



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 AUG 28 PM 3:08

CAPITOL OFFICE
P.O. BOX 2910
AUSTIN, TEXAS 78768-2910
(512) 463-0608
OFFICE SUITE: 1N.05

DAN BARRETT

STATE REPRESENTATIVE
House District 97

CHIEF CLERKS OFFICE
DISTRICT OFFICE
BLVD.
FT. WORTH, TEXAS 76109
(817) 732-1372
OFFICE SUITE: 111

August 4, 2008

Via Fax 512-239-3335

Ladonna Castañuela
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RECEIVED BY OPA
TRACKING # 110207
ASSIGNED TO: OLS

AUG 04 2008

Dear Ms. Castañuela:

DUE DATE: 8-12-08

My office has received contacts from several constituents expressing concern that the renewal of Air Quality Permit Number 1360A for the Midlothian Cement Plant located at 245 Ward Road in Midlothian, Ellis County, Texas, will be issued without opportunity for a public contested case hearing. As you may or may not be aware, the Midlothian plants have received a great deal of attention in my district, as well as many other parts of north Texas, over the last several years. Air quality in Tarrant, Dallas and surrounding counties is of great concern to my constituents and to me.

I have assured those who have contacted me that transparency in government – including regulatory transparency – is very important to me. The purpose of this letter is to express that concern to the Commission, and to add my voice to those who want to make sure that the proceedings in connection with the applications for renewal of the Midlothian Cement Plants – including contested case hearings – are completely open and that public safety concerns remain paramount.

I thank the Commission for its public service. If the evidence establishes that the continued operation of these plants poses an unacceptable risk to public health and well being, I'm sure that the Commission will demonstrate its customary vigilance and insist on adequate protection for public welfare before renewing the permits.

Thank you for your time and attention.

Yours very truly,

Dan Barrett

NSP
2008/8/4



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 AUG -5 PM 2:36

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DAN BARRETT

STATE REPRESENTATIVE
HOUSE DISTRICT 97

CHIEF CLERKS OFFICE

DISTRICT OFFICE
6420 SOUTHWEST BLVD.
FT. WORTH, TEXAS 76109
(817) 732-1372
OFFICE SUITE: 111

August 4, 2008

Via Fax 512-239-3335

Ladonna Castañuela
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

OPA

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BY *EB*

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Yours very truly,

Dan Barrett

COMMITTEES: LAND AND RESOURCE MANAGEMENT • PENSIONS AND INVESTMENTS
DAN.BARRETT@HOUSE.STATE.TX.US



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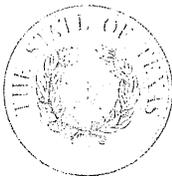
To: Isidore Castañeda From: State Rep. Dan Barrett
Fax: (512) 239 3335 Fax: (817) 731-3196
Phone: _____ Phone: (817) 732-1372
Subject: M. Mathison Cement Plant

Comments:

*Please deliver to Ms. Castañeda
at the nearest convenience*

*Thank you
Andrew Billingsley
District Director
Rep Dan Barrett*

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 27, 2008

The Honorable Dan Barrett
Texas House of Representatives
P.O. Box 2910
Austin, TX 78768-2910

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 AUG 28 PM 3:08
CHIEF CLERKS OFFICE

Re: TXI Operations, LP, Midlothian Cement Plant, Air Quality Permit No. 1360A

Dear Representative Barrett:

Thank you for your letter regarding the air quality permit renewal application submitted to the Texas Commission on Environmental Quality (TCEQ) by TXI Operations, LP, Midlothian Cement Plant (TXI).

TXI has applied for renewal of air quality permit number 1360A at the Midlothian site. As part of the application process, TXI is required to publish notice of the application in a general circulation newspaper, to post signage at the site, and to make a copy of the application available for review and copying at a public place. TXI initially published notice in the *Waxahachie Daily Light* on July 24, 2008, with the comment period ending on August 8, 2008. However, TXI has reported to TCEQ that it intends to republish notice for this application on August 27, 2008. Therefore, the comment period will be extended until September 11, 2008. All comments received through September 11, 2008, will be considered in processing this renewal application and included in the Executive Director's Response to Comments for this application.

The hearing requests received on this application will be processed in compliance with the Texas Clean Air Act and TCEQ rules. A contested case hearing is not required under state law for a renewal application that does not alter the allowable emissions or result in the emission of an air contaminant not previously emitted, unless the application involves a facility for which the applicant is classified as a "poor performer." The TCEQ staff's review of this renewal application concluded that the permit will not result in an increase in allowable emissions and will not result in the emission of an air contaminant not previously emitted. Because TXI's compliance history rating does not fall in the "poor performer" classification, it is not expected that TXI's compliance history will affect the renewal of this application at this time. However, final determination of whether a contested hearing will be granted to the numerous requestors will be made by the Commissioners in an open meeting. All commenters will be notified of the opportunity to file briefs with the Commission and of the date of the meeting.

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I hope this information is helpful to you. If you have any further questions as we move forward with processing TXI's renewal application, please feel free to call me at (512) 239-3900 or Janis Hudson in our Environmental Law Division at (512) 239-0466.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark R. Vickery". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Mark R. Vickery, P.G., Executive Director
Texas Commission on Environmental Quality