April 16, 2008

NSR
62224

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

OPA
PM
APR 21 2008
BY

2008 APR 18 PM 2:51
CHIEF CLERK'S OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: PERMIT No. 84019L001

This letter is to request a public meeting for the purpose to discuss the facility located at 8035 North of Eagle Pass, in Maverick, Texas (approximately 5-10 miles). The residences in the subdivision of Lehman Ranch have concerns they would like to address with your agency prior to the approval of the permit No. 84019L001.

We have contacted your agency to requesting information on the permit requested by Genesis Quality Aggregates, Ltd., or CIC Environmental, LLC; in speaking with the public assistance office on Tuesday, April 15, 2008 we found that GQA had not submitted an affidavit of proof that they had given notice to the public on their requesting of the permit and may not be in compliance with the application process.

I was informed that we have 30 days to petition for this request after they publish their notice so I have also called the newspaper to find out when and if they had publish a notice and found that an ad may have been placed on February 20 however I do not know if we hold ourselves to the 30 days based on that ad or the submission of the affidavit to your office and if so we are submitting this request within that allowed time frame; however we would like to request an extension on that time. We are currently contacting our local legislator, Tracey King to schedule a meeting. We have spoken with Joe Ornelas from Mr. King's Eagle Pass office and intend to submit our information and our plea to him for his support.

Please accept this letter's request for a public hearing\meeting versus a case hearing as we requested in our form letter the residence signed and have submitted along with this letter. Thank you for your time and we look forward to your response.

Respectfully,

T Contreras

Terri Contreras

encl. (14 letters)

RT 2 Box 211
LEHMAN Ranch Rd.
Eagle PASS, TX 78852

MW

April 14, 2008

NSR
62224

Office of the Chief Clerk
MC-105

Texas Commission on Environmental Quality

PO Box 13087

Austin TX 78711-3087

OPA
H APR 21 2008
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 APR 18 PM 2:51
CHIEF CLERKS OFFICE

Re: Proposed Air Quality Permit No. 84019L001

As residents near the proposed Rock Crushing Facility, we are strongly against the state issuing a permit for this facility so close to our residential area. Our air quality is already being severely compromised by this site .

We are requesting a case hearing before this application is approved.

Thank you for your attention to our request-- please put us on a mailing list to receive future public notices for this application or any future applications on Hwy 277 North, Eagle Pass, Texas.

Sincerely,

Terri Aureliano

T Contreras

Names and ages of residents in home: Aureliano and Terri Contreras (38 years old)
children: Ariana (8yrs old) and Claudia (7 years old)

Address: 608 Lehman Ranch Road, US Hwy 277

Mailing address: Rt 2 Box 211 Lehman Ranch Rd. Eagle Pass, Tx 78852

Eagle Pass, Tx. 78852

Phone: (830) 758-1496 cell (830) 513-0814

FAX: (830) 752-1389

April 14, 2008

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Office of the Chief Clerk
MC-105

Texas Commission on Environmental Quality

PO Box 13087

Austin TX 78711-3087

OPA
H APR 21 2008
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 APR 18 PM 2:52
CHIEF CLERKS OFFICE

Re: Proposed Air Quality Permit No. 84019L001

As residents near the proposed Rock Crushing Facility, we are strongly against the state issuing a permit for this facility so close to our residential area. Our air quality is already being severely compromised by this site .

We are requesting a case hearing before this application is approved.

Thank you for your attention to our request-- please put us on a mailing list to receive future public notices for this application or any future applications on Hwy 277 North, Eagle Pass, Texas.

Sincerely,

Names and ages of residents in home:

Pedro Fernandez (27)
Iris Fernandez (23)
Elisabeth Fernandez (6)
Pedro Fernandez (3)
Linsy Fernandez (1)

Address: 800 Lehmann Ranch
Mailing address: RH2 BOX 200 HWY 277 N
Eagle Pass, Tx. 78852
Phone: (830) 776 0352
FAX :

MW

April 14, 2008

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MC-105

Texas Commission on Environmental Quality

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Austin TX 78711-3087

OPA
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We are requesting a case hearing before this application is approved.

Thank you for your attention to our request-- please put us on a mailing list to receive future public notices for this application or any future applications on Hwy 277 North, Eagle Pass, Texas.

Sincerely,

✓ Pedro Fernández

Names and ages of residents in home: → Pedro Fernandez (51)
Maria Fernandez (45)
Atenas Fernandez (21)

Address: 800 Lehmann Ranch

Mailing address: Rt 2 BOX 200 HWY 277 N

Eagle Pass, Tx. 78852

Phone: (830) 776-4810

FAX :

✓ MW

April 14, 2008

NSR
62224

Office of the Chief Clerk
MC-105

Texas Commission on Environmental Quality

PO Box 13087

Austin TX 78711-3087

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We are requesting a case hearing before this application is approved.

Thank you for your attention to our request-- please put us on a mailing list to receive future public notices for this application or any future applications on Hwy 277 North, Eagle Pass, Texas.

Sincerely, Guadalupe T Flores

Names and ages of residents in home: Guadalupe T Flores 7-5-1953

Address: 117 N Highway 277. Normandy TX

Mailing address: 1031 Salonika Dr. Eagle Pass TX

Eagle Pass, Tx. 78852

Phone: 830-968-8809

FAX :

April 14, 2008

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Office of the Chief Clerk
MC-105

Texas Commission on Environmental Quality

PO Box 13087

Austin TX 78711-3087

OPA
H APR 21 2008
BY dc

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 APR 18 PM 2:51
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We are requesting a case hearing before this application is approved.

Thank you for your attention to our request-- please put us on a mailing list to receive future public notices for this application or any future applications on Hwy 277 North, Eagle Pass, Texas.

Sincerely,

Rosenda G Flores

Names and ages of residents in home: Rosenda G Flores . 3-1-1950
Daniel T Flores - 9-29-1993

Address: 117N Highway 277. Normandy TX.

Mailing address: 1031 Salonika Dr. Eagle Pass. TX 78852

Eagle Pass, Tx. 78852

Phone: 830-968-6681

FAX :

MW

April 14, 2008

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Office of the Chief Clerk
MC-105

Texas Commission on Environmental Quality

PO Box 13087

Austin TX 78711-3087

OPA

H APR 21 2008

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 APR 18 PM 2: 50
CHIEF CLERKS OFFICE

Re: Proposed Air Quality Permit No. 84019L001

As residents near the proposed Rock Crushing Facility, we are strongly against the state issuing a permit for this facility so close to our residential area. Our air quality is already being severely compromised by this site .

We are requesting a case hearing before this application is approved.

Thank you for your attention to our request-- please put us on a mailing list to receive future public notices for this application or any future applications on Hwy 277 North, Eagle Pass, Texas.

Sincerely,

Rosendo T. Flores

Names and ages of residents in home: Rosendo T. Flores 1-14-1980

Address: 117 US 277 North Highway Normandy TX

Mailing address: 1031 -D- Salonika Dr.

Eagle Pass, Tx. 78852

Phone: 830-968-7704

FAX :

mw

April 14, 2008

NSR
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Office of the Chief Clerk
MC-105

Texas Commission on Environmental Quality

PO Box 13087

Austin TX 78711-3087

OPA
H APR 21 2008
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
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We are requesting a case hearing before this application is approved.

Thank you for your attention to our request-- please put us on a mailing list to receive future public notices for this application or any future applications on Hwy 277 North, Eagle Pass, Texas.

Sincerely,

Vastie Flores

Names and ages of residents in home:
Vastie E. Flores-23-D.O.B.09/16/84
Address:
117 US 277 N. Hwy Normandy, TX
Mailing address:
1031 Salonika Dr. Apt. D _Eagle Pass, TX 78852
Eagle Pass, Tx. 78852

Phone: (830) 968-7704/ (830) 968-7705

FAX :

April 14, 2008

NSR
62224

Office of the Chief Clerk
MC-105

Texas Commission on Environmental Quality

PO Box 13087

Austin TX 78711-3087

OPA
APR 21 2008
H
BY dl

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 APR 18 PM 2:51
CHIEF CLERKS OFFICE

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We are requesting a case hearing before this application is approved.

Thank you for your attention to our request-- please put us on a mailing list to receive future public notices for this application or any future applications on Hwy 277 North, Eagle Pass, Texas.

Sincerely, Alejandro Gonzalez ✓

Names and ages of residents in home: Alejandro Gonzalez 38 yrs old, Edilia Gonzalez, 38 yrs old
Alejandro J. Gonzalez, 6 yrs old, Izabella Gonzalez, 2 yrs old.

Address: 517 Lehmann Ranch Rd.

Mailing address: P.O. Box 5642

Eagle Pass, Tx. 78852

Phone: 830-352-7250

FAX : n/A

✓ MW

April 14, 2008

NSR
62224

Office of the Chief Clerk
MC-105

Texas Commission on Environmental Quality

PO Box 13087

Austin TX 78711-3087

OPA
APR 21 2008
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
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We are requesting a case hearing before this application is approved.

Thank you for your attention to our request-- please put us on a mailing list to receive future public notices for this application or any future applications on Hwy 277 North, Eagle Pass, Texas.

Sincerely,

Linda Lehmann

Names and ages of residents in home: Rosalinda Lehmann 54

Address: P.O. Box 4325

Mailing address: P.O. Box 4325

Eagle Pass, Tx. 78852

Phone: 830 352 9834

FAX :

MW

April 14, 2008

NSR 62224

Office of the Chief Clerk
MC-105

Texas Commission on Environmental Quality

PO Box 13087

Austin TX 78711-3087

OPA
H APR 21 2008
BY ac

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 APR 18 PM 2:51
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We are requesting a case hearing before this application is approved.

Thank you for your attention to our request-- please put us on a mailing list to receive future public notices for this application or any future applications on Hwy 277 North, Eagle Pass, Texas.

Sincerely,

Maria Monreal

Names and ages of residents in home: Maria Monreal 32

Address: 537 Lehmann Ranch Road

Mailing address: P.O. Box 4325

Eagle Pass, Tx. 78852

Phone: 830 421 8795

FAX :

mw

April 14, 2008

NSR
62224

Office of the Chief Clerk
MC-105

Texas Commission on Environmental Quality

PO Box 13087

Austin TX 78711-3087

OPA
H APR 21 2008
BY DC

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2008 APR 18 PM 2:
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We are requesting a case hearing before this application is approved.

Thank you for your attention to our request-- please put us on a mailing list to receive future public notices for this application or any future applications on Hwy 277 North, Eagle Pass, Texas.

Sincerely,

Names and ages of residents in home: Herman Paine (1)

Address: Lehman Ranch

Mailing address: 2305 El Indio Hwy #183, Lewis Farms Estate

Eagle Pass, Tx. 78852

Phone: 830-513-4267

FAX :

✓ MW

April 14, 2008

NSR
62224

Office of the Chief Clerk
MC-105

Texas Commission on Environmental Quality

PO Box 13087

Austin TX 78711-3087

OPA
H APR 21 2008
BY ol

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2008 APR 18 PM 2:51
CHIEF CLERKS OFFICE

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We are requesting a case hearing before this application is approved.

Thank you for your attention to our request-- please put us on a mailing list to receive future public notices for this application or any future applications on Hwy 277 North, Eagle Pass, Texas.

Sincerely,

Fam. Salazar

Names and ages of residents in home:

✓ Mario R. Salazar 29 yr.
✓ Marina C. Salazar 30 yr
✓ Mario F. Salazar 7 yr.
✓ Rodolfo Salazar 5 yr.
✓ Fatima M. Salazar 1½ yr/mth.

Address: 537 Lehmann Ranch Rd.

Mailing address: " "

Eagle Pass, Tx. 78852

Phone: 830 757 5299

FAX :

IP 100219
100220
100221

✓ MW

April 14, 2008

NSR
62224

Office of the Chief Clerk
MC-105

Texas Commission on Environmental Quality

PO Box 13087

Austin TX 78711-3087

OPA
H APR 21 2008
BY

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We are requesting a case hearing before this application is approved.

Thank you for your attention to our request-- please put us on a mailing list to receive future public notices for this application or any future applications on Hwy 277 North, Eagle Pass, Tx.

Sincerely,

Rita ✓ + Bob Williams ✓ *
63 65

Bob and Rita Williams

744 Lehmann Ranch Rd

HC2 Box 212

Eagle Pass, Tx. 78852

830-757-2292

Fax 830-757-5511

* Suffers from COPD - lung ailment.

✓ mw

April 14, 2008

NSR
62224

Office of the Chief Clerk
MC-105

Texas Commission on Environmental Quality

PO Box 13087

Austin TX 78711-3087

OPA
APR 21 2008
BY

CHIEF CLERKS OFFICE
2008 APR 18 PM 2:52
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We are requesting a case hearing before this application is approved.

Thank you for your attention to our request-- please put us on a mailing list to receive future public notices for this application or any future applications on Hwy 277 North, Eagle Pass, Texas.

Sincerely,

Fabiola Zamago

Names and ages of residents in home:

Jesos Zamago (30)
Fabiola Zamago (28)
Domenique Alfaro (10)
Jesus Zamago (3)

Address: 800 Lehmann Ranch
Mailing address: Rt2 Box 200 HWY 277 N
Eagle Pass, Tx. 78852
Phone: (830) 776 4881
FAX :

MW

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 JUN 22 PM 3:34

CHIEF CLERKS OFFICE

Douglas and Maria Frazier
P.O. Box 2593
399 Lehmann Ranch Road
Eagle Pass, TX 78852
(830) 758-1833

June 17, 2009

NSR
62224

HR OPA RFR

JUN 23 2009

BY

Ms. LaDonna Castanuela
Office of the Chief Clerk (MC-105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Re: Request for Contested Case Hearing and Reconsideration
Applicant – Genesis Quality Aggregates, Ltd. (Maverick County)
Air Quality Permit No. 84019L001; TCEQ Docket No. 2009-0679-AIR

Dear Ms. Castanuela:

Please consider this a formal request for a contested case hearing and a request for reconsideration of the Executive Director's decision regarding the above-referenced application by Genesis Quality Aggregates, Ltd. for Air Quality Permit No. 84019L001 in Maverick County, Texas (Docket No. 2009-0679-AIR)

Your official records should reflect that we previously filed a request for a contested case hearing and a request for reconsideration of the Executive Director's decision on May 8, 2009, in response to the Executive Director's decision and initial Response to Comments ("RTC") transmitted by your office on April 8, 2009. The Executive Director subsequently issued an amended RTC, which was transmitted by your office on May 21, 2009. Although the amended RTC discusses various issues arising from our comments during the pubic meeting on February 10, 2009, it does not sufficiently address the detailed listing of air quality permitting concerns expressed in our letter of May 8, 2009, and the Executive Director's decision to approve the application should be reconsidered by the Commissioners.

We also hereby respectfully renew our previous request for a contested case hearing in this matter. As indicated in our previous request, we own and reside on property that is located immediately adjacent to the applicant's property and in close proximity to the current and proposed facilities and operations that are the subject of the pending application. Our personal health, safety and welfare and that of our invitees, as well as our property and animals, will be adversely affected by the applicant's operations and air emissions in a way not common to the general public. As such, we are legally entitled to a contested case hearing.

mw

Based on our preliminary review of the pending application and associated draft permit, as well as the comments filed on February 10, 2009 and May 8, 2009, the following relevant and material disputed issues should be referred to the State Office of Administrative Hearings ("SOAH") for a contested case hearing:

1. *Whether the application contains all items and information necessary for administrative and technical completeness under the agency's rules.*

2. *Whether proper public notice of the application was provided by the applicant (e.g., published notice; signage; alternative language compliance).*

3. *Whether the applicant has an acceptable compliance history in Texas and other jurisdictions.*

4. *Whether the applicant has legal access to the facility, and if so, whether the applicant is complying with the legal requirements for access.*

5. *Whether there are material discrepancies in the application's representations including, without limitation, facility boundaries, access, and proximity to off-site receptors.*

6. *Whether the applicant has sufficiently identified its property rights governing construction and operation of the facility and the modeling of off-site emissions.*

7. *Whether the process description and equipment configuration set forth in the application are sufficiently definite to properly quantify, model, and regulate emissions from all sources at the facility including, without limitation, the screens, conveyors, drop points, stockpiles, and materials handling areas.*

8. *Whether proper emission factors were used to determine emission rates for each identified source of emissions at the facility including, without limitation, the crushers, screens and scrubbers.*

9. *Whether all sources of fugitive emissions from the facility have been fully identified, quantified, and modeled.*

10. *Whether all sources of emissions associated with the proposed facility are identified in the application.*

11. *Whether all species of air contaminants that will be emitted by the operations have been identified, quantified, and modeled.*

12. *Whether the air contaminants that have been identified, quantified, and modeled have been modeled correctly.*

13. *Whether emissions of particulate matter and other pollutants from roads at the facility have been properly identified, speciated, quantified, and modeled.*

14. *Whether emissions of particulate matter and other pollutants from vehicles, including but not limited to transport vehicles, at the facility have been properly identified, quantified, and modeled.*

15. *Whether the application contains a sufficient demonstration that the facility's controls meet the "best available control technology" requirement.*

16. *Whether the applicant's proposed controls actually constitute the "best available control technology".*

17. *Whether the applicant's proposed control equipment is capable of meeting the performance characteristics and efficiencies set forth in the application*

18. *Whether proper control factors were applied to the control equipment at the facility.*

19. *Whether the applicant's proposed control equipment is capable of sufficiently controlling small and fine particulate matter.*

20. *Whether proper opacity limits have been established.*

21. *Whether proper inputs, assumptions and adjustments were made in the calculation and modeling of emissions from sources on the property including, without limitation, the stockpiles, materials handling areas, and area sources.*

22. *Whether the health effects review was based on proper characterization of nearby properties, effects screening levels, exceedance frequencies, and toxicological considerations.*

23. *Whether appropriate background and ambient air quality conditions were determined and factored in to the air modeling and health effects review.*

24. *Whether the cumulative effects of existing operations and sources in the local and immediate area were properly determined and factored into the air modeling and health effects review.*

25. *Whether the facility will cause or contribute to a violation of air quality standards.*

26. *Whether the facility will cause or contribute to a condition of air pollution.*

27. *Whether the facility will cause or contribute to nuisance conditions.*

28. *Whether emissions from the facility will be injurious to human health, animals and livestock.*

29. *Whether construction and operation of the proposed facility will violate other applicable state or federal requirements including, without limitation, those relating to protection of endangered species, wetlands, and historical or culturally significant resources.*

30. *Whether the draft permit is sufficiently definite in its terms and conditions to ensure that the applicant is held to representations that it made in the application and application process, including representations that were made in response to agency concerns and questions.*

31. *Whether the draft permit is sufficiently definite in its terms and conditions to ensure compliance with applicable air quality regulations and standards.*

32. *Whether the draft permit lacks finality with respect to certain of its terms and conditions.*

33. *Whether the issuance of the permit will contravene the intent of the Texas Clean Air Act.*

34. *Whether the applicant has correctly represented the amount of aggregate that it intends to produce.*

35. *Whether the applicant has correctly factored existing emissions into its modeling and calculations.*

36. *Whether the facility will adversely affect water quality.*

37. *Whether the facility has adequate water rights to provide the water required to comply with the permit.*

38. *Whether the facility is compatible with surrounding land uses.*

The preceding listing is not intended as a direct or implied limitation on the issues that we may otherwise raise during a contested case hearing on the pending application and draft permit. In addition, it is noted that we are willing to participate in TCEQ or SOAH sponsored alternative dispute resolution procedures, if such procedures are invoked by the agency or applicant in this case.

Thank you again for this opportunity to participate in the TCEQ's application and hearing process. Should you have any questions or require additional information, please do not hesitate to contact us at the address or telephone number referenced above.

Sincerely yours,

Douglas and Maria Frazier

Douglas and Maria Frazier

NSR
62224

May 8, 2009

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

H
RFR

OPA
MAY 0 8 2009
BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAY -8 PM 3:15
CHIEF CLERKS OFFICE

Re: Genesis Quality Aggregates, Ltd.
Request for Contested Case Hearing

Dear Ms. Castanuela:

I am filing this request for a contested case hearing concerning the pending application of Genesis Quality Aggregates, Ltd. for a New Source Review Authorization (Permit No. 84019L001) for a rock crushing plant in Maverick County, Texas. Please include me on the agency's official mailing list for this application.

I. Request for Reconsideration

I filed comments regarding this application on April 15, 2008 and February 10, 2009. Copies of each of set of comments stamped by the Chief Clerks Office are attached to this request. I was not included in the Executive Director's list of commenters in the *Executive Director's Response to Public Comment*, and in fact several of my comments were not addressed by the Executive Director in the response. For example, I commented on noise, dust, access, damage to property, effect on wildlife, and property values, none of which were addressed in the response. Since my comments have not been addressed, I respectfully request that the Executive Director reconsider his decision that the application meets the requirements of applicable law.

II. Request for a Contested Case Hearing

I also respectfully request a contested case hearing concerning the above-referenced application and associated draft permit. The following information is provided as requested in your letter dated April 8, 2009, which enclosed the *Executive Director's Response to Public Comment*:

Douglas Frazier
399 Lehmann Ranch Road,
Eagle Pass, Texas 78852
Daytime phone: (830) 758-1833.

I reside on property that I own immediately adjacent to the applicant's property. My health, safety and welfare and of my invitees, as well as my property, animals and livestock, will be adversely affected by air emissions and the applicant's operations in a way not common to the general public.

mw

III. Referral and Relevant Material Disputed Issues

Based on a preliminary review of the pending application and associated draft permit, the following relevant and material disputed issues should be referred to SOAH for a contested case hearing if this matter is not directly referred to SOAH. In this regard, the following listing is not intended as a direct or implied limitation on the issues that I may otherwise raise during a contested case hearing on the pending application and draft permit.

1. *Whether the application contains all items and information necessary for administrative and technical completeness under the agency's rules.* I do not believe the application contains all items and information necessary for administrative and technical completeness under the agency's rules.

2. *Whether proper public notice of the application was provided by the applicant (e.g., published notice; signage; alternative language compliance).* I am concerned that proper public notice of the application was not provided by the applicant.

3. *Whether the applicant has an acceptable compliance history in Texas and other jurisdictions.* I am uncertain as to whether the applicant has an acceptable compliance history.

4. *Whether the applicant has legal access to the facility, and if so, whether the applicant is complying with the legal requirements for access.* I am concerned that the applicant may not have legal access to the facility, or that they are accessing the facility in way that is not legal or sufficient.

5. *Whether there are material discrepancies in the application concerning the facility's boundaries.* I believe there are material discrepancies in the application concerning the facility's boundaries.

6. *Whether the applicant has sufficiently identified its property rights governing construction and operation of the facility and the modeling of off-site emissions.* I am concerned as to the applicant's rights in the property and their effect on construction and operation of the facility and proper modeling of off-site emissions.

7. *Whether the process description and equipment configuration set forth in the application are sufficiently definite to properly quantify, model, and regulate emissions from all sources at the facility including, without limitation, the screens, conveyors, drop points, stockpiles, and materials handling areas.* I do not believe the process description and equipment configuration set forth in the application are sufficiently definite to properly quantify, model, and regulate emissions from all sources at the facility.

8. *Whether proper emission factors were used to determine emission rates for each identified source of emissions at the facility including, without limitation, the crushers, screens and scrubbers.* I do not believe proper emission factors were used to determine emission rates for each identified source of emissions at the facility.

9. *Whether all sources of fugitive emissions from the facility have been fully identified, quantified, and modeled.* I do not believe all sources of fugitive emissions from the facility have been fully identified, quantified, and modeled.

10. *Whether all sources of emissions associated with the proposed facility are identified in the application.* I do not believe that all sources of emissions associated with the proposed facility are identified in the application.

11. *Whether all species of air contaminants that will be emitted by the operations have been identified, quantified, and modeled including, without limitation, silica.* I do not believe all species of air contaminants that will be emitted by the operations have been identified, quantified, and modeled.

12. *Whether the air contaminants that have been identified, quantified, and modeled have been modeled correctly.* I do not believe the air contaminants that were modeled in the application were modeled correctly.

13. *Whether emissions of particulate matter and other pollutants from roads at the facility have been properly identified, speciated, quantified, and modeled.* I do not believe emission of particulate matter and other pollutants from roads at the facility have been properly identified, speciated, quantified, and modeled.

14. *Whether emissions of particulate matter and other pollutants from vehicles, including but not limited to transport vehicles, at the facility have been properly identified, quantified, and modeled.* I do not believe emissions of particulate matter and other pollutants from transport vehicles at the facility have been properly identified, quantified, and modeled.

15. *Whether the application contains a sufficient demonstration that the facility's controls meet the "best available control technology" requirement.* I do not believe the application contains a sufficient demonstration that the facility's controls meet the best available control technology requirement.

16. *Whether the applicant's proposed controls actually constitute the "best available control technology".* I do not believe the applicant's proposed controls actually constitute the best available control technology.

17. *Whether the applicant's proposed control equipment is capable of meeting the performance characteristics and efficiencies set forth in the application.* I do not believe the applicant's proposed control equipment is capable of meeting the performance characteristics and efficiencies set forth in the application.

18. *Whether proper control factors were applied to the control equipment at the facility.* I do not believe proper control factors were applied to the control equipment at the facility.

19. *Whether the applicant's proposed control equipment is capable of sufficiently controlling small and fine particulate matter (e.g., respirable silica of all types listed in the TCEQ's effects screening levels guidance).* I do not believe the applicant's proposed control equipment is capable of sufficiently controlling small and fine particulate matter (e.g., respirable silica of all types listed in the TCEQ's effects screening levels guidance).

20. *Whether proper opacity limits have been established.* I do not believe the opacity limits are proper and sufficiently stringent.

21. *Whether proper inputs, assumptions and adjustments were made in the calculation and modeling of emissions from sources on the property including, without limitation, the stockpiles, materials handling areas, and area sources.* I do not believe that proper inputs, assumptions and adjustments were made in the modeling of emissions from sources on the property.

22. *Whether the health effects review was based on proper characterization of nearby properties, effects screening levels, exceedance frequencies, and toxicological considerations.* I do not believe appropriate background and ambient air quality conditions were determined and factored into the air modeling and heal effects review.

23. *Whether appropriate background and ambient air quality conditions were determined and factored in to the air modeling and health effects review.* I do not believe appropriate background and ambient air quality conditions were determined and factored into the air modeling and health effects review.

24. *Whether the cumulative effects of existing operations and sources in the local and immediate area were properly determined and factored into the air modeling and health effects review.* I do not believe the cumulative effects of existing operations and sources in the local and immediate area were properly determined and factored into the air modeling and health effects review.

25. *Whether the facility will cause or contribute to a violation of air quality standards.* I believe the facility will cause or contribute to a violation of state or federal air quality standards.

26. *Whether the facility will cause or contribute to a condition of air pollution.* I believe the facility will cause or contribute to a condition of air pollution.

26. *Whether the facility will cause or contribute to nuisance conditions.* I believe the facility will cause or contribute to nuisance conditions including excessive noise and lights at night.

28. *Whether emissions from the facility will be injurious to human health, animals and livestock.* I believe emissions from the facility will be injurious to human health, animals and livestock.

29. *Whether construction and operation of the proposed facility will violate other applicable state or federal requirements including, without limitation, those relating to protection of endangered species, wetlands, and historical or culturally significant resources.* I am concerned that construction and operation of the proposed facility will violate other applicable state or federal requirements.

30. *Whether the draft permit is sufficiently definite in its terms and conditions to ensure that the applicant is held to representations that it made in the application and application process, including representations that were made in response to agency concerns and questions.* I believe the draft permit is not sufficiently definite in its terms and conditions to ensure that the applicant is held to its representations during the application process.

31. *Whether the draft permit is sufficiently definite in its terms and conditions to ensure compliance with applicable air quality regulations and standards.* I believe the draft permit is not sufficiently definite in its terms and conditions to ensure compliance with applicable air quality regulations and standards including, without limitation, the stack and equipment sampling, fence line monitoring, recordkeeping, and reporting requirements.

31. *Whether the draft permit lacks finality with respect to certain of its terms and conditions.* I am concerned that the draft permit lacks finality with respect to certain of its terms and conditions.

32. *Whether the issuance of the permit will contravene the intent of the Texas Clean Air Act.* I believe that issuance of the draft permit will contravene the intent of the Texas Clean Air Act.

33. *Whether the applicant has correctly represented the amount of aggregate that it intends to produce.* I believe that the applicant intends to produce more aggregate than is represented in the application.

34. *Whether the applicant has correctly factored existing emissions into its modeling and calculations.* I believe that the applicant has not properly accounted for emissions from its existing operations in its application.

35. *Whether the facility will adversely affect water quality.* I am concerned that the facility will adversely affect water quality of groundwater and surface water.

36. *Whether the facility has adequate water rights to provide the water required to comply with the permit.* I am concerned that the facility may not have the right to adequate water supplies (surface or groundwater) to allow it to comply with the representations in the application.

37. *Whether the facility is compatible with surrounding land uses.* I am concerned that the facility is not compatible with the area land use.

IV. Request for Relief

It appears that the proposed facility is ill-conceived, the pending application and associated draft permit are deficient in many respects, and the applicant has not met its burden of demonstrating compliance with all applicable requirements intended to protect public health, safety and the environment. My health, safety and welfare, as well as my property, animals and livestock, will be adversely affected by air emissions from the applicant's operations in a manner not common to the general public. As such, I respectfully request that the TCEQ grant my request for reconsideration so that my prior comments can be addressed. In the alternative I respectfully request that the TCEQ (i) formally designate me as an affected person, (ii) refer the preceding list of relevant and material disputed issues to SOAH for a contested case hearing, and (iii) direct SOAH to complete the contested case hearing within a period of one year.

Sincerely,

Douglas Frazier

Douglas Frazier

TCEQ Public Meeting Form

Tuesday, February 10, 2009

Genesis Quality Aggregates, Ltd.
Proposed Air Quality Permit Number 84019L001

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 FEB 13 PM 3:13
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Maria Frazier Douglas Frazier

Mailing Address: P-O Box 2593

Physical Address (if different): 399 Lehmann Ranch Road

City/State: Eagle Pass, TX **Zip:** 78852

Phone: (830) 758-1833

☑ **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

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

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TEXAS
COMMISSION
ON ENVIRONMENTAL
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2009 FEB 13 PM 3:13

CHIEF CLERKS OFFICE

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3. Serious concerns about farm animals
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5. the construction site is 1,000' from residents homes
6. Genesis does not want to keep dust down
7. constant noise day and night
8. constant bleeping noise , horn honking ,and clanking noise, truck noise, day and night
9. construction co. uses small 20' wide farm and ranch easement for commercial truck traffic
10. construction co owns 60' wide easement to the south of 20' easement
11. construction co. refuses to close gate on 20' Easement leading into private ranch
12. refuses to keep dust down o n 20' easement
13. parking on road on 20' easement
14. refuses to maintain gates on easement
15. workers and owner of construction site destroyed ranchers gates
16. Two days later after damaging private property (gates) owner and worker at construction site stole both gates , eye witness was less than 20' from thieves.(there is a documented sheriff's report)
17. land owner of 20' easement has legal easement document stating that gates are to be maintained and are to be closed and locked 24/7 (the only time gates were closed was when rancher closed gates his self)you can't keep livestock in quarantine area if gates are left open.
18. owner of land and pit has stated several times that they would never close the gates
19. pit construction workers cut adjoining ranchers new fence 40 plus or minus times
20. pit construction workers or owner cut another adjoining rancher's fence one time
21. pit equipment destroyed adjoining survey markers on neighboring ranch
22. Adjoining ranch has not been able to lease for deer hunting, hunters claim too much noise and dust from pit scares deer off .in the past ranch was leased for hunting for many years.
23. devaluation of residents land (no one wants to pay the high maverick land price to live beside a caliche pit)
24. Pit could possible dig into water aqulfer which should be 6 -8 ft. below the level of the Rio Grande .all residents have water wells in this formation ... which is gravel .....
25. dust on plant leaves , later cows and goats eat because that is all there is to graze on
26. ranchers have seen a increase in ph in water well water
27. we want all permits to be this caliche pit to be terminated

OPA RECEIVED
FEB 10 2009
AT PUBLIC MEETING

2-10-09 Doug Frazier
2-10-09 Laura Frazier
2-10-09 Marlin Garcia ?
2-10-09 Maria de Jesus V- ?

NSR 62224 HR OPA

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TO THE OFFICE OF THE CHIEF CLERK
TCEQ MC-105
PO BOX 13087
AUSTIN, TX 78711-3087

APR 15 2008

2008 APR 15 AM 10: 07

BY 2M

CHIEF CLERKS OFFICE

THIS LETTER IS IN REGARDS TO GENESIS QUAILITY AGREGATES APPROVAL FOR AIR PERMIT # B4019L001 IN MAVERICK CO. TEXAS

THE RESIDENTS OF THIS AREA ARE CONCERNED WITH THE AIR AND WATER QUALITY FROM IMPACT THE FINE DUST THAT THIS PLANT IS CREATING .

THE RESIDENTS OF THIS AREA ARE CONCERNED WITH IMPACT TO THE VERY SISATIVE WATER AQUAFER THAT EVERYBODY RELEYS ON FOR PERSONAL AND DOMESTIC USE . THIS PIT IS LOCATED ON TOP OF THIS WATER TABLE AND BESIDE THE RIO GRANDE. DURING AND AFTER RAINS THE FINE CALICHE DUST GOES IN SOLUTION AND IS DRAINED INTO THE WATER AQUAFER AND INTO THE RIO GRANDE .THERE HAS BEEN REPORTS OF A PH INCREASE TO 7.6 IN SOME WELLS DURING THE RAIN SEASON .AT PRESENT THIS AREA IS EXPERIENCING A DROUGHT.

THERE HAS BEEN REPORTS FROM ONE RANCH OF GOATS DYING , AND ANOTHER OF GOATS BORN DEFORMED AND DONKEYS BORN IMMATURE AND DEAD . ANIMALS RELEY ON THE PLANTS AND WATER HERE.
RESIDENTS ARE CONCERNED ABOUT HEALTH PROBLEMS .
RESIDENTS REQUEST A HEARING OR A INVESTIGATION.

CONCERNED RESIDENTS

830-968-6681 Rosendo G. Flores

830-513-1904 Doug Frazier

830-513-10-29 Maria Frazier

MW

Douglas Frazier
399 Lehmann Ranch Road
Eagle Pass, Texas 78852
(830) 758-1833

TRANSMITTAL SHEET

If you have received this fax in error, please notify us immediately by telephone to arrange for return of the transmitted documents to us, and you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this transmitted information is strictly prohibited.

May 8, 2009

To: Ms. LaDonna Castanuela, Chief Clerk
TCEQ, MC-105

From: Douglas Frazier

Re: Genesis Quality Aggregates, Ltd.
Request for Contested Case Hearing

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAY -8 PM 3:15
CHIEF CLERKS OFFICE

Total Number of Pages (including this page): 10

Time of Transmittal: 3:10 PM

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TCEQ Public Meeting Form

Tuesday, February 10, 2009

Genesis Quality Aggregates, Ltd.
Proposed Air Quality Permit Number 84019L001

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2009 FEB 13 PM 3:13
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Mailing Address: P-O Box 2593

Physical Address (if different): 399 Lehmann Ranch Road

City/State: Eagle Pass, TX **Zip:** 78852

Phone: (830) 758-1833

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

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ON ENVIRONMENTAL
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FEB 10 2009
AT PUBLIC MEETING

2-10-09 Doug Frazier
2-10-09 Maria Frazier
2-10-09 Madon Garcia ?
2-10-09 Maria de Jesus V- ?

(1)

Made formal oral comments

TCEQ Public Meeting Form

Tuesday, February 10, 2009

Genesis Quality Aggregates, Ltd.
Proposed Air Quality Permit Number 84019L001

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 FEB 13 PM 3:12
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Bob & Rita Williams spoke

Mailing Address: Rt 2 Box 212

Physical Address (if different): 744 Lehmann Ranch Rd

City/State: Eagle Pass TX **Zip:** 78852

Phone: (830) 757-2292

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

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

If yes, which one? _____

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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 FEB 13 PM 3:12

CHIEF CLERKS OFFICE

Feb. 14, 2009

TO: Texas Commission on Environmental Quality

The remaining parcel of land known as The Lehmann Ranch was part of a historical land grant that extended for thousands of acres. We purchased a new home built on the ranch and have lived here for ten years. Missing the oak trees of the Texas Hill Country, but learning to appreciate the native trees of this area, we have enjoyed living in the country. But starting a year ago, our quality of life has declined due to the mining operation to the south. It is only about a mile from our home and the dust and noise has had an impact on our environment.

Alarmed at the impact Genesis Quality Aggregates was having on our neighborhood, we protested the permit to your commission. We have lived with the dust for over a year, even though your office made an on –site inspection and ruled that Genesis was not in compliance, they have continued to operate. I've enclosed photos taken in 2008 and 2009 that show they are not controlling the dust, therefore we are again opposed to their receiving an operating permit.

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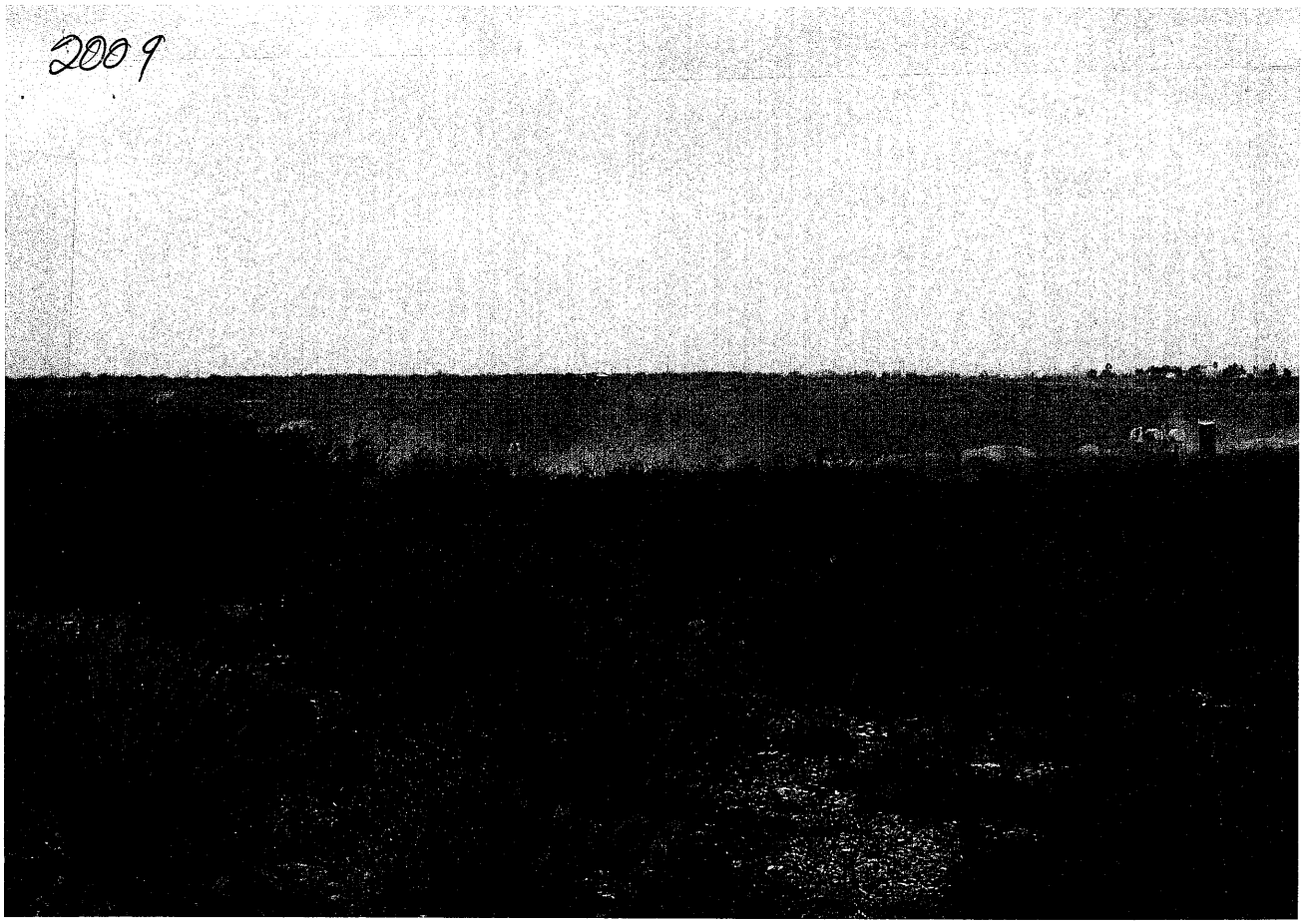
FEB 10 2009
AT PUBLIC MEETING

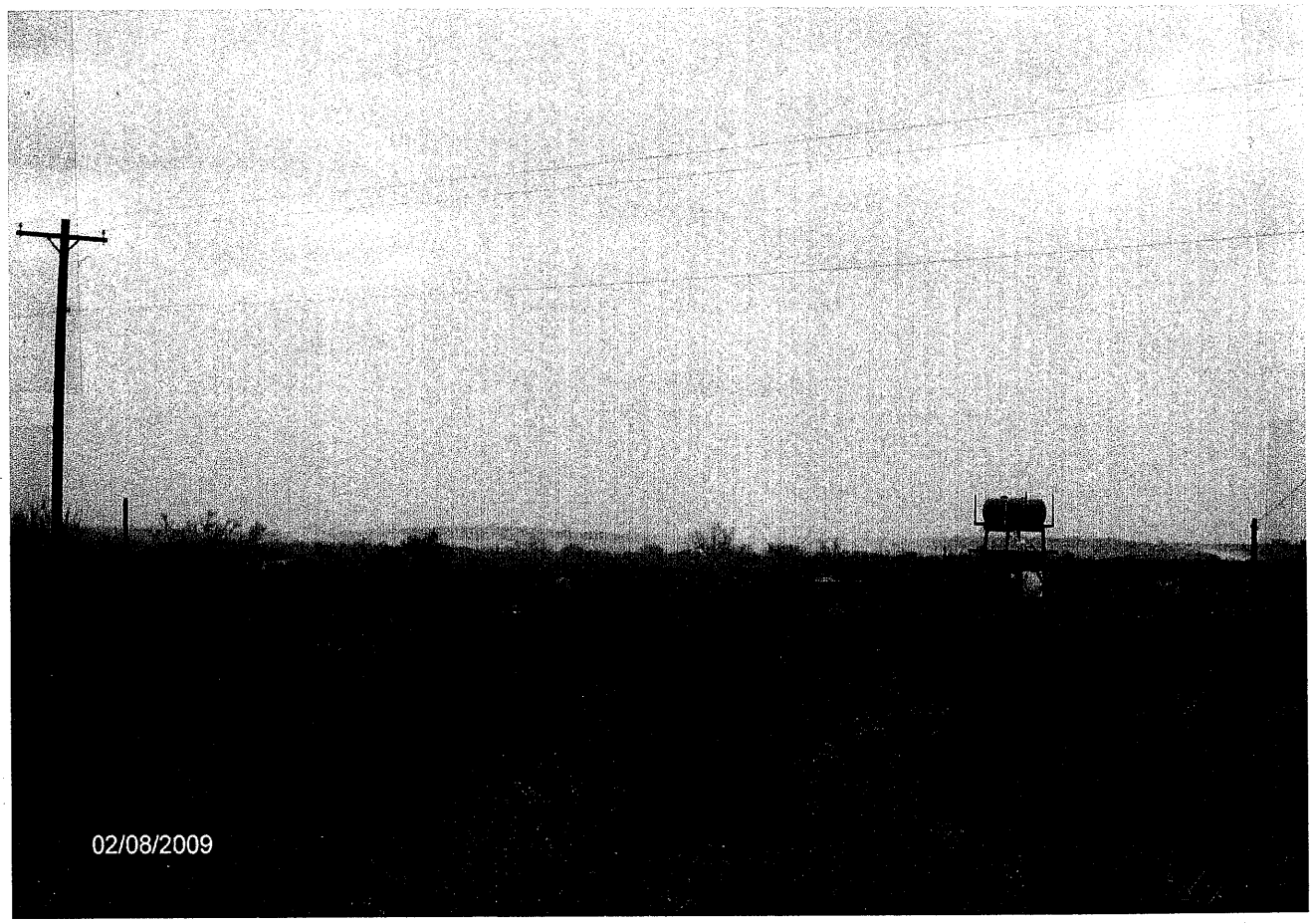
Respectfully,

Rita & Bob Williams

Rita Williams

2009





02/19/2008

04/08/2008