Suzanne H. Trice
117 Jj Ln.
Center Point TX 78010-5471

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 JAN 13 PM 12:52
CHIEF CLERKS OFFICE

SAN ANTONIO TX 782
12 JAN 2006 PM 3 T

USA FIRST CLASS

RECEIVED
JAN 13 2006
TCEQ MAIL CENTER

78711+3087

# Rockin River Inn

A Bed and Breakfast on the Guadalupe

OPA
SEP 27 2005
BY

September 26, 2005

Chief Clerk
TCEQ
P. O. Box 13087
Austin, Tx. 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 SEP 26 PM 3:50
CHIEF CLERKS OFFICE

RE: Wheatcraft Inc. Appilication #76508

Dear Sir or Madam,

I request a contested case hearing on the above referenced company and application.

I also want to request no permit or permits be issued to Wheatcraft Inc. under the application # 76508 until a public hearing is called to answer, among others, the following:

1. Has a study been done to determine the damage, if any, to the quality of the air we now have in our community? If a study has been done, what are the results?

2. If no air quality study has been done, how do we go about getting one?

3. Has any one addressed the issue of what damage, if any, will be done to the Guadalupe River, which borders Wheatcraft's property on the south side?

4. Where will they get the 700 gallons of water per minute they need to run a rock crushing machine?

5. What will be done with the water after use? How will the Guadalupe River be protected?

6. Has the issue of petrochemicals being washed into the Guadalupe River been addressed. Big trucks will drop oil on the ground.

7. How do they plan to power their rock crushing equipment?

103 Skyline Rd. P.O. Box 7 Center Point Tx 78010-0007
email: relax@rockinriverinn.com
www.rockinriverinn.com
Toll Free 866-424-0576 Local 830-634-7043

# Rockin River Inn

A Bed and Breakfast on the Guadalupe

8. Has anyone addressed the traffic on highway 27, that borders their property on the north side, and the damage to that road by big trucks?

9. What about the issue of residential properties, schools and churches that are within 1000 ft of the property?

10. I am told that Wheatcraft Inc. does not have a permit to operate in a flood plane and they are already operating in a flood plane. Has this issue been addressed?

11. Has the issue of safety for children in the area been addressed? If holding ponds or settlement ponds are build, children will be attracted to these places.

12. What effect will rock crushing machinery have on fish in the Guadalupe River?

I would like to be kept informed of all issues involving the above referenced company and application.

Sincerely,

Kenneth H. Wardlaw

103 Skyline Rd. P.O. Box 7 Center Point Tx 78010-0007
email: relax@rockinriverinn.com
www.rockinriverinn.com
Toll Free 866-424-0576 Local 830-634-7043

=== COVER PAGE ===

TO: _____

FROM: HILLS & RIVERS RLTY

FAX: 8306343150

TEL: 8306347043

COMMENT:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 SEP 26 PM 3:50
CHIEF CLERKS OFFICE

# Rockin River Inn

A Bed and Breakfast on the Guadalupe

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 SEP 27 AM 9:43
CHIEF CLERKS OFFICE
OPA
SEP 27 2005
BY

September 26, 2005

Chief Clerk
TCEQ
P. O. Box 13087
Austin, Tx. 78711-3087

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103 Skyline Rd. P.O. Box 7 Center Point Tx 78010-0007
email: relax@rockinriverinn.com
www.rockinriverinn.com
Toll Free 866-424-0576 Local 830-634-7043

Gave for nal oral comm nts. (27)

# TCEQ Public Participation Form
## Wheatcraft, Inc.
## Public Meeting
## Proposed Air Quality Permit No. 76508
## Tuesday, January 24, 2006

CHIEF CLERKS OFFICE
FEB -2 PM 1:36

PLEASE PRINT:

Name: Ken WARDLAW

Address: P.O. BOX 7

City/State: CP, TX Zip: 78010

Phone: ( )

☑ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☑ No

If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☑ I wish to provide formal oral comments.

☐ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

**REQUEST FOR CONTESTED HEARING on proposed Air QualityPermit No. 76508**
**By applicant Wheatcraft, Inc.**

2006 JAN 18 AM 9:46

CHIEF CLERKS OFFICE

**Name:** David Weekley

**Address:** 510 Bluff Creek Road

Center Point, TX 78010

NSR 49657

HR OPA

JAN 18 2006

BY

**Daytime telephone number:** 830-634-7636

**I request a contested case hearing.** The reasons for this request arise from some of the inconsistencies and ambiguities in the Wheatcraft application compiled by AARC Environmental, Inc. of Houston, Texas. Some questions arising from a review of this application follow:

1. Since this is an application for initial installation of a crusher at this site, how did the applicant arrive at the measurements on Page 6, Section VII, D. of the application;
2. Page 6, Section VII, A. indicates that a current map is attached. The attached map is obsolete and does not show the actual proximity and extent of established residential development adjacent to and within the setback limits published on the TCEQ website.
3. Why will the applicant be unable to measure "emissions of significant air contaminants," as required Page 7, Section IX, B;
4. Why does the application request authorization for 12 Hours/day, 7 days/week, 52 weeks / year when the TCEQ website indicates limits for operations of rock crushers to 180 days/year, maximum;
5. Has the applicant gotten his diversion rights for his 50 acre-feet of water for agricultural purposes changed to reflect the proposed use at the Hwy 27 location and the proposed mining purposes? Further, where will the rest of the necessary water at the rate of 700 gal/minute come from, and what will be its disposition and condition after use;
6. To what extent will pipes versus conveyors used to reduce emissions;
7. Is there now a completed "air dispersion model" and what as the result of said model;
8. Why is there no proposed "ambient air monitoring" to provide comparison during future operations at the Hwy 27 location;
9. How much contamination of the river and the nearby crossing downstream can be expected from sediment and runoff from the operation;
10. Why was there no archaeological study conducted prior to breaking ground for this operation when the operation is located in a historically significant sector of Kerr County;
11. Can the CEQ or Wheatcraft, Inc., clarify whether the proposed crusher will handle only rock from this site or rock from this site in addition to rock from elsewhere; will there be crushing of concrete at this site; further, do any of the planned materials prone to cause or aggravate pulmonary fibrosis or any other respiratory conditions;
12 Does Wheatcraft, Inc., have a plan in place in the event of flooding. This area of the Guadalupe River and Hwy 27 often floods in heavy rains.

**I will be specifically affected by the above proposed facility in that I** have both health and business concerns.

I have recently retired and have deliberately moved here to escape city air and noise pollution. Our homestead is here and we do not have the option to move again. Our home is downwind of the mining activity considering the prevailing wind. Also, we are close enough that the noise attending a crushing operation together with the noise of the increase in heavy vehicles would be a constant nuisance. Noise from the quarry operation is already obvious.

We are concerned further by the environmental impact on the farms and nurseries in addition to our own property which will be under dust from the crushing, on the Guadalupe River of effluent from rock crushing and metals released in cement recycling, and about conditions conducive to erosion of contaminated soil into the river.

Our Homeowners' Association works closely with the Texas Forest Service and the Kerr County Extension regarding brush management to provide fire safety for the residents, sufficient wildlife habitat in terms of cover and forage, as well as recharging of ground water. So we are aware of and concerned and careful about the environmental issues from human encroachment and development of the land. We are concerned for the health and safety of our neighbors along with our own. And we hope to be granted a hearing to address these concerns before the Proposed Air Quality Permit # 76508 is granted to Wheatcraft, Inc.

**The location and distance of my property from the proposed facility is:** Bluff Creek Ranch begins on the north side of Highway 27, ½ mile east of the mining activity at the Wheatcraft site. Our parcel within the ranch is on the west side and is downwind of the quarry activity.

**I use my property by:** Living and working here; also by participating with the other Bluff Creek ranchers in the maintenance of native habitat.

Respectfully,

D.R. Weekley

Dave Weekley

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 OCT -3 AM 10: 30

CHIEF CLERKS OFFICE

OPA

OCT 03 2005

BY

**REQUEST FOR CONTESTED HEARING on proposed Air QualityPermit No. 76508**
**By applicant Wheatcraft, Inc.**

**Name:** David Weekley

**Address:** 510 Bluff Creek Road

Center Point, TX 78010

NSR/49657

**Daytime telephone number:** 830-634-7636

**I request a contested case hearing.**

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**I use my property by:** Living and working here; also by participating with the other Bluff Creek ranchers in the maintenance of native habitat.

D. N. Weekly

9/28/05

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 OCT -3 AM 10:30

CHIEF CLERKS OFFICE

OPA

OCT 03 2005

BY

**PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.**

**Name:** David R. Weekley

**Address:** 510 Bluff Creek Road

Center Point, TX 78010

NSR 49657

**I request a local public hearing.**

**I request to be placed on the mailing list for the above permit.**

**I would like to inform the TCEQ that**

The proposed Wheatcraft, Inc., Rock crushing facility will have an extremely negative impact on the environment and the health of the residents of the area. The facility will be within one tenth of a mile ( .1 mile) of adjacent residences. It is also in close proximity to several other residences and to the Center Point schools, several churches and several agricultural facilities. The proposed operation will contaminate the air with particulate matter and create significant noise pollution especially if, as proposed, it operates 12 hours/day, 7 days/week. In addition it is unclear to what extent the Guadalupe River, adjacent to the site, may be affected by the use of its water and the resultant runoff, and by erosion of the quarried site. The acreage at 6133 Highway 27 may not officially be in the flood plain of the Guadalupe River, but in times of heavy rain it is frequently flooded up to Highway 27.

The proposed facility will be located in a residential area where homeowners/landowners work hard to steward their lands with farming, ranching, raising of thoroughbred livestock plus wildlife and land management. Most of the residents in the area moved here because of the clean air, good land, the quiet and the beauty of the Guadalupe River. The crushing facility will significantly damage all these efforts at a time when this area of Kerr County is attracting national attention as a place where likeminded people are willing to relocate to settle and to use the land in a responsible manner.

The Wheatcraft, Inc., Rhodes Pit Rock Quarry is not the only activity of its kind near Center Point, and it is not yet the largest, but it is the only one in a residential sector; and considering the scope of other operations (which are well away from human habitation) the Wheatcraft, Inc., site is not necessary to the development of local infrastructure. Still Wheatcraft, Inc. is within its rights to quarry the rock at this location; but residents and local business people are opposed to the introduction of the rock and cement crushing operation which permit number 76508 would allow.

D.R. Weekley
9/28/05

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2005 OCT -3 AM 10:29

CHIEF CLERKS OFFICE

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**Name:** David R. Weekley

**Address:** 510 Bluff Creek Road

Center Point, TX 78010

NSR 49657

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The proposed facility will be located in a residential area where homeowners/landowners work hard to steward their lands with farming, ranching, raising of thoroughbred livestock plus wildlife and land management. Most of the residents in the area moved here because of the clean air, good land, the quiet and the beauty of the Guadalupe River. The crushing facility will significantly damage all these efforts at a time when this area of Kerr County is attracting national attention as a place where likeminded people are willing to relocate to settle and to use the land in a responsible manner.

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OPA

OCT 03 2005

BY

I've formal oral comment
Submitted written comments

(26)

# TCEQ Public Participation Form
## Wheatcraft, Inc.
## Public Meeting
## Proposed Air Quality Permit No. 76508
## Tuesday, January 24, 2006

OPA
JAN 24 2006
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 FEB -2 PM 1:35
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: DAVID WEEKLEY

Address: 510 N. BLUFF CREEK RD

City/State: CENTER POINT, TX Zip: 78010

Phone: (830) 634-7636

☐ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☐ No

If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☒ I wish to provide formal oral comments.

☒ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

PROP ED AIR QUALITY PERMIT NO. 76508

FORMAL COMMENTS:

49657
NSK

DAVID WEEKLEY
510 N. BLUFF CREEK RD.
CENTER POINT, TX. 78010
(830) 634-7636

OPA
JAN 24 2006
BY

MY QUESTIONS CONCERN THE ACTUAL LOCATION OF THE CRUSHER ON THE PROPERTY:

1) SINCE THE PERMIT APPLICATION SHOWS THE CRUSHER IN A LOCATION DIFFERENT FROM WHERE IT HAS BEEN ERECTED, IF THE PERMIT IS GRANTED, WILL WHEATCRAFT HAVE TO RE-APPLY TO REFLECT THE CHANGE IN LOCATION?

2) WHAT LOCATION OF THE CRUSHER WAS USED IN THE COMPUTER MODEL, AS THIS WOULD GREATLY IMPACT THE POLLUTANTS AT THE PROPERTY BOUNDARIES?

3) THE ACTUAL CRUSHER LOCATION IS MUCH CLOSER TO MANY HOMES AND MORE IMPORTANTLY THE SCHOOL THAN THE LOCATION PROPOSED IN THE APPLICATION. WILL TCEQ CONSIDER THE IMPACT OF THIS CHANGE WHEN EVALUATING THE PERMIT?

D Weekley 1/24/06

September 20, 2006

Office of the Chief Clerk
TCEQ
Mail Code MC-105
P. O. Box 13087
Austin, TX 78711-3087

OPA RFP
OCT 27 2006
BY JV

NSR 49657

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 OCT 27 AM 9:54
CHIEF CLERKS OFFICE

Re : Proposed Air Quality Permit
No. 76508

Dear Chief Clerk:

Thank you for your recent notice of a public meeting concerning the above referenced Air Quality Permit. We have reviewed the documents posted at the Butt-Holdsworth Memorial Library in Kerrville, Kerr County, Texas, and notice that some of the inaccuracies in the earlier draft have been corrected.

One remaining inaccuracy is that Mr. Gerald Wheatcraft only is named as "responsible party." Unfortunately, Mr. Gerald Wheatcraft passed away in July this year; even though the permit is to be issued to the company, Wheatcraft Materials, Inc., it would seem that someone else should be named or acknowledged as the "responsible party" for the operations at Wheatcraft Materials, Inc., including the proposed rock crushing. And that information should be public knowledge.

Whoever has succeeded Mr. Gerald Wheatcraft as "responsible party" is not upholding the standards set forth above Mr. G. Wheatcraft's signature on the application. Dust from loaded trucks is already in the air before the trucks reach the highway, so the damping down with water may not be performed routinely. Furthermore, rock falling from the loaded trucks near the entrance of the facility endangers drivers on Highway 27, not only as a hazard to windshield and car body, but also as a skidding hazard in dry weather as well as wet.

The rock road surface within the Wheatcraft Materials, Inc., premises generates dust from the truck traffic rather than containing dust. It is not, as the documents propose, as dust-free as asphalt.

Even without the rock crusher, the operations at Wheatcraft Materials, Inc., are polluting the air in the residential community of Center Point. Should the above referenced permit be granted for this location, health and safety concerns will only increase for the businesses and the residents in Center Point and the students of the Center Point Independent School District.

We hope the Executive Director will reconsider his preliminary decision to issue the permit simply because it appears to meet all rules and regulations.

Yours truly,

M. K. Weekley

M. K. Weekley
510 Bluff Creek N. Rd.
Center Point, TX 78010-5419

832-567-3048

BG

OPA

JAN 24 2006

BY

# TCEQ Public Participation Form
## Wheatcraft, Inc.
## Public Meeting
## Proposed Air Quality Permit No. 76508
## Tuesday, January 24, 2006

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 FEB -2 PM 1:34
CHIEF CLERK'S OFFICE

PLEASE PRINT:

Name: MARY WEEKLEY, MARC E. WEEKLEY

Address: 510 BLUFF CREEK N. RD

City/State: CENTER POINT Zip: 78010-5419

Phone: (830) 634-7636

☑ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☑ No

If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ I wish to provide formal oral comments.

☑ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

**Concerning Proposed Air Quality Permit No. 76508, Weatcraft, Inc.**

49657
NSR

**Name:** Mary Weekley

**Address:** 510 Bluff Creek Road
Bluff Creek Ranch
Center Point, TX 78010

830-634-7636

OPAH
JAN 24 2006
BY

**I request a contested case hearing.**

**I request to be placed on the mailing list for the above permit.**

**I would like to inform the TCEQ that**

Wheatcraft, Inc.'s proposed crushing operation would be in the middle of medium density residential areas including churches, schools, cropland whose production is destined for human consumption. The residents in Center Point have chosen to live here because of the quality of life afforded by clear air, the quiet of the countryside, and the proximity of this stretch of the beautiful Guadalupe River—designated by Texas Parks and Wildlife as the second most scenic in the State. We appreciate the historical and even the archaeological significance of this part of Kerr County and feel the need to respect that significance. Some of us have respiratory conditions which have been alleviated by vacating the larger cities and moving here. Most do not have the option to move away.

Further, our own residential development (Bluff Creek Ranch) is only one of several in the area engaged in active management of wildlife habitat with brush and juniper culling for the purpose of restoring grassland and recharging ground water, in a manner that is fire safe under advisement from the Texas Forest Service. For the past six years a local consultant has directed and advised us regarding the monitoring, management and reporting of the presence and quality of native species of flora and fauna including 2 endangered species of birds. Many of our neighbors have invested not only in this land as their homesteads, but also in thoroughbred livestock both for recreation and for livelihood. So there remains substantial public interest in preventing activities which threaten the public health, safety, environmental and economic concerns of the established residents.

Acknowledging that such activity as Wheatcraft's mining is important in the development of infrastructure as our county grows in population, we nonetheless feel that a crushing operation at this location as proposed would be inappropriate and, possibly, in violation of the TCEQ's codes as published on the TCEQ website. Further, it poses health risks for established residents of all ages living, working and studying nearby, safety risks because of heavy traffic, environmental risks for crops both nearby and downwind, environmental risk for the river with its

rare species of aquatic life, and environmental risk for ground water, all aside from disturbance of the peace from industrial noise.

The residents of Center Point, both "oldtimers" and "newcomers," are concerned and careful about the environmental issues from human encroachment and development of the land and have resolved to effect that development in responsible, constructive manner. We are concerned for the health and safety of our neighbors along with our own. And we respectfully request a public hearing before the permit to allow rock crushing operations is granted.

**The location and distance of my property from the proposed facility is:** Bluff Creek Ranch begins on the north side of Highway 27, ½ mile east of the mining activity at the Wheatcraft site. Our parcel within the ranch is on the west side of the ranch and is downwind of the quarry activity.

**I use my property by:** Living and working here; also by participating with the other Bluff Creek ranchers in the maintenance of native habitat, as described above.

In an effort to develop and grow my business I was happy to find this situation in Center Point. My work benefits from the clarity of the air and this location is attractive to clients who come for instruction from out of town/state and can find accommodation at a charming B&B on the river nearby. The crushing operation threatens a number of the small businesses in Center Point, and therefore a considerable number of families. The threat is not limited to economic risk but more important to our future, it involves health, safety and environmental risks as well. I myself am asthmatic and a good deal of my work is done out-of-doors. So not only my work, but also my health depends upon clarity of the air.

Mary Hackley

**REQUEST FOR CONTESTED HEARING on proposed Air QualityPermit No. 76508**
**By applicant Wheatcraft, Inc.**

NSR 49657


**Name:** Mary Weekley

**Address:** 510 Bluff Creek Road

Center Point, TX 78010

**Daytime telephone number:** 830-634-7636


HR OPA
JAN 18 2006
BY

2006 JAN 18 AM 9:40
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

**I request a contested case hearing.** The reasons for this request arise from some inconsistencies and ambiguities in the Wheatcraft application compiled by AARC Environmental, Inc. of Houston, Texas. Some questions arising from a review of this application follow:

1. Since this is an application for initial installation of a crusher at this site, how did the applicant arrive at the measurements on Page 6, Section VII, D. of the application;
2. Page 6,Section VIII, A. indicates that a "current map" is attached. Is the TCEQ aware that in fact the attached map is obsolete and does not show the actual proximity and extent of established residential development adjacent to and within the setback limits published on the TCEQ website;
3. Why will the applicant be unable to measure "emissions of significant air contaminants," as required Page 7, Section IX, B;
4. Why does the permit application request authorization for operations 12 hour/day, 7 days/week, 52 weeks/year when the TCEQ website indicates limits for operations of rock crushers to 180 days/year, maximum;
5. Has Mr. Wheatcraft gotten his diversion rights for his 50 acre-feet of water for agricultural purposes changed to reflect the proposed use at the highway 27 location and the proposed mining purposes? Further, where will the rest of the necessary water at the rate of 700 gal./minute come from, and what will be its disposition and condition after use;
6. To what extent will pipes be used instead of conveyors to reduce emissions (BACT);
7. Is there now a completed "air dispersion model" and what was the result of such model;
8. Why is there no proposed "ambient air monitoring" to provide comparison during future operations at the Highway 27 location;
9. How much ground contamination can be expected from fossil fuels from the increased vehicle traffic and the machinery at the site;
10. How much contamination of the river and the nearby crossing downstream can be expected from sediment and runoff;
11. Why was there no archaeological study conducted prior to breaking ground for this operation, when the operation is located in a historically significant sector of Kerr County;

12. Can the TCEQ or Wheatcraft, Inc., clarify whether the proposed crusher will handle only rock from this site, or rock from this site in addition to rock from elsewhere: Will there be crushing of concrete at this site (Parameters published on the TCEQ website do not distinguish clearly what this permit #76508 will include.)? Further, are any of the planned materials prone to cause or aggravate pulmonary fibrosis or other respiratory conditions;
13. Does Wheatcraft, Inc., have a plan in place in the event of flooding? This area along the Guadalupe River and Highway 27 often floods in heavy rains.

**I will be specifically affected by the above proposed facility in that I** have both health and business concerns.

Members of our household have respiratory conditions, including asthma, and we have deliberately moved here to escape city air pollution. Our homestead is here and we do not have the option to move again. Our home is approximately one mile downwind of the mining activity considering the prevailing wind. Also, we are close enough that the noise attending a crushing operation together with the noise of the increase in heavy vehicles would be a constant nuisance. Noise from the quarry operation is already obvious, particularly at night.

In an effort to develop and grow my business I was happy to find this situation in Center Point. My work benefits from the clarity of the air and this location is attractive to clients who come for instruction from out of town/state and can find accommodation at a charming B&B on the river nearby. The crushing operation threatens a number of the small businesses in Center Point, and therefore a considerable number of families. The threat is not limited to economic risk but to health risk as well.

We are concerned further by the environmental impact on the farms and nurseries adjacent to the Wheatcraft property, in addition to our own property which will be under dust from the crushing, on the Guadalupe River of effluent from rock crushing and metals released in cement recycling, and about conditions conducive to erosion of contaminated soil into the river. Our own Homeowners' Association works closely with the Texas Forest Service and the Kerr County Extension regarding brush management to provide fire safety for the residents, sufficient wildlife habitat in terms of cover and forage, as well as recharging of ground water.

So we are aware of and concerned and careful about the environmental issues from human encroachment and development of the land. We are concerned for the health and safety of our neighbors along with our own. And we hope to be granted a hearing to address these concerns before the Proposed Air Quality Permit # 76508 is granted to Wheatcraft, Inc.

**The location and distance of my property from the proposed facility is:** Bluff Creek Ranch begins on the north side of Highway 27, ½ mile east of the mining activity

at the Wheatcraft site. Our parcel within the ranch is on the west side of the ranch and is downwind of the quarry activity.

**I use my property by:** Living and working here; also by participating with the other Bluff Creek ranchers in the maintenance of native habitat, as described above.

Like our neighbors in Bluff Creek Ranch, and the entire Center Point area, we appreciate the opportunity to address our concerns [regarding Air Quality Permit Number 76508] to the TCEQ by this correspondence and also at the public meeting on January 24, 2006 in the Center Point School Cafetorium.

Yours truly,

Mary Weekley

Mary Weekley

M.K. Weekley
Light, Shadow and Line
510 Bluff Creek Rd.
Center Point, TX 78010

SAN ANTONIO TX 702

17 JAN 2006 PM 1 L

Office of the Chief Clerk
TCEQ
Mail Code MC-105
P. O. Box 13087
Ausitn, TX 78711-3087

RECEIVED
JAN 18 2006
TCEQ MAIL CENTER

78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 SEP 29 AM 9:41

CHIEF CLERKS OFFICE

**REQUEST FOR CONTESTED HEARING on proposed Air QualityPermit No. 76508**
**By applicant Wheatcraft, Inc.**

**Name:** Mary Weekley

**Address:** 510 Bluff Creek Road

Center Point, TX 78010

**Daytime telephone number:** 830-634-7636

NSR/49657

OPA

H SEP 29 2005

BY KY

**I request a contested case hearing.**

**I will be specifically affected by the above proposed facility in that** I have both health and business concerns.

I am asthmatic and have deliberately moved here to escape city air pollution. Our homestead is here and we do not have the option to move again. Our home is downwind of the mining activity considering the prevailing wind. Also, we are close enough that the noise attending a crushing operation together with the noise of the increase in heavy vehicles would be a constant nuisance. Noise from the quarry operation is already obvious.

In an effort to develop and grow my business I was happy to find this situation in Center Point. My work benefits from the clarity of the air and this location is attractive to clients who come for instruction from out of town/state and can find accommodation at a charming B&B on the river nearby. The crushing operation threatens a number of the small businesses in Center Point, and therefore a considerable number of families.

We are concerned further by the environmental impact on the farms and nurseries in addition to our own property which will be under dust from the crushing, on the Guadalupe River of effluent from rock crushing and metals released in cement recycling, and about conditions conducive to erosion of contaminated soil into the river. Our own Homeowners' Association works closely with the Texas Forest Service and the Kerr County Extension regarding brush management to provide fire safety for the residents, sufficient wildlife habitat in terms of cover and forage, as well as recharging of ground water.

So we are aware of and concerned and careful about the environmental issues from human encroachment and development of the land. We are concerned for the health and safety of our neighbors along with our own. And we hope to be granted a hearing to address these concerns before the Proposed Air Quality Permit # 76508 is granted to Wheatcraft, Inc.

**The location and distance of my property from the proposed facility is:** Bluff Creek Ranch begins on the north side of Highway 27, ½ mile east of the mining activity at the Wheatcraft site. Our parcel within the ranch is on the west side and is downwind of the quarry activity.

**I use my property by:** Living and working here; also by participating with the other Bluff Creek ranchers in the maintenance of native habitat.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 SEP 29 AM 9:41

CHIEF CLERKS OFFICE

**PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Weatcraft, Inc.**

NSR 49657

**Name:** Mary Weekley

**Address:** 510 Bluff Creek Road
Center Point, TX 78010

OPA

H SEP 29 2005

BY

**I request a local public hearing.**

**I request to be placed on the mailing list for the above permit.**

**I would like to inform the TCEQ that**
Wheatcraft, Inc.'s proposed crushing operation would be in the middle of medium density residential areas including churches, schools, cropland whose production is destined for human consumption. The residents in Center Point have chosen to live here because of the quality of life afforded by clear air, the quiet of the countryside, and the proximity of this stretch of the beautiful Guadalupe River. Some of us have respiratory conditions which have been alleviated by vacating the larger cities and moving here. Most do not have the option to move away.

Further, in our own residential development, for example, we are engaged in active management of wildlife habitat with brush and juniper culling for the purpose of restoring grassland and recharging ground water, in a manner that is fire safe under advisement from the Texas Forest Service. Another local consultant directs and advises us regarding the monitoring, management and reporting of the presence and quality of native species of flora and fauna. Many of our neighbors have invested not only in this land as their homesteads, but also in thoroughbred livestock both for recreation and for livelihood. So there is substantial public interest in preventing activities which threaten the public health, safety, environmental and economic concerns of the established residents.

Acknowledging that such activity as Wheatcraft's mining is important in the development of infrastructure as our county grows in population, we nonetheless feel that a crushing operation at this location as proposed would be inappropriate and, indeed, in violation of the TCEQ's codes as published on the TCEQ website. Further, it poses health risks for established residents of all ages living, working and studying nearby, safety risks because of heavy traffic, environmental risks for crops, the river and ground water, not to mention the nuisance of industrial noise.

We respectfully request a public hearing before the permit to allow rock and cement crushing operations is granted.

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2006 APR 27 AM 9:41

CHIEF CLERKS OFFICE

OPA

APR 27 2006

BY

April 19, 2006

RECEIVED

APR 26 2006

Texas Commission on Environmental Quality
Commissioners' Office

Ms. Kathleen Hartnett White, Chairman
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087

NSR
49657

Dear Ms. White:

Enclosed please find a copy of our letter to the TCEQ regarding the proposed air quality permit for a rock crusher on the premises of Wheatcraft, Inc., in Center Point, Kerr County.

It has come to our attention that should this permit be granted, the health risk to Center Point residents, students and employees would virtually double, so that even if both crushing facilities operate within the TCEQ limits for airborne particulate matter, the concentration of effluent in the air could exceed safe levels with no particular party being held responsible for the excess.

Since the TCEQ has promised to notify interested parties of any change in status of the Wheatcraft, Inc., permit and since we have received no notice or update, we assume that there is still time for comment and possibly for remedy. Please do not hesitate to offer any suggestions you may have for benefit of the citizens of Kerr County.

Yours truly,

M K Weekley

M. K. Weekley
510 Bluff Creek N. Rd.
Center Point, TX 78010-5419

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

April 19, 2006

2006 APR 27 AM 9:45

CHIEF CLERKS OFFICE

OPA

APR 27 2006

BY

Mr. Mike Wilson, Permits Division
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087

USR
49657

RE: Proposed Air Quality Permit # 76508
Wheatcraft, Inc.

Dear Mr. Wilson:

One more consideration occurs to us as the above referenced air quality permit is evaluated: Lucky 3 Materials has recently published notice of its application to move an existing and already operating rock crusher in Center Point, Kerr County. In case the TCEQ has not had an opportunity to observe first hand the location of the Lucky 3 facilities, we respectfully point out that they are located west of Center Point on State Highway 27 approximately the same distance from the Center Point Independent School District properties as is the Wheatcraft, Inc. facility to the east of Center Point. Our concern is that if two rock crushers are to be operating so close to the town and the schools there is real risk of excessive air pollution even if both facilities are able to operate within the TCEQ's guidelines governing maximum allowable particulate matter released into the atmosphere.

The relocation of the existing rock crusher within the Lucky 3 properties poses no new health risk to Center Point residents; but the addition of a second rock crusher in the immediate vicinity poses not only greater health risk but also complicates monitoring of air quality and the other environmental issues surrounding these two quarries operating in such close proximity.

Representatives of TCEQ have heard and recorded the sentiments and concrete objections which the people who work, study and live in Center Point have raised regarding the operation of a rock crusher associated with the above referenced permit. After a recent visit to the Wheatcraft, Inc. site, members of the UGRA's Head Waters and Ground Waters authority report that the rock crusher is in place at Wheatcraft, Inc. and is ready for operations, in anticipation of the TCEQ's granting of the requested air quality permit (and contrary to TCEQ guidelines).

Please consider the extenuating circumstances herein described as sufficient reason to withhold Proposed Air Quality Permit Number 76508.

Yours truly,

M. K. Weekley
510 Bluff Creek N. Rd.
Center Point, TX 78010-5419

cc: Kathleen Hartnett White, Chairman TCEQ
County Commissioner Bill Williams
Representative Harvey Hildebran
Senator Troy Fraser
Governor Rick Perry
Mr. John Kovaks
Dr. Lee Ray, Superintendent, Center Point Independent School District
Editor, San Antonio Express-News
Editor, Kerrville Daily Times

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2005 SEP 26 PM 2:18

CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

OPA
SEP 27 2005
BY

Name : Pam White

Address: 2745 A-2 Bandera Hwy
Kerrville, TX 78028

NSR
49657

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

I am an owner of property in Centerpoint. My husband & I had planned to develop this land & build residential development.

We in good conscience could not do this and expose potential buyers to all the negative factors a rock crusher would impose on their health, safety of their property & life quality.

I currently live next to another one of the properties developed by Wheatcraft here in Kerrville where it is well known that this is a company with no concern for their neighbors health & property.

If you truly want to act in the Public's interest you won't allow this to continue

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 SEP 26 PM 2:18
CHIEF CLERKS OFFICE

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

Name: Pam White

Address: 2745-A2 Bandera Hwy
Kerrville, Tx 78028

Daytime telephone number: 830 257.4426

OPA
SEP 27 2005
BY

NSR/49657

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I

my health & the health of the people I had planned to build & sell houses to on my land in Center Point will be adversely effected, as well as the land, air, water, flood risk & quality of life there.

The location and distance of my property from the proposed facility is:
Hwy 227 & JJ Lane

I use my property by:
currently growing pecans & plan future development

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

2005 SEP 28 AM 9:40
CHIEF CLERKS OFFICE

Name: Mr. & Mrs. M. A. Whitworth

Address: 107 J.J. Lane & Hwy 27
P.O. Box 431
Center Point, Texas 78010

OPA
SEP 28 2005
BY

Daytime telephone number: 634-7110

NSR 49657

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I live nearby and the proposed plant will affect my family as follows:
(1) The condition of my heart due to a heart-bypass & age of 80+.
(2) The impacting on allergies we now have.
(3) The impacting of the peace & quiet of our neighborhood.
(4) The hazard of additional trucks using Hwy 27 in front of our home
(5) Loss of value to our property because of this proposed plant
(6) The terrible things this proposed plant will do to our Guadalupe River.

The location and distance of my property from the proposed facility is:
a mile or less.

I use my property ~~by~~:
as a private residence.

PHYSICAL Address:
107 J J LANE & HWY 27
Center Pt, TX 78010

Milton A. Whitworth 9-26-05
MILTON A. WHITWORTH

Patricia Whitworth 9-26-05
Patricia Whitworth

Mailing Address: P.O. BOX 431
Center Pt, TX 78010

HR OPA
OCT 12 2005
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 OCT 12 AM 9:44
CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name : _____

Address: _____

MARILYN L. WILES
260 DEER PARK LANE
CENTER POINT, TX 78010

NSR
149657

I request a local public hearing.

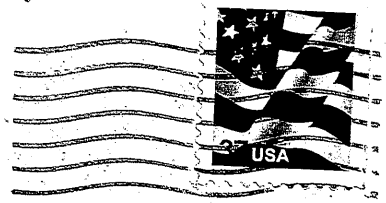
I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that I oppose the air quality permit # 76508 for Wheatcraft, Inc.

Marilyn Wiles

260 Deer Park Lane
Center Point, Tx 78010

SAN ANTONIO TX 782
PM
11 OCT
2005




Office of Chief Clerk, MC-105
TCEQ
P.O. Box 13087
Austin, Tx
78711-3087

RECEIVED
OCT 12 2005
TCEQ MAIL CENTER

78711-3087

We the undersign, request a public meeting and a contested case hearing to address concerns about personal health, both general and respiratory, and the environment as pertains to the emissions of the crusher polluting the Guadalupe River. September 7, 2005

Reference: Proposed Air Quality Permit No. 76508, Wheatcraft, Inc., Center Point, TX

| Name | Address | Zip | Telephone | <1000' | <2000' | <3000' | >3000' | Health | O/R* |
|---|---|---|---|---|---|---|---|---|---|
| Greg Williams | 271 Deer Park | 78010 | 830-634-2018 | | | | ✓ | Resp. | O |
| Debbie Williams | 271 Deer Park | 78010 | 830-634-2018 | | | | ✓ | | O |

OPA PM

OCT 04 2005

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 OCT -3 PM 3:36
CHIEF CLERKS OFFICE

NSR 49657

YC

* Own/Rent

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 OCT -3 PM 3:37

CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

OPA

OCT 04 2005

BY

NSR 49657

Name: Greg Williams

Address: 271 Deer Park Dr.
Center Point, TX 78010

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that
I have serious concerns about the impact that this business will have on our environment. It seems that there is a real danger to the quality of our air, water, and noise level. Please consider the long term effects such as business will have on the people in this area.

MC

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 OCT -3 PM 3:37

CHIEF CLERKS OFFICE

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

Name: Greg Williams

Address: 271 Deer Park Ln.
Center Point, TX 78010

Daytime telephone number (830) 634-2018

OPAH

OCT 04 2005

BY

NSR 4965

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I

work at the Center Point schools which are located within 2000 feet of this proposed facility. I already suffer pulmonary problems and am concerned for my health and my ability to continue teaching at the school.

The location and distance of my property from the proposed facility is:

less than 3 miles.

I use my property by:

living there and raising livestock.

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2005 SEP 23 AM 9:39

CHIEF CLERKS OFFICE

NSR
49657

**PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.**

OPA HR
SEP 23 2005
BY

Name: Kimberly Williams

Address: 165 J.J. Lane

Center Point, TX 78010

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that
I feel that permit 76508 should not be granted because it will directly affect my health & well being. My house is directly downwind from the site and the particulate matter released will aggravate my chronic bronchitis. Also, the number of large trucks going to & from the site will make leaving J.J. Lane hazardous for my family.

-Kim Williams

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

2005 SEP 23 AM 9:38

CHIEF CLERKS OFFICE

NSR 49657

Name: Kimberly Williams

Address: 165 J.J. Lane
Center Point, TX 78010

Daytime telephone number: 834-634-2301

OPA HR
SEP 23 2005
BY

✓ I request a contested case hearing.

✓ I will be specifically affected by the above proposed facility in that I

I live very close to the facility and the particulate matter being released is not going to be monitored and will affect my health since I have allergies + chronic bronchitis. Also, my well and drinking water could be affected by the facilities water use.

The location and distance of my property from the proposed facility is:
Within 1/4 mile South / southeast of the quarry site.

I use my property by:
It is a single family dwelling overlooking the Guadalupe River.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 SEP 28 AM 9:39

CHIEF CLERKS OFFICE

REQUEST FOR CONTESTED HEARING on Proposed Air Quality Permit No. 76508
by applicant Wheatcraft, Inc.

Name: B WILLIS

Address: PO BOX 315
CENTER POINT TX 78010

Daytime telephone number: 830-634-7795

OPA

SEP 28 2005

BY

NSR 49657

I request a contested case hearing.

I will be specifically affected by the above proposed facility in that I

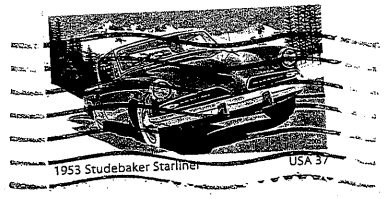
* AIR QUALITY
* NOISE
* WATER USAGE - POLLUTION OF GUAD. RIVER
* WE DO HAVE HI WINDS plus DUST from plant not HEALTHY - FOR LUNGS, EYES - GENERAL HEALTH!

The location and distance of my property from the proposed facility is:
2000 ELEVATION

I use my property by:

W
Mr. & Mrs. Charles Willis
PO Box 315
Center Point, TX 78010

SAN ANTONIO TX 782
PM
27 SEP
2005




Office of Chief Clerk MC-105
TCEQ
po Box 13087
Austin Tx 78711-3857

RECEIVED
SEP 28 2005
TCEQ MAIL CENTER

78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 SEP 28 AM 9:39

CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name : Bernice Willis

Address: PO Box 315

CENTER POINT TX 78010

OPA

SEP 28 2005

BY

Y I request a local public hearing.

X I request to be placed on the mailing list for the above permit. all

X I would like to inform the TCEQ that

NSR 49657

AIR QUALITY ENDANGERED

NOISE

CHILDREN as well

HR OPA
SEP 06 2006
BY DM

2006 SEP -6 AM 9:2
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

September 3, 2006

Texas Commission on Environmental Quality (TCEQ)
LaDonna Castañuela, Chief Clerk
MC-105
PO Box 13087
Austin, TX 78711-3087

DSR 49657

Dear Ms. Castañuela:

I am writing to request a contested case hearing against Wheatcraft Materials, Permit Number 76508.

I am a property owner with my sister Suzanne Wray, 1 mile east of Center Point, TX on China St. East and directly across the Guadalupe River from Wheatcraft Materials; my property description R14955 and residence property R14949 is listed on the enclosed map. These properties were formerly owned by our father, David B. Wray, now deceased.

As an owner of these properties situated directly across from the Wheatcraft facility, I am strongly opposed to their application for rock crushing.

I believe that the resulting air and noise pollution will effectively destroy the quality of life in the Hill Country, as I often visit this area to escape from the noise and air pollution of Austin, TX and to enjoy the serenity of my childhood home. I am often disturbed by the noise pollution that comes from the activity currently going on at the Wheatcraft facility and am further upset that they intend to continue even more intense work 7 days a week, 12 hours a day, all year long. I anticipate no peace from such a large, noisy facility. I believe without doubt that our property value in the area will dramatically decrease due to Wheatcraft's operation.

I am sensitive and allergic to dust emissions and particulate pollution. With the Wheatcraft facility in such close proximity, I am very much concerned that the air quality will be severely diminished and my health greatly affected. The added health risks associated with this rock crushing facility affect not just myself but others living nearby. Regarding air quality, one Wheatscraft spokesman was recently quoted in a local paper stating that the air quality would be similar to that of "being in a room with a smoker".

As you already know, Wheatcraft Materials has been cited by TCEQ or notified by the Upper Guadalupe River Authority (UGRA) for violations including pumping from the river without a mining permit, operating without a Storm Water Discharge Permit, and operating without proper water quality safeguards in place. Because of Wheatcraft's past failures to abide by the law and/or regulations, I believe that they may also disregard future regulations once they have begun their rock crushing operations. Even if safeguards are implemented by Wheatcraft, how can I be guaranteed that these safeguards will be continued by this company, given their previous violations? How will

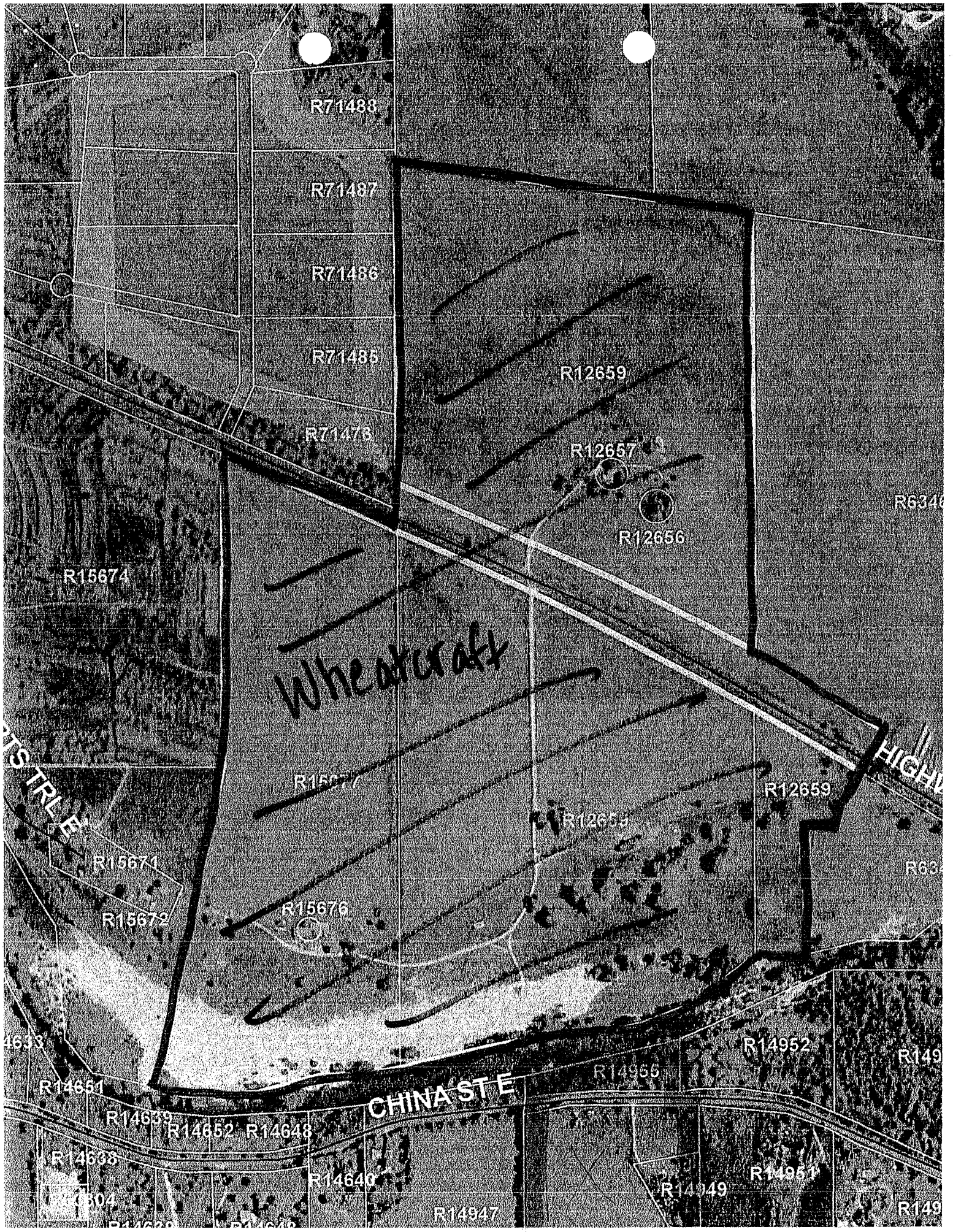
short term spikes in pollution be managed or contained? What about the additional environmental impact from increased Wheatcraft's semi-truck traffic generating more air and noise pollution in the area?

I am also very concerned about the application to drill a well into the Lower Trinity Aquifer to extract large quantities of groundwater. It appears that Wheatcraft is attempting to gain access to surface water from the Guadalupe River and to groundwater sources. The Hill Country is a very delicate area where water resources are precious, especially in times of drought. Why should a facility of this nature be allowed to garnish such a disproportionate amount of these water resources? Because my property is beyond the reach of the town's water supply, I must use well water. I do not want our well water nor any future irrigation needs via the Guadalupe River to be adversely affected by Wheatcraft's operations.

In summary, I strongly believe that Wheatcraft Materials' permit for rock crushing and associated other operations should be intensely scrutinized, and my concerns as well as the concerns of our neighbors requesting to contest this permit be heard by TCEQ. Please help the citizens of Center Point, Texas preserve the Hill Country for everyone and future generations.

Sincerely,

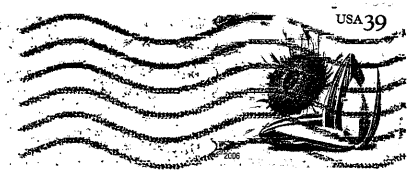
Stephen Wray
2601 Douglas St.
Austin, TX 78741-5709
(512) 462-2774 home
(512) 232-2066 work




WRAY Property: R14955 & R14949

S. Kram
2601 Douglas St.
Austin TX 78741

AUSTIN TX 787
05 SEP 2006 PM 3 L




Office of the Chief Clerk, MC-105
T.C.E.Q.
PO Box 13087
Austin, TX 78711-3087

RECEIVED
SEP 06 2006
TCEQ MAIL CENTER
RB

78711+3087

OPA

OCT 0 6 2005

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 OCT -6 AM 9: 39

CHIEF CLERKS OFFICE

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name : C. Jean Young

Address: 305 Center Point Dr.

Center Point, Tx 78010

NSR/PBR 57

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

In determining the feasibility of granting this permit, I submit stipulations from Air PBR 106:

1. (Your publication states: "The plant must be at least ½ mile from the nearest recreational area, residence, etc.) There are numerous households that are closer than ½ mile to the proposed site. There is a housing subdivision with about 15 tracts being developed directly across the highway from the proposed site.

2. . (Your publication states: The plant must be at least 1,000 feet from any state or federal highway not currently under maintenance or construction). The proposed plant is less than 500 feet from state Highway 27.

I am vehemently opposed to the granting of the permit that would allow Wheatcraft, Inc., to construct a rock crushing facility to crush rock and cement for the following reasons:

1. Air pollution

The dust created will infiltrate our area polluting our clean air causing breathing difficulties for everyone, esp. the elderly. Crushing the rocks and cement will allow silica dust particles to be inhaled, exposure to which can lead to silicosis, a terrible lung disease.

2. Noise pollution

The machine will run the majority of each day causing constant noise, disturbing the peace of our serene surroundings.

3. Water pollution

To clean the crushed material, the plant will use and dispose of water, most of which will affect the Guadalupe River, adjacent to the facility. The murky water will cause damage to fish and other wildlife, as well as river vegetation. Swimming and tubing in the river will be unpleasant and possibly injurious to one's health.

4. Road degradation

Running 18-wheeler trucks numerous times of the day in and out of the facility will cause degradation of Hwy 27, a two-lane road.

For the sake of Center Point, the Guadalupe River, and the residents of the surrounding areas, I plead with you not to grant this permit.

Mc

OPA H

OCT 0 6 2005

BY _____

PUBLIC COMMENT on Proposed Air Quality Permit No. 76508, Wheatcraft, Inc.

Name : ELDO W. YOUNG

Address: 305 CENTER POINT DR.

CENTER POINT, TX 78010

NSR / 49657

I request a local public hearing.

I request to be placed on the mailing list for the above permit.

I would like to inform the TCEQ that

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2. Noise pollution
   The machine will run the majority of each day causing constant noise, disturbing the peace of our serene surroundings.
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   To clean the crushed material, the plant will use and dispose of water, most of which will affect the Guadalupe River, adjacent to the facility. The murky water will cause damage to fish and other wildlife, as well as river vegetation. Swimming and tubing in the river will be unpleasant and possibly injurious to one's health.
4. Road degradation
   Running 18-wheeler trucks numerous times of the day in and out of the facility will cause degradation of Hwy 27, a two-lane road.

For the sake of Center Point, the Guadalupe River, and the residents of the surrounding areas, I plead with you not to grant this permit.

NOTE: I AM AGE 85, HAVE CHRONIC BRONCHITIS AND EMPHYSEMA.

MC