

IN THE MATTER OF THE
APPLICATION BY
BLOCK CREEK
CONCRETE PRODUCTS
FOR AIR QUALITY
STANDARD PERMIT;
REGISTRATION NO.
83958

BEFORE THE TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 AUG 11 AM 8:03
CHIEF CLERK'S OFFICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

ADOPTION OF PUBLIC INTEREST COUNSEL'S RESPONSE TO REQUESTS FOR
RECONSIDERATION AND HEARING REQUESTS AND REQUEST FOR
ACCESS TO, INSPECTION AND MEASUREMENT OF FACILITIES

TO THE HONORABLE MEMBERS OF THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY:

Comes now Dennis Spinelli, a person affected by the operations fo the applicant and files this Adoption Of Public Interest Counsel's response to requests for reconsideration and hearing requests, along with his own request for access to, inspection and measurement of facilities.

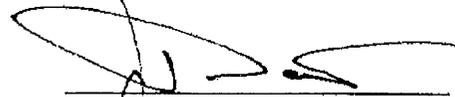
The Public Interest Counsel fairly sets out the procedural status of this matter.

Paragraph III sets out that there is a fundamental fact issue as to whether or not Spinelli is an affected persons within the definition of the Regulations. Spinelli states that he is. Applicants dispute such.

Only the presentation of verifiable data in the form of measurements and actual on site testing of the distances involved, and of the soil and water will resolve the issues.

Spinelli requests that a contested case hearing be referred to the the State office of Administrative hearings on Issues 1 (and if found to be within the affected range) then items 2-7 of Public Interest Counsels listing of issues..

Respectfully Submitted



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