

DOCKET NO. 2008-1009-AIR

2008 JUL 28 PM 4: 14

**BLOCK CREEK CONCRETE
PRODUCTS, LLC
KENDALL COUNTY, TEXAS
PROPOSED PERMIT NO. 83958**

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**BEFORE THE TEXAS
COMMISSION ON
ENVIRONMENTAL
QUALITY**

CHIEF CLERKS OFFICE

EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUESTS

I. Application Request and Background Information

The Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ) files this response to the requests for a contested case hearing submitted by Dennis Spinelli, Jerry Winakur, and Mickey V. Bush. The Texas Health and Safety Code (THSC) § 382.056(n) requires the commission to consider hearing requests in accordance with the procedures provided in Tex. Water Code § 5.556. This statute is implemented through the rules found in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter F. A copy of the draft permit, technical review summary, compliance history report, map, and the ED's Response to Public Comment have been attached to this response and labeled Exhibits A through E respectively. They have also been provided to all persons on the attached mailing list.

On January 23, 2008, Block Creek Concrete, L.P., (Applicant), filed an application for Air Quality Standard Permit, Registration Number 83958 to authorize construction of a permanent specialty concrete batch plant to be located at 444 FM Old Number 9 Highway A, near Comfort, Kendall County, Texas. The application was determined to be technically complete on February 7, 2008. The Applicant published the Notice of Receipt of Application and Intent to Obtain Air Quality Standard Permit Registration (NORI) on February 14, 2008 in *The Comfort News*. The Notice of Application and Preliminary Decision (NAPD) was published April 14, 2008, in *The Comfort News*. The TCEQ received timely hearing requests from Dennis Spinelli, Jerry Winakur, and Mickey V. Bush.

The primary function of the plant is to manufacture concrete for septic tanks, water storage tanks, and electrical pads. The materials to be mixed include, but are not limited to, sand, aggregate, cement, and water in the production of concrete. The concrete is mixed on site and poured into the appropriate forms on site.

II. Applicable Law

Hearing requests on a concrete batch plant standard permit are considered under THSC § 382.058(c). The statute states that "only those persons actually residing in a permanent residence within 440 yards of the proposed plant may request a hearing...as a person who may be affected."

III. Analysis of the Requests

Based on the information provided in the three requests, the ED has determined that none of the requestors reside in a permanent residence within 440 yards of the proposed facility. The ED recommends that all of the hearing requests should be denied because none of the requestors are affected persons as defined by THSC § 382.058(c). Attachment D to this response shows the locations of the requestors relative to the proposed facility, based on the addresses that were provided in the hearing requests.

IV. Duration of Hearing

If the commission decides to grant a hearing in this case and to refer this case to SOAH, the ED recommends that the duration of the hearing on this matter be no more than six months.

V. Conclusion

The ED respectfully recommends that the commission deny the hearing requests of Dennis Spinelli, Jerry Winakur, and Mickey V. Bush because they are not affected persons under THSC § 382.058(c).

Respectfully submitted,

Texas Commission on
Environmental Quality

Mark R. Vickery, P.G.
Executive Director

Stephanie Bergeron Perdue,
Deputy Director
Office of Legal Services

Robert Martinez, Director
Environmental Law Division



Alicia M. Lee, Staff Attorney
Environmental Law Division
State Bar No. 24032665
PO Box 13087, MC 173
Austin, Texas 78711-3087

CERTIFICATE OF SERVICE

I certify that on July 28, 2008, the original and eleven copies of the foregoing "Executive Director's Response to Hearing Requests" for Permit No. 83958 were filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk and served to all persons on the attached mailing list via U.S. Mail, facsimile, or inter-agency mail.



Alicia M. Lee

2008 JUL 28 PM 4:15
CHIEF CLERKS OFFICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

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

MR BURT SEIDENSTICKER
OWNER
BLOCK CREEK CONCRETE PRODUCTS LLC
444 OLD NO 9 HWY A
COMFORT TX 78013-3803

Re: Air Quality Standard Permit for Concrete Batch Plants
(As amended effective July 10, 2003)
Permit Number: 83958
Concrete Batch Plant
Comfort, Kendall County
Regulated Entity Number: RN105446983
Customer Reference Number: CN603067265

Dear Mr. Seidensticker:

This is in response to your Form PI-1S (Air Quality Standard Permit Registration for Concrete Batch Plants) concerning the proposed construction of a specialty concrete batch plant to be located at 444 Old Number 9 Highway A, Comfort, Kendall County.

After evaluation of the information which you have furnished, we have determined that your proposed construction is authorized under Title 30 Texas Administrative Code § 116.611 (30 TAC § 116.611), as codified in the Texas Health and Safety Code § 382.05195, if constructed and operated as described in your registration. This standard permit was authorized by the Texas Commission on Environmental Quality (TCEQ) in accordance with 30 TAC Chapter 116. This standard permit for concrete batch plants was amended and became effective on July 10, 2003.

A copy of the air quality standard permit for concrete batch plants with an effective date of July 10, 2003, is enclosed. You must begin construction or modification of these facilities in accordance with the standard permit no later than 18 months after the date of this letter. After completion of construction or modification, the appropriate TCEQ Regional Office must be notified prior to commencing operation and the facility shall be operated in compliance with all applicable conditions of the claimed standard permit (enclosed). Also enclosed is a notification form for you to complete and send in prior to your construction or site move.

EXHIBIT

A

Mr. Burt Seidensticker
Page 2

Re: Permit Number 83958

This standard permit authorizes operations including planned start-up and shutdown emissions. Maintenance activities are not authorized by this standard permit. These maintenance activities will need to be authorized separately prior to January 5, 2013.

You are reminded that regardless of whether a permit is required, these facilities must be in compliance with all rules and regulations of the TCEQ and of the U.S. Environmental Protection Agency at all times.

Your cooperation in this matter is appreciated. If you need further information or have any questions, please contact Ms. Jamie Meekhof at (512) 239-6635 or write to the Texas Commission on Environmental Quality, Office of Permitting, Remediation, and Registration, Air Permits Division (MC-163), P.O. Box 13087, Austin, Texas 78711-3087.

This action is taken under authority delegated by the Executive Director of the TCEQ.

Sincerely,

Richard A. Hyde, P.E., Director
Air Permits Division
Office of Permitting, Remediation, and Registration
Texas Commission on Environmental Quality

RAH/JM/cjj

Enclosures

cc: Ms. Miranda L. Cheatham, Project Manager, Waid and Associates, Austin
Air Section Manager, Region 13 - San Antonio

Project Number: 136143

**MOVING A PORTABLE FACILITY AUTHORIZED TO
OPERATE UNDER A STANDARD PERMIT***

TCEQ Air Quality Regulated Entity Number: RN105446983

1.	Company name:	Block Creek Concrete Products, L.L.C		
	Office address:	444 Old Number 9 Highway A		
		Comfort, Texas 78013-3803		
	Contact name and title:	Mr. Burt Seidensticker, Owner		
	Telephone:		Fax:	
2.	Type of facility:	Concrete Batch Plant		
3. A.	Location from which plant is moving:			
		(address, city, county, project name, exact location description)		
	B. Standard Permit or Permit by Rule Registration No. for previous			
	C. Last TCEQ Record No. (Found at end of approval letter):			
	D. Date actually started operating at site:			
	E. Last date at site:			
4. A.	Location to which the plant is to be moved:			
		(address, city, county, project name, exact location description)		
	B. Proposed start of construction date:			
	C. Proposed start of operation date:			
	D. Expected length of time at new location:			
5.	Was this notification sent to:	Yes	No	TCEQ Air Permits Division, Austin?
		Yes	No	TCEQ Regional Office?
		Yes	No	Local air pollution program (if applicable)?

Signature _____ Date: _____

Name: _____ Title: _____

Please fax this form to the appropriate TCEQ Region and Local Program(s) no later than 24 hours prior to moving the plant.

- **Note - This form cannot be used to register a facility at a new site. It should be completed only when a facility is about to be moved to a site which has already been registered and approved by the TCEQ Executive Director**

This form has been developed as part of an effort by the TCEQ Office of Permitting, Remediation, and Registration, Air Permits Division to streamline standard permit registration reviews and the tracking of facilities that frequently relocate. This form confirms requested and approved locations for your portable facility and ensures that the Agency has accurate records to expedite future registration requests. This form should be used to notify the TCEQ Regional Offices and local air pollution control programs when relocating.

Whenever possible, please fax the completed form 24 hours prior to moving the plant. Copies should be faxed to the Air Permits Division in Austin (512) 239-1300 and the appropriate TCEQ Regional Office and Local Program(s).

Regional Office FAX Numbers:			
Region 1 - Amarillo	(806) 358-9545	Region 9 - Waco	(254) 772-9241
Region 2 - Lubbock	(806) 796-7107	Region 10 - Beaumont	(409) 892-2119
Region 3 - Abilene	(915) 692-5869	Region 11 - Austin	(512) 339-3795
Region 4 - Dallas/Ft. Worth	(817) 588-5700	Region 12 - Houston	(713) 767-3761
Region 5 - Tyler	(903) 595-1562	Region 13 - San Antonio	(210) 545-4329
Region 6 - El Paso	(915) 834-4940	Region 14 - Corpus Christi	(512) 825-3101
Region 7 - Midland	(915) 570-4795	Region 15 - Harlingen	(956) 412-5059
Region 8 - San Angelo	(915) 658-5431	Region 16 - Laredo	(956) 791-6716

Local Program FAX Numbers:			
Austin-Travis County	(512) 469-2030	City of Houston	(713) 640-4343
City of Austin	(512) 499-2859	City of Irving	(972) 721-3634
Brazoria County	(409) 849-0324	City of Lewisville	(972) 219-3414
City of Carrollton	(972) 466-3175	City of Nacogdoches	(409) 560-5137
City of Dallas	(214) 948-4426	City of Richardson	(972) 644-2618
El Paso City-County Health Dist.	(915) 771-5714	City of San Antonio	(210) 207-8039
City of Farmers Branch	(972) 241-6305	City of Sugar Land	(281) 275-2771
Fort Worth Dept. of Env. Mgmt.	(817) 871-5464	City of Webster	(281) 332-5834
Galveston County	(409) 938-2321	Wichita Falls-Wichita County	(940) 761-7821
Harris County	(713) 475-8906		

In addition, if a facility is not moving to a site that has been registered, please forward this form to the TCEQ Regional Offices and any affected local air pollution control programs.

Please send all correspondence or comments to the TCEQ, Office of Permitting, Remediation, and Registration, Air Permits Division, Mechanical/Combustion Section, MC-163, P.O. Box 13087, Austin, Texas 78711-3087, FAX (512) 239-1300

Standard Permit General Conditions

The following general conditions are applicable to holders of standard permits, but will not necessarily be specifically stated within the standard permit document.

- (1) Protection of public health and welfare. The emissions from the facility must comply with all applicable rules and regulations of the commission adopted under the Texas Health and Safety Code, Chapter 382, and with intent of the TCAA, including protection of health and property of the public.
- (2) Standard permit representations. All representations with regard to construction plans, operating procedures, and maximum emission rates in any registration for a standard permit become conditions upon which the facility or changes thereto, must be constructed and operated. It is unlawful for any person to vary from such representations if the change will affect that person's right to claim a standard permit under this section. Any change in condition such that a person is no longer eligible to claim a standard permit under this section requires proper authorization under Title 30 Texas Administrative Code § 116.110 (30 TAC § 116.110) of this title (relating to Applicability). If the facility remains eligible for a standard permit, the owner or operator of the facility shall notify the TCEQ Executive Director of any change in conditions which will result in a change in the method of control of emissions, a change in the character of the emissions, or an increase in the discharge of the various emissions as compared to the representations in the original registration or any previous notification of a change in representations. Notice of changes in representations must be received by the TCEQ Executive Director no later than 30 days after the change.
- (3) Standard permit in lieu of permit amendment. All changes authorized by standard permit to a facility previously permitted under 30 TAC § 116.110 of this title (relating to Applicability) shall be administratively incorporated into that facility's permit at such time as the permit is amended or renewed.
- (4) Construction progress. Start of construction, construction interruptions exceeding 45 days, and completion of construction shall be reported to the appropriate TCEQ Regional Office not later than 15 working days after occurrence of the event, except where a different time period is specified for a particular standard permit.
- (5) Start-up notification. The appropriate TCEQ air program regional office of the commission and any other air pollution control program having jurisdiction shall be notified prior to the commencement of operations of the facilities authorized by the standard permit in such a manner that a representative of the TCEQ Executive Director may be present. For phased construction, which may involve a series of units commencing operations at different times, the owner or operator of the facility shall provide separate notification for the commencement of operations for each unit. A particular standard permit may modify start-up notification requirements.
- (6) Sampling requirements. If sampling of stacks or process vents is required, the standard permit holder shall contact the TCEQ Office of Permitting, Remediation, and Registration and any other air pollution control program having jurisdiction prior to sampling to obtain the proper data forms and procedures. All sampling and testing procedures must be approved by the TCEQ Executive Director and coordinated with the regional representatives of the commission. The standard permit holder is also responsible for providing sampling facilities and conducting the sampling operations or contracting with an independent sampling consultant.

- (7) Equivalency of methods. The standard permit holder shall demonstrate or otherwise justify the equivalency of emission control methods, sampling or other emission testing methods, and monitoring methods proposed as alternatives to methods indicated in the conditions of the standard permit. Alternative methods must be applied for in writing and must be reviewed and approved by the TCEQ Executive Director prior to their use in fulfilling any requirements of the standard permit.
- (8) Recordkeeping. A copy of the standard permit along with information and data sufficient to demonstrate applicability of and compliance with the standard permit shall be maintained in a file at the plant site and made available at the request of representatives of the TCEQ Executive Director, the EPA, or any air pollution control program having jurisdiction. For facilities that normally operate unattended, this information shall be maintained at the nearest staffed location within Texas specified by the standard permit holder in the standard permit registration. This information must include, but is not limited to, production records and operating hours. Additional recordkeeping requirements may be specified in the conditions of the standard permit. Information and data sufficient to demonstrate applicability of and compliance with the standard permit must be retained for at least two years following the date that the information or data is obtained. The copy of the standard permit must be maintained as a permanent record.
- (9) Maintenance of emission control. The facilities covered by the standard permit may not be operated unless all air pollution emission capture and abatement equipment is maintained in good working order and operating properly during normal facility operations. Notification for upsets and maintenance shall be made in accordance with 30 TAC §101.201 and §101.211 of this title (relating to Emissions Event Reporting and Recordkeeping Requirements; and Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements).
- (10) Compliance with rules. Registration of a standard permit by a standard permit applicant constitutes an acknowledgment and agreement that the holder will comply with all rules, regulations, and orders of the commission issued in conformity with the TCAA and the conditions precedent to the claiming of the standard permit. If more than one state or federal rule or regulation or permit condition is applicable, the most stringent limit or condition shall govern. Acceptance includes consent to the entrance of commission employees and designated representatives of any air pollution control program having jurisdiction into the permitted premises at reasonable times to investigate conditions relating to the emission or concentration of air contaminants, including compliance with the standard permit.
- (11) Distance limitations, setbacks, and buffer zones. Notwithstanding any requirement in any standard permit, if a standard permit for a facility requires a distance, setback, or buffer from other property or structures as a condition of the permit, the determination of whether the distance, setback, or buffer is satisfied shall be made on the basis of conditions existing at the earlier of:
- (A) the date new construction, expansion, or modification of a facility begins; or
 - (B) the date any application or notice of intent is first filed with the commission to obtain approval for the construction or operation of the facility.

Air Quality Standard Permit for Concrete Batch Plants

Standard Permit No. 4

Effective Date July 10, 2003

This air quality standard permit authorizes concrete batch plant facilities which meet all of the conditions listed in paragraphs (1) through (3) and one of paragraphs (4), (5), or (6). If a standard permit registration is based on paragraphs (4), (5), or (6) and changes are proposed which change the paragraph under which the facility will be constructed and operate, the concrete batch plant must reapply for a new standard permit.

(1) Administrative Requirements

- (A) Any concrete batch plant authorized under this standard permit shall be registered in accordance with Title 30 Texas Administrative Code § 116.611 (30 TAC § 116.611), Registration to use a Standard Permit. Owners or operators shall submit a completed Form PI-1S entitled "Air Quality Standard permit Registration for Concrete Batch Plants," Table 20 entitled, "Concrete Batch Plants" and a Concrete Batch Plant Standard Permit checklist. Facilities which meet the conditions of this standard permit do not have to meet the emissions and distance limitations listed in 30 TAC § 116.610(a)(1), Applicability.
- (B) Applications shall also comply with 30 TAC § 116.614 "Standard Permit Fees" when the registration is required to complete public notification under paragraph two of this standard permit.
- (C) No owner or operator of a concrete batch plant shall begin construction and/or operation without obtaining written approval from the Texas Commission on Environmental Quality (TCEQ), Executive Director. The time period in 30 TAC § 116.611(b) (45 days) does not apply to facilities registering under this permit. Those facilities which are not required to comply with the public notification requirements of paragraph two should receive approval within 45 days after receipt of the registration request by the TCEQ Executive Director. Start of construction of any facility registered under this standard permit shall comply with 30 TAC § 116.115(b)(2)(A) and commence within 18 months of written approval from the TCEQ.
- (D) Any concrete batch plant which has registered but not constructed or filed a registration request for a permit by rule filed under 30 TAC §§ 106.201, 106.202, or 106.203 [relating to Permanent and Temporary Concrete Batch Plants (previously SE 71); Temporary Concrete Batch Plants (previously SE 93); and Specialty Batch Plants (previously SE 117)] prior to the effective date of this permit will be processed under those rules.
- (E) Applicants are not required to submit air dispersion modeling as a part of any concrete batch plant standard permit application.
- (F) Records shall be maintained on-site for the following:
 - (i) production rates for each hour of operation which demonstrate compliance with the most applicable of paragraphs (4)(A), (5)(B) and (C), or (6)(C) and (D); and

- (ii) production and other records as required by 30 TAC §§ 101.6 - 101.7 and by (1)(F)(i) of this standard permit shall be kept for lesser of either the most recent rolling 24-month period or the duration of operation at a given site.

(2) Public Notice

Unless the facility is to be a temporary concrete plant, as defined in paragraph five of this permit, which is located in, or contiguous to, the right-of-way of a public works project, public notice must be conducted. Notification must follow the requirements in 30 TAC Chapter 39, Subchapters H and K. In addition, sign posting must be performed following the requirements of 30 TAC § 39.604. The signs shall be headed by the words "PROPOSED AIR QUALITY STANDARD PERMIT."

(3) General Requirements

- (A) All cement/fly ash storage silos and weigh hoppers shall be equipped with a fabric or cartridge filter or vented to a fabric or cartridge filter system.
- (B) Fabric filters and collection systems shall meet all of the following:
 - (i) any fabric or cartridge filter, any fabric or cartridge filter system, and any suction shroud shall be maintained and operated properly with no tears or leaks;
 - (ii) all filter systems (including any central filter system) shall be designed to meet at least 0.01 outlet grain loading (grains/dry standard cubic foot);
 - (iii) all filter systems, mixer loading, and batch truck loading emissions control devices shall meet a performance standard of no visible emissions exceeding 30 seconds in any six-minute period as determined using U.S. Environmental Protection Agency (EPA) Test Method (TM) 22; and
 - (iv) when cement or fly ash silos are filled during non-daylight hours, the silo filter system exhaust shall be sufficiently illuminated to enable a determination of compliance with the visible emissions requirement in (3)(B)(iii) of this permit.
- (C) Conveying systems for the transfer of cement/fly ash shall meet all of the following:
 - (i) conveying systems to and from the storage silos shall be totally enclosed, operated properly, and maintained with no tears or leaks; and
 - (ii) these systems, except during cement/fly ash tanker connect and disconnect, shall meet a performance standard of no visible emissions exceeding 30 seconds in any six-minute period as determined using EPA TM 22.
- (D) A warning device shall be installed on each bulk storage silo. This device shall alert operators in sufficient time prior to the silo reaching capacity during loading operations, so that the loading operation can be stopped prior to filling to such a level as to potentially adversely impact the pollution abatement equipment. Any filling of the silo resulting in failure of the abatement system, or visible emissions in excess of paragraph (3)(B)(iii) of this standard permit, must be documented and reported following the requirements of 30 TAC § 101.6 or 101.7, as appropriate.

- (E) Dust emissions from all in-plant roads and traffic areas associated with the operation of the concrete batch plant must be minimized at all times by at least one of the following methods:
 - (i) covered with a material such as, but not limited to, roofing shingles or tire chips (when used in combination with (ii) or (iii) of this subsection);
 - (ii) treated with dust-suppressant chemicals;
 - (iii) watered; or
 - (iv) paved with a cohesive hard surface that is maintained intact and cleaned.
- (F) All stockpiles shall be sprinkled with water, dust-suppressant chemicals, or covered, as necessary, to minimize dust emissions.
- (G) Spillage of materials used in the batch shall be immediately cleaned up and contained or dampened so that dust emissions are minimized.

(4) Additional Requirements for Concrete Batch and Specialty Batch Concrete, Mortar, Grout Mixing, or Pre-Cast Concrete Products Plants

- (A) Site production shall not exceed 30 cubic yards per hour.
- (B) As an alternative to the requirement in paragraph (3)(A) of this section, the cement/fly ash weigh hopper may be vented inside the batch mixer.
- (C) Dust emissions at the batch mixer feed shall be controlled by one of the following:
 - (i) a spray device which eliminates visible emissions;
 - (ii) a pickup device delivering air to a fabric or cartridge filter;
 - (iii) an enclosed batch mixer feed such that no visible emissions occur; or
 - (iv) conducting the entire mixing operation inside the enclosed process building such that no visible emissions from the building occur during mixing activities.
- (D) Except for incidental traffic, vehicles used for the operation of the concrete batch plant may not be operated within 25 feet of any property line, except for entrance and exit to the site. In lieu of meeting this distance requirement, roads and other traffic areas must be bordered by dust preventive fencing or other barrier along all traffic routes or work areas within the 25-foot specified buffer area. These borders shall be constructed to a height of at least 12 feet.

(5) Additional Requirements for Temporary Concrete Plants

For the purposes of this section, a temporary concrete plant is one that occupies a designated site for not more than 180 consecutive days or supplies concrete for a single project (single contract or same contractor for related project segments), but not other unrelated projects.

- (A) Site production shall be limited to no more than 300 cubic yards per hour.

- (B) Dust control at the truck drop or mixing point shall comply with one of the following:
- (i) Facilities which occupy a site for less than 180 consecutive days and have production rates less than 200 cy/hr may load rotary mix trucks through a discharge spout equipped with a water fog ring having low-velocity fog nozzles spaced to create a continuous fog curtain that minimizes dust emissions. If a water fog ring is used at the truck drop point, the visible emissions limitations (and associated compliance determination methods) of subsection (3)(B)(III) and (IV) must be met.
 - (ii) All other facilities must use a suction shroud and fabric filter/cartridge filter system. The suction shroud or other pickup device shall be installed at the batch drop point (drum feed for central mix plants) and vented to a fabric or cartridge filter system with a minimum of 4,000 actual cubic feet per minute of air and must meet subsection (3)(B).
- (C) All of the following applicable distance limitations must be met. For concrete batch plants which supply concrete for a single public works project, the "property line" measurements for purposes of compliance with this standard permit and 30 TAC § 111.155 shall be made to the outer boundaries of the designated public property, roadway project and associated rights-of-way.
- (i) The suction shroud baghouse exhaust or truck drop point shall be located at least 100 feet from any property line.
 - (ii) For those facilities with a water fog ring, the truck drop point shall be a minimum of 300 feet from the nearest non-industrial receptor.
 - (iii) Stationary equipment, stockpiles, or vehicles used for the operation of the concrete batch plant (except for incidental traffic and the entrance and exit to the site) may not be located or operated, respectively, within the following specified distances from any property line:
 - (iv) for those facilities with production rates less than or equal to 200 cubic yards per hour, at least 25 feet; and
 - (v) for those facilities with production rates more than 200 and less than or equal to 300 cubic yards per hour, at least 50 feet.
- (D) In lieu of meeting the distance requirements for roads and stockpiles of (5)(C)(iii), the following may be followed:
- (i) roads and other traffic areas within the buffer distance must be bordered by dust suppressing fencing or other barrier along all traffic routes or work areas. These borders shall be constructed to a height of at least 12 feet; and
 - (ii) stockpiles within this buffer distance must be contained within a three-walled bunker which extends at least two feet above the top of the stockpile.
- (E) The owner or operator of a temporary concrete plant that has previously been determined by the commission to be in compliance with the technical requirements of the standard permit in effect at the time of registration, which supplies concrete to a public works project and is located in or contiguous to the right of way of that public works project may, in lieu of the registration requirement in subsection (1)(A) of this standard permit, register by notifying the appropriate TCEQ Regional Office and any local air pollution control agency having jurisdiction in writing at least 30 calendar days prior to locating at the site. The notification shall include the owner and, if applicable, the operator's name, address, and phone number as well as the physical description of the

site, scaled plot plan of site with location of equipment authorized by this standard permit, concrete plant serial number, account number or regulated entity number, expected hours of operation, expected date of arrival on site and expected date to vacate the site, a completed Table 20, and a Concrete Batch Plant Standard Permit Checklist. Temporary concrete plants that do not supply concrete to a public works project must apply for a new registration under subsection (1)(A) of this standard permit in order to relocate at a new site.

(6) Additional Requirements for Other Concrete Plants

- (A) Site production shall be limited to no more than 300 cubic yard per hour.
- (B) A suction shroud or other pickup device shall be installed at the batch drop point (drum feed for central mix plants) and vented to a fabric or cartridge filter system with a minimum of 4,000 actual cubic feet per minute of air.
- (C) All entry and exit roads and main traffic routes associated with the operation of the concrete batch plant (including batch truck and material delivery truck roads) shall be paved with a cohesive hard surface that can be maintained intact and shall be cleaned. All batch trucks and material delivery trucks shall remain on paved surface when entering, conducting primary function, and leaving the property. Other traffic areas must comply with the control requirements of paragraph (3)(E).
- (D) The following distance limitations must be met:
 - (i) the suction shroud baghouse exhaust shall be at least 100 feet from any property line;
 - (ii) stationary equipment, stockpiles, or vehicles used for the operation of the concrete batch plant (except for incidental traffic and the entrance and exit to the site) may not be located or operated, respectively, within the following specified distances from any property line:
 - (iii) for those facilities with production rates less than or equal to 200 cubic yards per hour, at least 25 feet; and
 - (iv) for those facilities with production rates more than 200 and less than or equal to 300 cubic yards per hour, at least 50 feet.
- (E) In lieu of meeting the distance requirements for roads and stockpiles of (5)(C)(ii), the following may be followed:
 - (i) roads and other traffic areas within the buffer distance must be bordered by dust suppressing fencing or other barrier along all traffic routes or work areas. These borders shall be constructed to a height of at least 12 feet; and
 - (ii) stockpiles within this buffer distance must be contained within a three-walled bunker which extends at least two feet above the top of the stockpile.

CONCRETE BATCH PLANT STANDARD PERMIT TECHNICAL REVIEW

Company:	Block Creek Concrete Products, L.L.C.	Permit No.:	83958
City:	Comfort	Project No.:	136143
County:	Kendall	Account No.:	
TCEQ Date Received:	January 23, 2008	Regulated Entity No.:	RN105446983
Project Reviewer:	Ms. Jaime Meekhof	Customer Reference No.:	CN603067265
Site Address:	444 Old Number 9 Highway A		

INFORMATION RECEIVED:

- | | | | |
|-------------------------|------------------------------------|------------------------|-------------|
| ✓ PI-1S-CBP | ✓ Tables 11 for each Fabric Filter | ✓ Area Map | ✓ Plot Plan |
| ✓ Emissions Information | ✓ CBP Standard Permit Checklist | ✓ Location Description | ✓ Table 20 |

PROJECT OVERVIEW:

This is a specialty concrete batch plant that produces septic tanks, water storage tanks, and electrical pads at a maximum production rate of 24 cubic yards per hour or 56,160 cubic yards per year. A site review was performed by the regional office and the company was found to have met all requirements for the standard permit. The recommendation was to proceed with the permitting process.

POWER SOURCE INFORMATION:

Is this facility utilizing an Engine or Generator? **NO**

DEFICIENCIES:

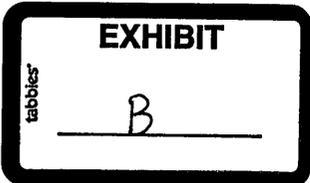
Above items missing or incomplete? **YES**
 Date company notified of deficient items? **02/07/08**
 Question (1)(C) on the checklist was marked "YES", construction and/or operation has already begun on the facility. I spoke with a company representative and was told that it is a small family business that has been operating since 1999. They were unaware of the requirement for an air permit until a recent water investigation by TCEQ. They were referred to the Small Business division to help obtain their water permit, during which time they were made aware of the requirement for an air permit as well.
 Date registration claim complete: **02/07/08**

PUBLIC NOTICE INFORMATION:

Public Notice Information Required? **YES**
 Has the applicant submitted information that indicates that the proposed plant site is adjacent and contiguous to the right of way of a public works project? **NO**

PUBLIC NOTICE INFORMATION:

§39.403 Date Administrative Complete: **01/31/08**
 Small Business Source? **YES**
 §39.418 Date 1st Notice and legislator letters mailed: **01/31/08**
 §39.603 Date Published in Newspaper: **02/14/08 in The Comfort News**
 Pollutants: Particulate matter including (but not limited to) aggregate, cement, road dust and particulate matter less than 10 microns in diameter.
 Date Affidavits/Copies received: **02/19/08**
 Bilingual notice required? **YES**
 Note: **The company certified that no newspaper or publication of general circulation was found in either the municipality or county in which the facility is located.**
 §39.419 2nd Public Notification required: **YES**
 Date 2nd Public Notice mailed: **03/28/08**
 Preliminary Determination **ISSUE**
 §39.603 Date Published: **04/17/08**
 Date Affidavits/Copies received: **04/23/08**



CONCRETE BATCH PLANT STANDARD PERMIT TECHNICAL REVIEW

Regulated Entity Number: RN105446983

Page 2

PUBLIC COMMENT INFORMATION:

Public Comments Received? YES
Meeting requested? YES
Hearing requested? YES
Was the request(s) withdrawn? NO
If not, was a public meeting held? NO
Date of public meeting: N/A
Was the hearing request(s) withdrawn? NO
Date withdrawn: N/A
If no, was the hearing held? pending
If no, was the hearing request denied by the commission? pending
Date of hearing or commission agenda? 08/20/08
Comments:

RESPONSE TO COMMENT (RTC) INFORMATION:

Date RTC received by OCC: 06/03/08
Final Action letters sent to all commenters: Yes

COMPLIANCE HISTORY:

In accordance with 30 TAC Chapter 60, a compliance history report was reviewed on: 02/06/08
The compliance period was from 01/23/03 to 01/23/08
Was the application received after September 1, 2002? YES
If yes, what was the site rating & classification? 3.01 (AVERAGE BY DEFAULT)
Company rating & classification? 3.01 (AVERAGE BY DEFAULT)
Is the permit recommended to be denied on the basis of compliance history or rating? NO
Has the permit changed on the basis of the compliance history or rating? NO

RECOMMENDATIONS:

All Conditions of Standard Permit Satisfied? YES
Final Action: PENDING

Permit Reviewer: _____ Date: _____ Team Leader/Section Manager/Backup: _____ Date: _____

Compliance History

Customer/Respondent/Owner-Operator:	CN603067265 BLOCK CREEK CONCRETE PRODUCTS, L.L.C.	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN105446983 COMFORT PLANT	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):	AIR NEW SOURCE PERMITS REGISTRATION		83958
Location:	444 OLD NO 9 HWY # A, COMFORT, TX, 78013	Rating Date: 9/1/2007	Repeat Violator: NO
TCEQ Region:	REGION 13 - SAN ANTONIO		
Date Compliance History Prepared:	July 15, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	July 15, 2003 to July 15, 2008		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Shelley Stratmann	Phone:	239-3752

Site Compliance History Components

- | | |
|--|------------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u> |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 1 06/03/2008 (680174)
 2 06/26/2008 (646228)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.
N/A
- Sites Outside of Texas
N/A

EXHIBIT

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C

Block Creek Concrete Products, L.L.C.
 Map Requested by TCEQ Office of Legal Services
 for Commissioners Agenda



Texas Commission on Environmental Quality
 GIS Team (Mail Code 197)
 P.O. Box 13087
 Austin, Texas 78711-3087
 June 2, 2008

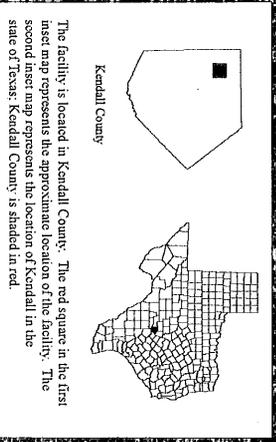
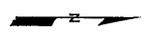


Projection: Texas Statewide Mapping System (TNSM)
 Scale: 1:25,101

Legend
 ● Requestors

Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information and the requester information from the applicant. The coordinates are U.S. Census Bureau 1992 TIGER/Line Data (1:100,000). The background of this map is a source photograph from the 2004 U.S. Department of Agriculture Imagery Program. The imagery is one-meter Color-Infrared (CIR). The image classification number is cv061_1-1.

- This map depicts the following:
- (1) The approximate location of the facility. This is labeled "Facility".
 - (2) Circle depicting 440 yard radius. This is labeled "440 Yard Radius".



The facility is located in Kendall County. The red square in the first inset map represents the approximate location of the facility. The second inset map represents the location of Kendall in the state of Texas; Kendall County is shaded in red.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This map was not generated by a licensed surveyor, and is intended for illustrative purposes only. No claims are made to the accuracy or completeness of the data or to its suitability for a particular use. For more information concerning this map, contact the Information Resources Division at (512) 239-0800.

Map Document: CRF-08062008

EXHIBIT

 D
 8/19/08

TCEQ INTRA-AGENCY TRANSMITTAL MEMO

DATE: June 3, 2008

TO: FINAL DOCUMENTS TEAM LEADER
OFFICE OF THE CHIEF CLERK
BUILDING F, MC-105

FROM: ALICIA LEE
ENVIRONMENTAL LAW DIVISION
BUILDING A, MC-173

CHIEF CLERKS OFFICE

2008 JUN -3 AM 11:25

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Attached: Executive Director's Response to Public Comment and Meeting and Hearing Requests

Application Information

Program Area (Air, Water or Waste): Air

Permit No. 83958 Name: Block Creek Concrete Products, L.L.C. Docket/CID Item # (if known): _____

OCC Action Required (check applicable boxes)

Date stamp and return copy to above-noted ELD Staff Attorney and:

FOR ALL PROGRAM AREAS: (required only when changes needed to official agency mailing list)

- Update** the mailing list in your file with the attached contact names and addresses
Include corrected or additional names and addresses for mailing list

FOR WASTE & WATER:

- Send Response to Comments Letter which solicits hearing requests and requests for reconsideration to the mailing list in your files
For Waste and Water this would occur in all circumstances when comments have been received for 801 applications
- Or
- Send Response to Comments Letter and Motion to Overturn Letter which solicits motions to overturn to the mailing list in your files
For Waste and Water this may occur when all comments have been withdrawn for 801 applications or when comments are received for applications that will not be set for agenda.

FOR AIR (NSR only):

- Send RTC with response to comments letter which solicits contested case hearing requests and requests for reconsideration to the mailing list in your files
For Air NSR applications this would occur only when there are pending contested case hearing requests (except no-increase renewals)
- Set for commission agenda and send RTC with agenda setting letter
This would occur when there are pending contested case hearing requests on a no-increase renewal and technical review is complete.
- Hold until a commission agenda date is requested and then send RTC with the Agenda Setting Letter
For Air applications this would occur when there are pending hearing requests on a no-increase renewal; but technical review is NOT complete. If this box is checked, ED staff must call the OCC Agenda Team Leader to arrange a specific agenda date.
- Place RTC in File - no further action required by OCC
For Air NSR applications this would occur when the matter is uncontested but comments were received, APD will send a copy with MTO letter

Other Instructions: _____

EXHIBIT

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E

Block Creek Concrete Products, L.L.C.

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TCEQ AIR QUALITY PERMIT NO.83958

APPLICATION BY
BLOCK CREEK CONCRETE
PRODUCTS, L.L.C.
KENDALL COUNTY, TEXAS

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON ENVIRONMENTAL
QUALITY
ENVIRONMENTAL QUALITY

CHIEF CLERK'S OFFICE

2008 JUN -3 AM 11:15

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

**EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT AND MEETING
AND HEARING REQUESTS**

The Executive Director (ED) of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment (RTC or Response) on the request to issue Air Quality Permit No. 83958 filed by Block Creek Concrete Products, L.L.C. (Applicant). As required by the Texas Clean Air Act (TCAA), Texas Health and Safety Code (THSC) § 382.05199, the ED shall issue a written response to any public comments received related to the issuance of an authorization to use the standard permit at the same time or as soon as practicable after the ED grants or denies the application. If you need more information about this permit application or the permitting process, please call the TCEQ Office of Public Assistance at 1-800-687-4040. General information about the TCEQ can be found at our website at www.tceq.state.tx.us.

The following persons submitted timely comment letters, and or meeting and hearing requests to the Office of Chief Clerk: Deanna Rich & Janice Sparger, Jerry Winakur, Dennis Spinelli, and Mickey Bush. This Response addresses all timely public comments received, whether or not withdrawn.

BACKGROUND

Description of Facility

The Applicant has applied to the TCEQ for an Air Quality Standard Permit, Registration No. 83958, which would authorize the construction of a permanent specialty concrete batch plant (CBP) under a Standard Permit (30 TAC § 116.611). The CBP is to be located at 444 Old Number 9 Highway A, near Comfort, Kendall County, Texas. The primary function of the plant is to manufacture concrete for septic tanks, water storage tanks, and electrical pads. The materials to be mixed include, but are not limited to, sand, aggregate, cement, and water in the production of concrete. The concrete is mixed on site and poured into the appropriate forms on site.

Procedural Background

The application for the permit was received on January 23, 2008. The application was declared technically complete on February 7, 2008. The Notice of Receipt of Application and Intent to Obtain an Air Quality Standard Permit Registration for a Concrete Batch Plant was published on February 14, 2008 in *The Comfort News*. The public comment period ended on February 29, 2008. The Notice of Application and Preliminary Decision for an Air Quality Standard Permit for Concrete Batch Plant Registration was published on April 14, 2008 in *The Comfort News*. The public comment period ended on May 19, 2008. Alternate language publication was not required.

COMMENTS AND RESPONSES

Comments have been combined where it was determined that a common response could be provided.

Comments related to health, welfare and air quality

COMMENT 1: Some commenters express concerns regarding health impacts of air emissions from the proposed CBP on individuals living in the area, and how they will adversely affect air quality. They also state air emissions from the proposed facility will aggravate their respiratory problems, as well as adversely affect their property and natural habitats on the property. The commenters also believe air emissions from the proposed CBP will adversely affect animals, plants, and other wildlife on their property. (Dennis Spinelli, Jerry Winakur, Mickey Bush)

RESPONSE 1: The primary function of the National Ambient Air Quality Standards (NAAQS), as created by the United States Environmental Protection Agency (EPA), and as defined in the federal regulations, 40 Code of Federal Regulations (CFR) § 50.2, is to protect public health and welfare using both primary and secondary standards. The primary standards are those the Administrator of the EPA determines are necessary, with an adequate margin of safety, to protect the public health, including sensitive members of the population such as children, the elderly, and individuals with existing lung or cardiovascular conditions. Secondary NAAQS are those the Administrator determines are necessary to protect the public welfare and the environment, including animals, crops, vegetation, and buildings, from any known or anticipated adverse effects associated with the presence of an air contaminant in the ambient air. The NAAQS are set for several criteria pollutants, and particulate matter with a diameter of less than or equal to 10 microns (PM₁₀) is the applicable pollutant and associated NAAQS of concern regarding CBPs.

The TCEQ performed a rigorous protectiveness review for the CBP Air Quality Standard Permit for both total suspended particulate matter (PM) and PM₁₀. All stationary sources emitting particulate matter (PM) from a generic CBP, operating under reasonable worst case conditions, were considered in the development of the standard permit. Emission rate calculations were based on emissions factors for CBPs found in the *Compilation of Air Pollutant Emission Factors Manual*

Block Creek Concrete Products, L.L.C.

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(AP-42) developed by the EPA. The predicted PM and PM₁₀ ground-level concentration standards were used to determine compliance with the NAAQS, and State protectiveness standards. These standards are based upon short-term and long-term health effects considerations. The state regulation governing total suspended particulate was repealed in 2006, leaving the NAAQS as the overriding standard. Using AP-42 factors, the resulting emissions were evaluated using EPA standardized computer air dispersion modeling to ensure all configurations would meet the NAAQS and other standards in effect.

The protectiveness review determined that emissions from facilities operating under a standard permit will meet the NAAQS for PM₁₀, which is 150 µg/m³ for a 24-hour period and 50µg/m³ annually. While in effect and evaluated during the development of the CBP standard permit, EPA revoked the annual standard in 2006. When the proposed facilities are operating in compliance with their permit, they are expected to be in compliance with the primary and secondary NAAQS requirements, and to be protective of public health and welfare.

Furthermore, all facilities must comply with the TCAA and all TCEQ rules and regulations, including 30 TAC § 101.4, which prohibits a person from causing or maintaining a nuisance. Specifically the rule states, "No person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property." Based on the commission's experience regulating these types of facilities, they can be operated without causing a nuisance problem, provided the facilities are operated in compliance with the terms and conditions of the permit.

Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with the terms of any permit or other environmental regulation by contacting the TCEQ's San Antonio Regional Office at 210-490-3096, or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. If the facilities are found to be out of compliance with the terms and conditions of the permit, they may be subject to possible enforcement action. Citizen-collected evidence may be used in such an action. See 30 TAC § 70.4, Enforcement Action Using Information Provided by Private Individual, for details on gathering and reporting such evidence. The TCEQ has long had procedures in place for accepting environmental complaints from the general public, but now has a new tool for bringing potential environmental problems to light. Under the citizen-collected evidence program, individuals can provide information on possible violations of environmental law and the information can be used by the TCEQ to pursue enforcement. In this program, citizens can become involved and may eventually testify at a hearing or trial concerning the violation. For additional information, see the TCEQ publication, "Do You Want to Report an Environmental Problem? Do You Have Information or Evidence?" This booklet is available in English and Spanish from the TCEQ Publications office at 512-239-0028, and may be downloaded from the agency website at www.tceq.state.tx.us, by clicking on Publications, and searching for document no. 278.

Block Creek Concrete Products, L.L.C.

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Comments related to water quality or quantity

COMMENT 2: Commenters expressed concern that air emissions from the proposed CBP will adversely affect the quality of the water in the area. (Jerry Winakur, Dennis Spinelli, Mickey Bush)

RESPONSE 2: While the TCEQ has responsibility for the environmental protection of all media, including water, the law governing air permits deals specifically with air-related issues. The scope of this air quality permit application review does not include soil and water assessments or consideration of issues involving water quality. Therefore, the possible effects on the soil and water are not part of this review. However, the secondary NAAQS are established to protect public welfare and the environment, as discussed above. All facilities operating under an air permit must comply with the TCAA and all applicable TCEQ rules and regulations. The TCAA prohibits any person from causing or contributing to air pollution. This permit does not authorize the discharge of pollution into a body of water. If the facility is not operated in compliance with its permit or TCEQ rules, it may be subject to an investigation, and possible administrative actions, fines, and penalties. Any citizen that is concerned that the facility is failing to comply with the terms of its air quality permit or other environmental requirements is encouraged to call the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186, or contact the San Antonio Regional Office at 210-490-3096.

Comments related to roads/traffic

COMMENT 3: Some commenters express concern that traffic associated with the proposed CBP will pose a risk to public safety. They also state traffic associated with the proposed CBP will cause increased road wear and maintenance. (Deanna Rich, Janice Sparger)

RESPONSE 3: The TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statute. Accordingly, the TCEQ does not have jurisdiction over public roads. The Texas Departments of Public Safety and Transportation, as well as local law enforcement authorities, together with county and city governments, maintain jurisdiction over traffic safety and public roadway issues. Questions or concerns about traffic or public road issues should be directed to those authorities.

Comments related to nuisance conditions

COMMENT 4: Some commenters express concern air emissions from the proposed CBP will result in nuisance conditions related to dust. (Jerry Winakur, Mickey Bush)

RESPONSE 4: The TCEQ rule prohibiting nuisances, 30 TAC § 101.4, generally states that no person shall discharge from any source air contaminants which are or may tend to be injurious to or adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property. Emissions from this facility

Block Creek Concrete Products, L.L.C.

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are not expected to cause an exceedence of the NAAQS or a nuisance as long as it is operated in compliance with the terms of the air quality permit.

As for odor control, nuisance conditions relating to odor are not expected. However, if citizens detect a problem with air quality, they may contact the TCEQ's environmental hot-line to report environmental violations. Calls to 1-888-777-3186 are automatically routed to the TCEQ office in the region from which the call originates. Citizens are encouraged to call this hot-line if nuisance odors or discharges are suspected. You may also contact the TCEQ's Regional Office for your area, located in San Antonio, at (210)490-3096. With rare exception, the TCEQ investigates all complaints received. Plants or facilities found to be out of compliance may be subject to the TCEQ's enforcement procedures.

COMMENT 5: One commenter states operation of the proposed CBP will cause or contribute to noise pollution. (Dennis Spinelli)

RESPONSE 5: The TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statute. Accordingly, the TCEQ does not have jurisdiction to regulate noise associated with the operation of the proposed facility. In addition, the TCAA does not grant the TCEQ authority over traffic noise. If you have concerns regarding noise, or other issues which are not within the jurisdiction of the TCEQ, please contact your city or county officials.

Comments related to quality of life/serenity/aesthetics

COMMENT 6: One commenter expresses concern the air emissions from the proposed CBP will interfere with the use and enjoyment of his property. (Mickey Bush)

RESPONSE 6: Please refer to Responses 1 and 4 for more information on nuisance and interference with the normal use and enjoyment of property. Furthermore, the TCEQ does not have jurisdiction to consider plant appearance (except as may be related to control of air contaminants) when determining whether to approve or deny a permit application. The Executive Director has reviewed the permit application in accordance with the applicable law, policy and procedures, in accordance with the agency's mission to protect our state's human and natural resources consistent with sustainable economic development.

Comments related to property value/economy

COMMENT 7: One commenter states air emissions from the proposed CBP will adversely affect the value of homes and property in the area. (Dennis Spinelli)

RESPONSE 7: The TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues set forth in that statute. Accordingly, the TCEQ does not have zoning authority, and it is beyond the agency's power to regulate an applicant's site selection, unless state law imposes specific

Block Creek Concrete Products, L.L.C.

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distance limitations enforceable by TCEQ. Similarly, the TCEQ does not have jurisdiction to consider the effect of site selection on property values. Zoning is usually controlled by local municipalities.

Changes Made in Response to Public Comments

No changes to the permit have been made in response to public comment.

Respectfully submitted,

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Glenn Shankle
Executive Director

Stephanie Bergeron Perdue, Deputy Director
Office of Legal Services

Robert Martinez, Director
Environmental Law Division



Alicia Lee, Staff Attorney
Environmental Law Division
State Bar No. 24032665
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
(512) 239-0600
REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

MAILING LIST
BLOCK CREEK CONCRETE PRODUCTS, LLC
DOCKET NO. 2008-1009-AIR; PERMIT NO. 83958

FOR THE APPLICANT:

Tracy Powell, Sr. Production Specialist
Waid and Associates
14205 N. Mopac Expy. Ste. 600
Austin, Texas 78728

Burt Seidensticker, Owner
Block Creek Concrete Products, L.L.C.
444 Old No. 9 Hwy. #A
Comfort, Texas 78013-3803
Tel: (830) 995-3189

FOR THE EXECUTIVE DIRECTOR:

Alicia Lee, Staff Attorney
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Environmental Law Division, MC-173
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Michael D. Gould, Technical Staff
Texas Commission on Environmental Quality
Air Permits Division, MC-163
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FOR PUBLIC INTEREST COUNSEL:

Mr. Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
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Austin, Texas 78711-3087
Tel: (512) 239-6363
Fax: (512) 239-6377

FOR OFFICE OF PUBLIC ASSISTANCE:

Ms. Bridget Bohac, Director
Texas Commission on Environmental Quality
Office of Public Assistance, MC-108
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4000
Fax: (512) 239-4007

FOR ALTERNATIVE DISPUTE

RESOLUTION:

Mr. Kyle Lucas
Texas Commission on Environmental Quality
Alternative Dispute Resolution, MC-222
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4010
Fax: (512) 239-4015

FOR THE CHIEF CLERK:

Ms. LaDonna Castañuela
Texas Commission on Environmental Quality
Office of Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-3300
Fax: (512) 239-3311

REQUESTER(S):

Mickey V. Bush
430 Old No. 9 Hwy.
Comfort, Texas 78013-3803

Joe M. Davis
P.O. Box 2349
Boerne, Texas 78006

Dennis Spinelli
520 Old No. 9 Hwy.
Comfort, Texas 78013-3825

Jerry Winakur
P.O. Box 128
Comfort, Texas 78013-0128

INTERESTED PERSONS:

Deanna Rich & Janice Sparger
607 Old No. 9 Hwy.
Comfort, Texas 78013-3810