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

July 10, 2009

TO: Persons on the attached mailing list.

RE: Aggregate Industries – WCR, Inc.
Permit No. 83755

Decision of the Executive Director.

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** This decision will be considered by the commissioners at a regularly scheduled public meeting before any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.

Enclosed with this letter is a copy of the Executive Director's Response to Comments. A copy of the complete application, draft permit and related documents, including public comments, is available for review at the TCEQ Central office. A copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the TCEQ Central Office, the TCEQ San Antonio Regional Office, and at the Comal County Courthouse, 150 North Seguin Avenue, New Braunfels, Comal County, Texas. The facility's compliance file, if any exists, is available for public review at the Texas Commission on Environmental Quality San Antonio Regional Office, 14250 Judson Road, San Antonio, Texas.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. A brief description of the procedures for these two requests follows.

How To Request a Contested Case Hearing.

It is important that your request include all the information that supports your right to a contested case hearing. You must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

The request must include the following:

(1) Your name, address, daytime telephone number, and, if possible, a fax number.

(2) If the request is made by a group or association, the request must identify:
   (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group; and
   (B) one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.

(3) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.

(4) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."

Your request must demonstrate that you are an **"affected person."** An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities. A person who may be affected by emissions of air contaminants from the facility is entitled to request a contested case hearing.

Your request must raise disputed issues of fact that are relevant and material to the commission's decision on this application. The request must be based on issues that were raised during the comment period. The request cannot be based solely on issues raised in comments that have been withdrawn. The enclosed Response to Comments will allow you to determine the issues that were raised during the comment period and whether all comments raising an issue have been withdrawn. The public comments filed for this application are available for review and copying at the Chief Clerk's office at the address below.

To facilitate the commission's determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director's responses to comments that you dispute; and 2) the factual basis of the dispute. In addition, you should list, to the extent possible, any disputed issues of law or policy.

How To Request Reconsideration of the Executive Director's Decision.

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

Deadline for Submitting Requests.

A request for a contested case hearing or reconsideration of the executive director's decision must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date of this letter. You may submit your request electronically at http://www.tceq.state.tx.us/about/comments.html or by mail to the following address:

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

Processing of Requests.

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the alternative dispute resolution director and set on the agenda of one of the commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

How to Obtain Additional Information.

If you have any questions or need additional information about the procedures described in this letter, please call the Office of Public Assistance, Toll Free, at 1-800-687-4040.

Sincerely,

LaDonna Castañuela
Chief Clerk

LDC/ms

Enclosures

MAILING LIST
for
Aggregate Industries – WCR, Inc.
Permit No. 83755

FOR THE APPLICANT:

Mike Refer
Aggregate Industries – WCR, Inc.
1707 Cole Boulevard, Suite 100
Golden, Colorado 80401

Gary Nicholls
Westward Environmental, Inc.
P.O. Box 2205
Boerne, Texas 78006

INTERESTED PERSONS:

See attached list.

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

Amy Lynn Browning, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division MC-173
P.O. Box 13087
Austin, Texas 78711-3087

Larry Buller, Technical Staff
Texas Commission on Environmental Quality
Air Permits Division MC-163
P.O. Box 13087
Austin, Texas 78711-3087

FOR OFFICE OF PUBLIC ASSISTANCE
via electronic mail:

Bridget Bohac, Director
Texas Commission on Environmental Quality
Office of Public Assistance MC-108
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL
via electronic mail:

Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Public Interest Counsel MC-103
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Austin, Texas 78711-3087

FOR THE CHIEF CLERK
via electronic mail:

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

ABENDSCHEIN , AUGUST & JANE
9320 BLUEBELL DR
GARDEN RIDGE TX 78266-2316

AGUILERA , JAMES & TERI
9519 GLOXINIA DR
GARDEN RIDGE TX 78266-2536

ALLISON , JULIA
140 PANTERMUEHL RD
NEW BRAUNFELS TX 78132-4234

ANZ , CAROLINE & GERALD
27267 FM 3009
GARDEN RIDGE TX 78266-2893

BAKER , CHARLIE C
220 MITTMANN CIR
NEW BRAUNFELS TX 78132-3720

BAKER , PATRICIA
220 MITTMANN CIR
NEW BRAUNFELS TX 78132-3720

BAKER , ROBERT C
220 MITTMANN CIR
NEW BRAUNFELS TX 78132-3720

BALKEMA , SARAH
1200 FOREST TRL
NEW BRAUNFELS TX 78132-4621

BALL , DEBORAH
9240 BLUE PT
NEW BRAUNFELS TX 78132-4310

BALL , ROBERT
9240 BLUE PT
NEW BRAUNFELS TX 78132-4310

BARRINGTON , BILL
7132 HUNTERS RUN
NEW BRAUNFELS TX 78132

BASSE , DONNA
25920 BENT BLF
NEW BRAUNFELS TX 78132-2526

BAUMGARDNER , CHERYL & HAYNES
9040 ROCK RUN
NEW BRAUNFELS TX 78132-2515

BIRD , DAVID
9042 BLAZING STAR TRL
GARDEN RIDGE TX 78266-2304

BISHOP , JIM & KAREN
26206 LEWIS RANCH RD
NEW BRAUNFELS TX 78132-2521

BISHOP , KAREN
26206 LEWIS RANCH RD
NEW BRAUNFELS TX 78132-2521

BLACK , CARLI
9227 GLOXINIA DR
GARDEN RIDGE TX 78266-2530

BLACKMAN , THOMAS
2251 BUNKER ST
NEW BRAUNFELS TX 78132-4526

BLOUNT , WILLIAM
3025 BUNKER ST
NEW BRAUNFELS TX 78132-4508

BOONE , ROBERTO
1610 FM 484
CANYON LAKE TX 78133-1908

BOOTHE , BOBBY
1312 BUNKER ST
NEW BRAUNFELS TX 78132-4816

BOOTHE , MONIKA
1312 BUNKER ST
NEW BRAUNFELS TX 78132-4816

BOSCH , ALLEN
10023 TROPHY OAKS DR
GARDEN RIDGE TX 78266-2815

BROWN , WAYNE
27985 COUNTRYSIDE DR
NEW BRAUNFELS TX 78132-3610

BRUMFIELD , BEATE
1095 ROSE LN
NEW BRAUNFELS TX 78132-4538

BRUNETTE , CHRIS & JIM
21249 FOREST WATERS CIR
GARDEN RIDGE TX 78266-2787

BRYAN , CHERI
1427 EDWARDS BLVD
NEW BRAUNFELS TX 78132-4056

BUECHE , CHESTER K
744 FM 1863
NEW BRAUNFELS TX 78132-4645

BUECHE , ROSE SCHEEL
744 FM 1863
NEW BRAUNFELS TX 78132-4645

BUEHLER , GEORGIA
21419 FOREST WATERS CIR
GARDEN RIDGE TX 78266-2781

BURNS, JAMES E
26142 LEWIS RANCH RD
NEW BRAUNFELS TX 78132-2520

CAIN , CLARENCE & CONNIE
9967 TROPHY OAKS DR
GARDEN RIDGE TX 78266-2813

CARRIER , RICHARD & YVETTE
2051 SUNGATE DR
NEW BRAUNFELS TX 78130-9090

CARUSO , MATTEO
21917 BAT CAVE RD
GARDEN RIDGE TX 78266-2750

CASTEEL , CARTER
254 E MILL ST
NEW BRAUNFELS TX 78130-5046

CHAFFE , CAROL & TOM
11950 SHADOW LN
NEW BRAUNFELS TX 78132-3627

CHILDS , JAMES
2480 OAK RUN PKWY
NEW BRAUNFELS TX 78132-3826

CHRISTENSEN , PATRICK COUNSEL
BROWN & ORTIZ PC
STE 1360
112 E PECAN ST
SAN ANTONIO TX 78205-1512

CLEARY , ELIZABETH & LAWRENCE
9585 MILLER LN
GARDEN RIDGE TX 78266-2608

COBB JR , PAUL STANLEY
22117 SENNA HLS
GARDEN RIDGE TX 78266-2156

COELLO , HENRY & MELISSA
534 OAK GRV
NEW BRAUNFELS TX 78132-3712

COMER , CARLENE
26532 LEWIS RANCH RD
NEW BRAUNFELS TX 78132-2525

CORBIN , CARY
350 WINDSOR LN
NEW BRAUNFELS TX 78132-3840

CORBIN , TOM
350 WINDSOR LN
NEW BRAUNFELS TX 78132-3840

CORYELL , CHRIS & JOELLEN E
2188 KRUEGER CYN
NEW BRAUNFELS TX 78132-4554

CORYELL , SOFIA & THADDEUS
2188 KRUEGER CYN
NEW BRAUNFELS TX 78132-4554

CRISP , HAROLD
20820 TIMBER ROSE
GARDEN RIDGE TX 78266-2359

DANN , TOMMY
313 WOOD RD
NEW BRAUNFELS TX 78130-5420

DAUGHERTY , SHARON & TIM
22004 DEER CANYON DR
GARDEN RIDGE TX 78266-2141

DAVIS , CAROL J
690 RANDOW RD
KINGSBURY TX 78638-3403

DAY , MARY ALICIA
204 MITTMANN CIR
NEW BRAUNFELS TX 78132-3720

DEAN , LYNNE & ROBERT
21630 FOREST WATERS CIR
GARDEN RIDGE TX 78266-2771

DEASON JR, BETTE & W N
23145 FM 3009
SAN ANTONIO TX 78266-2626

DEES , BILL & JOMETA
2302 CHAPARRAL DR
NEW BRAUNFELS TX 78132-4611

DEMARCO , GREG & SUSIE
26571 LEWIS RANCH RD
NEW BRAUNFELS TX 78132-2525

DEMORY , ELMA & STEPHEN
9497 CINCHONA TRL
GARDEN RIDGE TX 78266-2326

DIETZ , FRANK
1677 HOFFMANN LN
NEW BRAUNFELS TX 78132-4254

DOYLE , BILL & FRANCES
9235 CINCHONA TRL
GARDEN RIDGE TX 78266-2322

DRAKE , GREG
2218 CEDAR GROVE ST
NEW BRAUNFELS TX 78132-3715

DRAKE , PAM
2218 CEDAR GROVE ST
NEW BRAUNFELS TX 78132-3715

DRUCKENBRODT , MRS & LT COL
9520 MILLER LN
SAN ANTONIO TX 78266-2607

DUMAIS , JERRY
20220 REGENCY RUN
GARDEN RIDGE TX 78266-2356

DURBON , VIC
20387 GRASS CREEK RD
GARDEN RIDGE TX 78266-2340

DYKES , CECIL
2414 MARQUETTE
NEW BRAUNFELS TX 78132-3813

EDER , DIANE
131 MITTMANN CIR
NEW BRAUNFELS TX 78132-3721

EDER , ROBERT L
131 MITTMANN CIR
NEW BRAUNFELS TX 78132-3721

EISERER , CURTIS
9343 BLAZING STAR TRL
GARDEN RIDGE TX 78266-2311

ESTES , JAN
1834 CRYSTAL SPRINGS RD
NEW BRAUNFELS TX 78130-3002

EVANS , ARTHUR & JOHNIDA
9405 AZALEA GATE
GARDEN RIDGE TX 78266-2503

EVANS , JAMES
118 SKY COUNTRY DR
NEW BRAUNFELS TX 78132-4140

FELIX , DENNIS
11918 SHADOW LN
NEW BRAUNFELS TX 78132-3627

FERRELL , BILLY
21728 FOREST WATERS CIR
GARDEN RIDGE TX 78266-2774

FEY JR , CURTIS A
6025 FM 482
NEW BRAUNFELS TX 78132-4544

FEY , SHARLENE
6028 FM 482
NEW BRAUNFELS TX 78132-4542

FEY , SHARLENE & TIM
6028 FM 482
NEW BRAUNFELS TX 78132-4542

FEY , TIM
6028 FM 482
NEW BRAUNFELS TX 78132-4542

FISHER , CAROL
1809 BLANCO RD
SAN ANTONIO TX 78212-2616

FISHER , LARRY & LINDA
21455 FAIRVIEW CIR
GARDEN RIDGE TX 78266-2059

FITZI , EILEEN
125 OHIO ST
NEW BRAUNFELS TX 78130-8107

FORD , EDWIN & REGINA
21360 GUNTHER GRV
GARDEN RIDGE TX 78266-2527

FOUST , CHARLES & RITA
2315 CEDAR GROVE ST
NEW BRAUNFELS TX 78132-3719

FREDERICK , DAVID
LOWERRE FREDERICK PERALES ALLMON & RO
STE 200
707 RIO GRANDE ST
AUSTIN TX 78701-2719

FRETWELL , MARC & MERRI
463 FM 1863
NEW BRAUNFELS TX 78132-3708

FRIEDMAN , M
9908 KATHARINE GLN
GARDEN RIDGE TX 78266-2301

FRIESENHAHN , KAY
630 COYOTE RUN
NEW BRAUNFELS TX 78132-4529

FRIESENHAHN , MARK
231 HIGH CREEK RD
NEW BRAUNFELS TX 78132-4838

FULLER , BILL
9415 GLOXINIA DR
GARDEN RIDGE TX 78266-2534

GABBARD , JAMES & ZOE
553 OAK GRV
NEW BRAUNFELS TX 78132-3713

GABBARD , LINDA
553 OAK GRV
NEW BRAUNFELS TX 78132-3713

GILPIN , CHERYL
964 STONEWALL ST
NEW BRAUNFELS TX 78130-5840

GODFREY , MARTIN
2558 PONDEROSA DR
NEW BRAUNFELS TX 78132-2073

GODFREY , PATRICIA
2558 PONDEROSA DR
NEW BRAUNFELS TX 78132-2073

GOLD , GRETCHEN
123 MITTMANN CIR
NEW BRAUNFELS TX 78132-3721

GONZALEZ JR , JESSE
118 MITTMANN CIR
NEW BRAUNFELS TX 78132-3720

GONZALEZ , MARIO
10303 TEICH LOOP
NEW BRAUNFELS TX 78132-3540

GONZALEZ , SARAH
118 MITTMANN CIR
NEW BRAUNFELS TX 78132-3720

GOODART , NANCY & PHIL
9357 GOLDENROD LN
GARDEN RIDGE TX 78266-2029

GORDON , DAVID & SHEREE
21340 GUNTHER GRV
GARDEN RIDGE TX 78266-2527

GREEN , VAN
265 ROBIN LN
NEW BRAUNFELS TX 78132-4634

GRESSLER , BARBARA
529 OAK GRV
NEW BRAUNFELS TX 78132-3713

GUDINO , G
20503 GRASS CREEK RD
GARDEN RIDGE TX 78266-2344

GUEDRY , CAROL
147 MITTMANN CIR
NEW BRAUNFELS TX 78132-3721

GUTHRIE , BRUCE
22010 LAS CIMAS DR
GARDEN RIDGE TX 78266-2204

HAGELMAN JR , RONALD
PO BOX 310724
NEW BRAUNFELS TX 78131-0724

HAGELMAN JR , RONALD R
156 N SOLMS RD
NEW BRAUNFELS TX 78132-5042

HAGER , JOSEPH
13025 TONNE DR E
NEW BRAUNFELS TX 78132-4561

HAGGERTY , ELSIE
2209 CEDAR GROVE ST
NEW BRAUNFELS TX 78132-3718

HAGGERTY , ELSIE & LOYD
2209 CEDAR GROVE ST
NEW BRAUNFELS TX 78132-3718

HAGGERTY , LOYD N
2209 CEDAR GROVE ST
NEW BRAUNFELS TX 78132-3718

HAISTEN , LEON & LINDA
9118 PIERCE MASSIE
GARDEN RIDGE TX 78266-2640

HALES JR , JACK
2642 WILDERNESS WAY
NEW BRAUNFELS TX 78132-3643

HALLFORD , BRENDA
20024 HICKORY BND
GARDEN RIDGE TX 78266-2538

HAMILTON , COL MAYNARD G
9418 BLAZING STAR TRL
GARDEN RIDGE TX 78266-2312

HAND , BARBARA & HENRY
28820 COUNTRYSIDE DR
NEW BRAUNFELS TX 78132-3613

HARLAN , JERRY D
614 FOREST RDG
NEW BRAUNFELS TX 78130-6606

HARROD , RONALD & SIMONE
2338 ROCK GRV
NEW BRAUNFELS TX 78132-3723

HARTMANN , GILBERT
9311 BLAZING STAR TRL
GARDEN RIDGE TX 78266-2311

HAYDEN , JOSEPH
9824 TROPHY OAKS DR
GARDEN RIDGE TX 78266-2555

HEDGEPETH, TODD & RAYFIELD,PEGGY
22205 VIA POSADA DR
GARDEN RIDGE TX 78266-2196

HENDERSON , WALLY DEE
RT 10 BOX 1314
NEW BRAUNFELS TX 78132

HENDERSON , WALLY DEE
797 FM 1863
NEW BRAUNFELS TX 78132-4646

HENDRICKS , GLENDON
13034 TONNE DR E
NEW BRAUNFELS TX 78132-4560

HENDRICKS , GLENDON & MARGOT
13034 TONNE DR E
NEW BRAUNFELS TX 78132-4560

HENDRICKS , MARGOT
13034 TONNE DR E
NEW BRAUNFELS TX 78132-4560

HOFFMANN , DARYL & JERI
5755 FM 482
NEW BRAUNFELS TX 78132-4543

HOFFMANN , KATHLEEN
5751 FM 482
NEW BRAUNFELS TX 78132-4543

HOFFMANN , TODD
5751 FM 482
NEW BRAUNFELS TX 78132-4543

HOGUE , CLIFF
9436 SUMAC LN
GARDEN RIDGE TX 78266-2049

HOLMES , KELLY
510 OAK GRV
NEW BRAUNFELS TX 78132-3712

HOLMES , PAM
510 OAK GRV
NEW BRAUNFELS TX 78132-3712

HOOVER , DICK VP
KERBY DEVELOPMENT INC
BLDG 1 STE 235
8601 RR 2222
AUSTIN TX 78730-2304

HORTON , JERRY
165 FALLING HLS
NEW BRAUNFELS TX 78132-2202

HUBBARD , ELKE & GENE
21689 FAIRVIEW CIR
GARDEN RIDGE TX 78266-2055

HUGHES , APRIL
752 PINNACLE PKWY
NEW BRAUNFELS TX 78132-4286

HUGHES , RICHARD
752 PINNACLE PKWY
NEW BRAUNFELS TX 78132-4286

HUNNICUTT , LEE
37 OVERLOOK CIR
NEW BRAUNFELS TX 78132-4728

HUNT , CLIFF & ROBERTA
273 MITTMANN CIR
NEW BRAUNFELS TX 78132-3721

IACEN , CHRIS
2682 WALD RD
NEW BRAUNFELS TX 78132-4900

INGLIS , RM
20720 TIMBER ROSE
GARDEN RIDGE TX 78266-2357

JACKSON , SUZUNN C
2331 ROCK GRV
NEW BRAUNFELS TX 78132-3722

JACKSON , SUZUNN ROSENBERG
2331 ROCK GRV
NEW BRAUNFELS TX 78132-3722

JACKSON , WILLIAM B
2331 ROCK GRV
NEW BRAUNFELS TX 78132-3722

JACOBS , CLINT
122 SKY COUNTRY DR
NEW BRAUNFELS TX 78132-4140

JOHNSON , BEVERLY
513 OAK GRV
NEW BRAUNFELS TX 78132-3713

JOHNSON , DENNIS
513 OAK GRV
NEW BRAUNFELS TX 78132-3713

KELLY , THERESA
26541 LEWIS RANCH RD
NEW BRAUNFELS TX 78132-2525

KELLY , TIM
26541 LEWIS RANCH RD
NEW BRAUNFELS TX 78132-2525

KENSING , MARY & RICHARD A
506 OAK GRV
NEW BRAUNFELS TX 78132-3712

KIKIS , JAMES A
1918 SNOWY EGRET
NEW BRAUNFELS TX 78130-1232

KLEIN , IRENE
20721 FM 3009
GARDEN RIDGE TX 78266-2320

KOEHLER , ELWIN & PRISCILLA
10246 MONTANIO DR
NEW BRAUNFELS TX 78132-4565

KOSSAITH , MARVIN
1225 MISSION VALLEY RD
NEW BRAUNFELS TX 78132-3621

KOSSAITH , RHONDA
1225 MISSION VALLEY RD
NEW BRAUNFELS TX 78132-3621

KRAUSE , CONNIE
10167 SCHOENTHAL RD
NEW BRAUNFELS TX 78132-4300

LANGELIER , STEPHEN
28405 OAK CREEK DR
NEW BRAUNFELS TX 78132-3653

LATHEM , BILL
1946 SNOWY EGRET
NEW BRAUNFELS TX 78130-1232

LEBER , KATHY
185 PANTERMUEHL RD
NEW BRAUNFELS TX 78132-4234

LEBER , RICK
185 PANTERMUEHL RD
NEW BRAUNFELS TX 78132-4234

LEBLANC , GEORGIA
20011 HICKORY BND
GARDEN RIDGE TX 78266-2539

LEE , HARVEY
810 MT LAUREL DR
NEW BRAUNFELS TX 78132

LEE , JAMES W
21903 LAS CIMAS DR
GARDEN RIDGE TX 78266-2114

LEE , JAN
810 MT LAUREL DR
NEW BRAUNFELS TX 78132

LEE , ROBERT
9406 GOLDENROD LN
GARDEN RIDGE TX 78266-2030

LERETT , SHARON
2379 OAK PEBBLE
NEW BRAUNFELS TX 78132-3817

LOGAN , SHERILYN M
6091 FM 482
NEW BRAUNFELS TX 78132-4544

LOOMIS , JEANETTE
505 OAK GRV
NEW BRAUNFELS TX 78132-3713

LOOMIS , TROY J
505 OAK GRV
NEW BRAUNFELS TX 78132-3713

LOVETT , JOHN
PO BOX 310007
NEW BRAUNFELS TX 78131-0007

LOWE , JIM
9495 MILLER LN
GARDEN RIDGE TX 78266-2609

LUSTILA , JOHN
9408 BLUEBELL DR
GARDEN RIDGE TX 78266-2318

LYBRAND , FRED & JOANNA
25624 LEWIS RANCH RD
NEW BRAUNFELS TX 78132-2511

LYBRAND , JOANNA
25624 LEWIS RANCH RD
NEW BRAUNFELS TX 78132-2511

MACY , SUSAN
21350 FOREST WATERS CIR
GARDEN RIDGE TX 78266-2789

MALISH , LESLIE
1160 ROSE LN
NEW BRAUNFELS TX 78132-4537

MANGES , WILLIAM
9415 SUMAC LN
GARDEN RIDGE TX 78266-2090

MANNING , ANNA
915 RIVER CHASE DR
NEW BRAUNFELS TX 78132-3570

MARTINEZ , ELIBERTO & VERONICA
9680 TROPHY OAKS DR
SAN ANTONIO TX 78266-2542

MARTINEZ , RAY
8927 TUSCAN HILLS DR
GARDEN RIDGE TX 78266-2202

MARTINEZ , ROBERT
21924 SENNA HLS
GARDEN RIDGE TX 78266-2155

MASON , CHRISTINA
21016 HICKORY BND
GARDEN RIDGE TX 78266-2540

MCINTOSH, MARY & TIEPPER,STEVEN
1105 FM 1863
NEW BRAUNFELS TX 78132-4648

MCKEE , CRAIG & TERESA
1515 BUNKER ST
NEW BRAUNFELS TX 78132-4874

MCKEE , TERESA
1447 BUNKER ST
NEW BRAUNFELS TX 78132-4868

MCKINNEY , LOYCE
2209 CEDAR GROVE ST
NEW BRAUNFELS TX 78132-3718

MEAD , MILTON
9138 BLAZING STAR TRL
SAN ANTONIO TX 78266-2306

MERICLE , RUSSELL
21520 FOREST WATERS CIR
GARDEN RIDGE TX 78266-2770

MILLER , CAROLE W
927 DIVINE WAY
NEW BRAUNFELS TX 78130-3095

MILLER , THOMAS D
927 DIVINE WAY
NEW BRAUNFELS TX 78130-3095

MILLIKIN , JAY
COMAL COUNTY
COMAL COUNTY COURTHOUSE
199 MAIN PLZ
NEW BRAUNFELS TX 78130-5134

MINUS , ALLISON & JOSEPH
22187 VIA POSADA DR
GARDEN RIDGE TX 78266-2194

MOORE , FLOYD
20805 WOODLAND CV
GARDEN RIDGE TX 78266-2775

MORALES , RALPH
21670 FOREST WATERS CIR
SAN ANTONIO TX 78266-2773

MORGA , MARK
383 W BRIDGE ST
NEW BRAUNFELS TX 78130-5017

MORISEY , ANN
26454 LEWIS RANCH RD
NEW BRAUNFELS TX 78132-2524

MORISEY , CHARLES
26454 LEWIS RANCH RD
NEW BRAUNFELS TX 78132-2524

NAIZER , GREG & KELLY
550 OAK GRV
NEW BRAUNFELS TX 78132-3712

NATHAN , CATHY
122 BEEBALM LN
SPRING BRANCH TX 78070-5082

NATHAN , RICHARD
122 BEEBALM LN
SPRING BRANCH TX 78070-5082

NOLAND , JANET
626 HUNTERS CREEK DR
NEW BRAUNFELS TX 78132-4779

O'CONNOR , BARBARA & PHILIP
656 FOREST RDG
NEW BRAUNFELS TX 78130-6606

ODOM , DEBORAH
2336 CEDAR GROVE ST
NEW BRAUNFELS TX 78132-3716

ODOM , JERRY N
2336 CEDAR GROVE ST
NEW BRAUNFELS TX 78132-3716

OFFERMAN , MARIE
1352 PATIO DR
NEW BRAUNFELS TX 78130-8509

PAIVA , EDUARDO A
12 TIMBER PT
NEW BRAUNFELS TX 78132-3833

PALMER , JOANNE
745 CROSS PT
NEW BRAUNFELS TX 78130-2693

PARMA , DENNIS
824 KRUEGER CYN
NEW BRAUNFELS TX 78132-4533

PARMA , MAGGIE
824 KRUEGER CYN
NEW BRAUNFELS TX 78132-4533

PEPIN , DIANE
452 ROBIN LN
NEW BRAUNFELS TX 78132-4633

PIERCE , MARGARET
26007 NATURAL BRIDGE CAVERNS RD
GARDEN RIDGE TX 78266-2828

PLATTS , BILL G
9115 BLUE PT
NEW BRAUNFELS TX 78132-4309

PLATTS , THERESE L
9115 BLUE PT
NEW BRAUNFELS TX 78132-4309

PUSTKA , MICHAEL
APT 4
316 W IRELAND ST
SEGUIN TX 78155-4418

PYLAND , GEORGE
21009 HICKORY BND
GARDEN RIDGE TX 78266-2541

RAMSEY , COLLEEN
2312 CEDAR GROVE ST
NEW BRAUNFELS TX 78132-3716

RAMSEY , LARRY
2312 CEDAR GROVE ST
NEW BRAUNFELS TX 78132-3716

REAVES , RON
521 HUNTERS CREEK DR
NEW BRAUNFELS TX 78132-4715

RECTOR , BARBARA
2337 CEDAR GROVE ST
NEW BRAUNFELS TX 78132-3719

REDING , JULIE
22181 VIA POSADA DR
GARDEN RIDGE TX 78266-2194

REED SR , ROBERT L
563 KRUEGER CYN
NEW BRAUNFELS TX 78132-4534

REED , WAYNE
604 CALIFORNIA BLVD
NEW BRAUNFELS TX 78130-5215

REEH , DWIGHT & SANDRA
5887 FM 482
NEW BRAUNFELS TX 78132-4573

REICH , JEFF & KATHERINE
10111 KOPPLIN RD
NEW BRAUNFELS TX 78132-4664

REICH , JEFF
10111 KOPPLIN RD
NEW BRAUNFELS TX 78132-4664

RENKEN , DELIGHT
600 OLD BEAR CREEK RD
NEW BRAUNFELS TX 78132-2867

RINN , BOB
1263 FOX GLEN RD
NEW BRAUNFELS TX 78130-3021

RINN , ROSEMARY
1263 FOX GLEN RD
NEW BRAUNFELS TX 78130-3021

ROBINSON , JERRY
26512 LEWIS RANCH RD
NEW BRAUNFELS TX 78132-2525

ROCHIN , CARLOS A
2343 ROCK GRV
NEW BRAUNFELS TX 78132-3722

ROCHIN , ELIZABETH S
2343 ROCK GRV
NEW BRAUNFELS TX 78132-3722

ROMER , CHRIS
9750 RIDGELINE RD
NEW BRAUNFELS TX 78132-2503

ROMPEL , LINDA
5001 FM 1102
NEW BRAUNFELS TX 78132-4269

ROSEBUSH , JANIS
7 RIDGE DR
NEW BRAUNFELS TX 78130-6623

RUSSELL , TRESSIE MAE
5065 FM 482
NEW BRAUNFELS TX 78132-4999

SAAD , RAJA
638 FM 1863
NEW BRAUNFELS TX 78132-4603

SAHM , VANDELINE
6025 FM 482
NEW BRAUNFELS TX 78132-4544

SAILORS , ERIC
20802 PETERS RD
CROSBY TX 77532-4336

SALINAS , JIM & ROXANNE
955 MISSION HILLS DR
NEW BRAUNFELS TX 78130-6676

SAUCEDO , EDDIE
9007 POWHATAN DR
SAN ANTONIO TX 78230-4447

SCHING , EDMUND
21439 FOREST WATERS CIR
GARDEN RIDGE TX 78266-2781

SCHLAMEUS , H A
626 FM 1863
NEW BRAUNFELS TX 78132-4603

SCHLAMEUS , SANDY
626 FM 1863
NEW BRAUNFELS TX 78132-4603

SCHMIDT , RALPH
2843 MORNING STAR
NEW BRAUNFELS TX 78132-4734

SCHROEDER , SUZANNE
10828 DEDEKE DR
NEW BRAUNFELS TX 78132-4551

SCHULLE , WALTER
2144 KRUEGER CYN
NEW BRAUNFELS TX 78132-4554

SCHULZ , NANCY
643 HUNTERS CREEK DR
NEW BRAUNFELS TX 78132-4779

SCHWAB , JOHN & JUDITH H
126 MITTMANN CIR
NEW BRAUNFELS TX 78132-3720

SCHWAB , JOHN CHRISTOPHER
126 MITTMANN CIR
NEW BRAUNFELS TX 78132-3720

SCHWAB , JUDY H
126 MITTMANN CIR
NEW BRAUNFELS TX 78132-3720

SCHWAB , VINCENT
571 ENGEL RD
NEW BRAUNFELS TX 78132-4926

SEEKATZ , HENRY & SUSAN
11170 GREEN VALLEY RD
MARION TX 78124-1316

SHAW , J T
139 MITTMANN CIR
NEW BRAUNFELS TX 78132-3721

SHAW , JAMES & MELBA
139 MITTMANN CIR
NEW BRAUNFELS TX 78132-3721

SHAW , MELBA
139 MITTMANN CIR
NEW BRAUNFELS TX 78132-3721

SHELTON , TOM
21114 TREE TOP CV
GARDEN RIDGE TX 78266-2772

SHEPARD , ROSAMOND
580 FAWNWOOD DR
NEW BRAUNFELS TX 78132-4616

SHERRY , DAPHNE
2233 CEDAR GROVE ST
NEW BRAUNFELS TX 78132-3718

SHICK , LEE
21816 SENNA HLS
GARDEN RIDGE TX 78266-2147

SIMONINI , FRANK & SHELBY
20 OVERLOOK CIR
NEW BRAUNFELS TX 78132-4728

SINGLETON , ETHEL
9408 MAGIC FLS
GARDEN RIDGE TX 78266-2545

SMITH , CAROL WARWICK
818 FM 1863
NEW BRAUNFELS TX 78132-4672

SMITH , MARIA & VINCENT
315 HUNTERS TRCE
NEW BRAUNFELS TX 78132-4732

SMITH , RANDY M
24915 CEDAR CREEK DR
NEW BRAUNFELS TX 78132-4516

SOUTHERLAND , MARK
10008 AUDREY RDG
GARDEN RIDGE TX 78266-2327

SPIER , MARK
21917 DEER CANYON DR
GARDEN RIDGE TX 78266-2140

STEWART , HEATHER & JASON
5759 FM 482
NEW BRAUNFELS TX 78132-4543

STOUT , JOHNNY & KAREN
1205 FOREST TRL
NEW BRAUNFELS TX 78132-4627

STOUT , KAREN
1205 FOREST TRL
NEW BRAUNFELS TX 78132-4627

STRATTON , MARIANN
9364 BLAZING STAR TRL
GARDEN RIDGE TX 78266-2310

SUGGS , RONALD
9411 GOLDENROD LN
GARDEN RIDGE TX 78266-2036

SUTHERLAND , TIM
10942 DEDEKE DR
NEW BRAUNFELS TX 78132-4551

SWENSON , LEORA & SIGFRID A
2355 ROCK GRV
NEW BRAUNFELS TX 78132-3722

TAYLOR , CINDY
25595 LEWIS RANCH RD
NEW BRAUNFELS TX 78132-2506

TEPPER , STEVEN ATTORNEY
1105 FM 1863
NEW BRAUNFELS TX 78132-4648

TETRICK , CARY & LORI
2315 ROCK GRV
NEW BRAUNFELS TX 78132-3722

TEWELES , JOANNE & ROBERT
8908 BENT BROOK DR
GARDEN RIDGE TX 78266-2002

THOMPSON , DEWAYNE & KARRIE S
2339 ROCK GRV
NEW BRAUNFELS TX 78132-3722

TIMMERMAN , PAM
2061 WALD RD
NEW BRAUNFELS TX 78132-5050

TONTZ , JEFF
1851 THRASHER TRL
NEW BRAUNFELS TX 78130-7065

TREUTLER , KARL & NORA
21465 FAIRVIEW CIR
GARDEN RIDGE TX 78266-2059

TUCKER , BEVERLY
2329 CEDAR GROVE ST
NEW BRAUNFELS TX 78132-3719

TUCKER , JAMES G
2329 CEDAR GROVE ST
NEW BRAUNFELS TX 78132-3719

TYSDAL , DUSTYN
542 OAK GRV
NEW BRAUNFELS TX 78132-3712

UNREIN , ALIA & JASON
9505 RANCH CRK
NEW BRAUNFELS TX 78132-2509

UNREIN , JASON
9505 RANCH CRK
NEW BRAUNFELS TX 78132-2509

URIBE , JOSE
631 FOREST RDG
NEW BRAUNFELS TX 78130-6606

VADER , JANICE
502 OAK GRV
NEW BRAUNFELS TX 78132-3712

VINSONHALER , CHARLES & NANCY
11860 SHADOW LN
NEW BRAUNFELS TX 78132-3627

VOLLBRECHT , RUSSELL
2322 ROCK GRV
NEW BRAUNFELS TX 78132-3723

WADE , CATHARINE
11918 SHADOW LN
NEW BRAUNFELS TX 78132-3627

WALLIS , ARNOLD
9345 BLUEBELL DR
GARDEN RIDGE TX 78266-2317

WALLISCH , CHRIS
537 OAK GRV
NEW BRAUNFELS TX 78132-3713

WALLISCH , JUDY
537 OAK GRV
NEW BRAUNFELS TX 78132-3713

WARM , DELORES & GARY
9315 SUMAC LN
GARDEN RIDGE TX 78266-2040

WETZ , CAROL
3930 FM 482
NEW BRAUNFELS TX 78132-5010

WHITAKER , DAVID
39 HUNTERS TRL
NEW BRAUNFELS TX 78132-4780

WHITE , BEVERLY & GERALD R
217 MITTMANN CIR
NEW BRAUNFELS TX 78132-3721

WHITE , GERALD R
217 MITTMANN CIR
NEW BRAUNFELS TX 78132-3721

WHITFIELD JR , GLENN T
9416 GOLDENROD LN
GARDEN RIDGE TX 78266-2030

WILLIAMS , CHARLES
9314 GARDENIA BEND DR
GARDEN RIDGE TX 78266-2525

WILLIS , RANDALL
20332 REGENCY RUN
GARDEN RIDGE TX 78266-2358

WORD ; BRYAN
PO BOX 310330
NEW BRAUNFELS TX 78131-0330

WRIGHT , JUDY & L EARL
380 ROBIN LN
NEW BRAUNFELS TX 78132-4633

WUEST , WOODROW
24649 NATURAL BRIDGE CAVERNS RD
SAN ANTONIO TX 78266-2676

ZAMORA , ANITA & VICENTE
9915 TROPHY OAKS DR
GARDEN RIDGE TX 78266-2813

ZIBELIN , TOM
9176 ROCK RUN
NEW BRAUNFELS TX 78132-2517

ZIPP , JAMES
10019 KOPPLIN RD
NEW BRAUNFELS TX 78132-4649

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 JUL -1 AM 11: 20

CHIEF CLERKS OFFICE

TCEQ AIR QUALITY PERMIT NUMBER 83755

APPLICATION BY	§	**BEFORE THE**
	§	
Aggregate Industries-WCR, Inc	§	**TEXAS COMMISSION ON**
Rock Crushing Plant	§	
New Braunfels, Comal County	§	**ENVIRONMENTAL QUALITY**

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Public Comment (Response) on the New Source Review Authorization application and Executive Director's preliminary decision.

As required by Title 30 Texas Administrative Code (TAC) § 55.156, before an application is approved, the Executive Director prepares a response to all timely, relevant and material, or significant comments. The Office of Chief Clerk timely received comment letters from the following persons: Donna Basse, Karen and Jim Bishop, William Blount, Wayne Brown, Carol and Tom Chaffe, Patrick W. Christensen for Brown & Ortiz, P.C., Sofia and Thaddeus Coryell, Jometa and Bill Dees, Frank H. Dietz, Dennis Felix, Curtis A. Fey, Jr., Sharlene Fey, Tim Fey, Charles Foust, Rita Foust, Kay Friesenhahn, Mark Friesenhahn, Ronald R. Hagelman, Jr., Joseph Hager, Jack Hales, Jr., Henry and Barbara Hand, Jerry D. Harlan, Mario Gonzalez, Glendon Hendricks, Glendon and Margot Hendricks, James A. Kikis, Suzunn Rosenberg Jackson, Stephen Langelier, Bill Lathem, Sherilyn M. Logan, Joanna Lybrand, Teresa and Craig McKee, Greg and Kelly Naizer, Philip and Barbara O'Connor, Dennis Parma, Maggie Parma, Diane Pepin, Michael Pustka, Dwight and Sandra Reeh, Jeff Reich, Janis Rosebush, Tressie Mae Russell, Vandeline Sahm, Jim and Roxanne Salinas, Ralph Schmidt, Frank and Shelby Simonini, Vincent and Maria Smith, Johnny and Karen Stout, Timothy Sutherland, Cary and Lori Tetrick, Jeff Tontz, Alia and Jason Unrein, Jose Uribe, Charles and Nancy Vinsonhaler, Catharine Wade, Gerald R. White, Beverly and Gerald R. White, Judy and L. Earl Wright, and James Zipp. The Office of Chief Clerk also received identical comment letters from the following persons who will be identified in the responses below as **Group A**: Charlie C Baker, Patricia Baker, Robert C. Baker, Chester K. Bueche, Rose Scheel Bueche, Chris and Joellen E. Coryell, Mary Alicia Day, Greg Drake, Pam Drake, Diane Eder, Robert L. Eder, Rita and Charles Foust, Merri and Marc Fretwell, Gretchen Gold, Jesse Gonzalez, Jr., Sara Gonzalez, Barbara Gressler, Carol Guedry, Elsie Haggerty, Loyd N. Haggerty, Wally Dee Henderson, Kelly Holmes, Pam Holmes, Lee Hunnicutt, Suzunn C. Jackson, William B. Jackson, Beverly Johnson, Dennis Johnson, Richard and Mary L. Kensing, Jeanette Loomis, Troy J. Loomis, Loyce McKinney, Deborah Odom, Jerry N. Odom, Colleen Ramsey, Larry Ramsey, Carlos A. Rochin, Elizabeth S. Rochin, H.A. Schlameus, Sandy Schlameus, John and Judith H. Schwab, J. T. Shaw, Melba Shaw, Carol Warwick Smith, Sigfrid and Leora Swenson, Lori and Carry Tetrick, Dewayne and Karrie S. Thompson, Beverly Tucker, James G. Tucker, Janice Vader, Chrish Wallisch, and Judy Wallisch. Another group of identical comment letters was received from the following persons who will be identified in the responses below as **Group B**: James and Teri Aguilera, Randall

Willis, Ronald L. Suggs, Robert and Lynne Dean, Jim Lowe, Irene Klein, Billy Ferrell, Susan Macy, Floyd G. Moore, Ethel Singleton, Ralph Morales, B. Gudino, Arnold Wallis, Concerned citizen at 22117 Senna Hills, Garden Ridge, Texas, Jim and Chris Brunette, Georgia A. LeBlanc, Matteo J. Caruso, David and Sheree Gordon, William J. Manges, Jarl H. and Nora G. Treutler, Tim and Sharon Daugherty, Gary and Delores Warm, Robert Martinez, Cristina Mason, Brenda Hallford, Stephen and Elma Demory, Curtis Eiserer, Julie Reding, Gerald and Caroline Anz, Bill and Frances Doyle, Concerned citizen at 22187 Vic Posade, Garden Ridge, Texas, Tom Shelton, M. Friedman, Fred and Joanna Lybrand, Concerned citizen at 25624 Natural Bridge Cove, San Antonio, Texas, Cliff Hogue, Harold N. Crisp, Col. Maynard G. Hamilton, Leon and Linda Haisten, Mary Southerland, Jerry Dumais, Gend B. and Elke R. Hubbard, James W. Lee, Robert H Lic, Gilbert Hartmann, George Pyland, Milton D. Mead, Robert and Joanne Teweles, Larry and Linda Fisher, Arthur and Johnida Evans, Edmund K. Sching, Todd Hedgepeth, Eliberto and Veronica Martinez, Mark Spier, Concerned citizen at 9408 Bluebell, Garden Ridge, Texas, Joseph E, Hayden, Nancy and Phil Goodart, Bruce Guthrie, David R. Bird, Bill Fuller, Edwin and Regina Ford, Bette A. and W.N. Deason, Jr., R.M. Inglis, Vic Durbon, Clarence and Connie Cain, Georgia Buebler, August and Jane Abendschein, Lt. Col and Mrs. K.E. Druckenbrodt, Lee Shick, Margaret Pierce, Vincente and Anita Zamora, Russell Mericle, Carli Black, Charles Williams, Ray Martinez, Lawrence and Elizabeth Cleary, Glen T. Whitfield, Jr., Mariann Stratton, and Allen Bosch. Another group of identical comment letters was received from the following persons who will be identified in the responses below as **Group C**: Suzann Rosenberg Jackson, Ronal Harrod, Sabrina Lee, Courtney Raney, Saureen Bhamin, Stephen Langelier, Haynes and Cheryl Baumgardner, Carlene Comer, Theresa L. Kiey, Jason and Alia Unrein, C.S. Taylor, James E. Burns, Ann Morisey and Charles Morisey. Another group of identical comment letters was received from the following persons who will be identified in the responses below as **Group D**: Haynes and Cheryl Baumgardner, Jeff Reich, Beverly Tucker, James G. Tucker, Beverly Johnson, Dee Johnson, Roberta Hunt, Cliff Hunt, Loyce E. McKinney, Loyde and Elsie Haggerty, Patricia Baker, Melba Shaw, James L. Shaw, Sandy Schlameus, H.A. Schlameus, James, Linda and Zoe Gabbard, Henry and Melissa Coello, Thomas D. Miller, Carol J. Davis, Suz Jackson, Joane Palm, Carole W. Miller, Jerry Robinson, Larry W. Ramsey, Cullen M Waria-Ramsey, Anna Morning, William B. Coctson, Tim Kelly, Dr. Barbara S. Gressler, Susane B. Harrod, Ronald Harrod, Judy H. Schwab, John Christopher Schwab, and 2 illegible signatures. Another group of identical comment letters was received from the following persons who will be identified in the responses below as **Group E**: Jason and Alia Unrein, Karen and Jim Bishop, Dan and Carlene Comer, Deborah Ball, Robert Ball, Cindy Taylor, Ann Morisey, Charles Morisey, Greg and Susie DeMarco, Bill G. Platts, Therese L. Platts, and Tom Zibelin. Another group of identical comment letters was received from the following persons who will be identified in the responses below as **Group F**: Richard Nathan, Julia P. Allison, Roberto H. Boone, Dennis Felix, James Evans, Rick Leber, Kanthy Leber, Martin Godfrey, Patricia Godfrey, Jan Estes, Eileen Fitzi, Concerned citizen at 1677 Hoffmann, New Braunfels, Texas, Delight Renkin, Concerned citizen at 1263 Fox Glen Road, New Braunfels, Texas, Rosemary Kinn, Linda Rempel, Tommy Dann, Cheri Bryan, Jerry Honton, Tressie Russell, Eric Sailors, Clint Jacob, Tom Cork, Carry Cork, Harvey F. Lee, Jan R. Lee, Richard Hughes, April C. Hughes, and Cathy Nathan. Three identical letters were received from the following persons who will be identified in the responses below as **Group G**: Heather Hoffmann-Stewart and Jason Stewart, Daryl Hoffmann and Jerr Hoffmann, and Kathleen Hoffmann. Verbal comments were registered during the formal portion of the Public Meeting held on March 10, 2009 by Joseph R.

Hager, Cheryl Gilpin (written comments received, also), William Jackson, Ron Hagelman, Sharlene Fey, Tim Fey, Carol Wetz, Yvette Carrier, Randy M. Smith, Dennis J. Felix, William V. Blount, Walter Shulle, John Lovett, Karen "Katie" Stout, Dustyn Tysdal, Carol Fisher, Karen Bishop, Suz Rosenberg Jackson, and Janis Rosebush.

This Response addresses all timely public comments received, whether or not withdrawn. 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.

BACKGROUND

Description of Facility

Aggregate Industries-WCR, Inc has applied to the TCEQ for a New Source Review Authorization under Texas Clean Air Act (TCAA) §382.0518. This will authorize the construction of a new facility that may emit air contaminants.

This permit will authorize the applicant to construct a rock crushing plant consisting of three feed hoppers, seven crushers, 16 screens, associated conveyor belts, 30 acres of stockpiles, and two 10,000 gallon tanks of diesel fuel for onsite vehicle use. The site will operate 24 hours per day, 7 days per week, and 52 weeks per year for a total of 8,760 hours per year. Plant throughput will be authorized at 2,000 tons per hour with an annual throughput of 5,000,000 tons per year. The facility is located at 5900 FM 482 New Braunfels, Comal County. Contaminants authorized under this permit include organic compounds and particulate matter including particulate matter less than 10 microns in diameter (PM_{10}).

Procedural Background

Before work is begun on the construction of a new facility that may emit air contaminants, the person planning the construction must obtain a permit from the commission. This permit application is for an initial issuance of Air Quality Permit Number 83755.

The permit application was received on December 28, 2007, and declared administratively complete on January 28, 2008. The Notice of Receipt and Intent to Obtain an Air Quality Permit (public notice) for this permit application was published on February 25, 2008, in *El Norte The Community's Newspaper*, and on February 26, 2008 in the *New Braunfels Herald-Zeitung*. A public meeting was held on March 10, 2009 in New Braunfels, Comal County, Texas. The notice of public meeting was published on February 25, 2009 in the *New Braunfels Herald-Zeitung* and in *El Norte The Community's Newspaper*. The public comment period ended on March 27, 2009. Since this application was administratively complete after September 1, 1999, this action is subject to the procedural requirements adopted in accordance with House Bill 801, 76th Legislature, 1999.

COMMENTS AND RESPONSES

COMMENT 1: Many commenters express concerns over effects on air quality in general, noting specific concerns regarding the quality of life, including breathing the air for both younger and older populations, and the effects on an elementary school 1.3 miles from the plant site as well as other public areas within a several mile radius. Commenters were especially concerned with the effects on existing health conditions especially with children and adult residents who have preexisting respiratory conditions such as asthma, respiratory diseases, and sinus complications (William Blount, Yvette Carrier, Carol and Tom Chaffe, Jometa Dees, Bill Dees, Frank H. Dietz, Dennis Felix, Sharlene Fey, Tim Fey, Mark Friesenhahn, Charles Foust, Rita Foust, Cheryl Gilpin, Mario Gonzalez, Ronal Hagelman, Jr., Joseph Hager, Jack Hales, Jr., Henry and Barbara Hand, Jerry D. Harlan, Glendon D. Hendricks, Margot Hendricks, Susan Jackson, William Jackson, James Kikis, Bill Lathem, Sherilyn M. Logan, Craig and Teresa McKee, Greg and Kelly Naiger, Barbara O'Connor, Philip O'Connor, Dennis Parma, Maggie Parma, Diane Pepin, Dwight D. Reeh, Sandra Reeh, Jeff Reich, Janis Rosebush, LMT, Tressie Mae Russell, Vandeline Sahm, Jim and Roxanne Salinas, Walter Schuler, Ralph Schmidt, Karen Stout, Johnny Stout, Cary and Lori Tetrick, Dustyn Tysdal, Catharine Wade, Judy Wright, L. Earl Wright, Charles W. Vinsonhaler, Nancy Vinsonhaler, and James Zipp, as well as commenters listed in Groups A, C, D, E, F, G).

Other commenters expressed concerns regarding the effects on the economic value of area property, and effects on the use of area natural resources (Jometa Dees, Bill Dees, Curtis A Fey, Jr., Ronald Hagelman, Jr., Susan Jackson, James Kikis, Sherilyn M. Logan, Dennis Parma, Dwight D. Reeh, Sandra Reeh, Vandeline Sahm, Jim and Roxanne Salinas, Randy Smith, Karen and Johnny Stout, Timothy Sutherland, and Dustyn Tysdal, as well as commenters listed in Groups A and B).

Many commenters questioned the air dispersion modeling effects of this operation with respect to other emission generating facilities in the vicinity and questioned whether the cumulative effect was evaluated. Concern was expressed as to whether the planned operating schedule, throughput and equipment were fully addressed in the impact evaluation. Commenters questioned whether the meteorological conditions within the air dispersion model accounted for wind direction and speed. It was also suggested that the modeling results be evaluated by an impartial, uninvolved, third party expert. (William Blount, Karen Bishop, Patrick W. Christensen, Yvette Carrier, Curtis A. Fey, Jr., Sharlene Fey, Tim Fey, Mark Friesenhahn, Ronald Hagelman, Jr., Joseph Hager, Glendon Hendricks, William Jackson, Bill Lathem, John Lovett, Maggie Parma, Dwight D. Reeh,, Sandra Reeh, Frank and Shelby Simonini, Karen Stout, Johnnie Stout, Timothy Sutherland, Dustyn Tysdal, and Carol Wetz, as well as commenters listed in Group G). Sharlene Fey and Tim Fey requested the definition of "receptor" as used in the modeling analysis and associated with their property. They also asked how an emission source could not cause a violation at receptors within its own site. They expressed concern as to why only neighboring sites within a two to three mile radius were considered in the modeling analysis and why the evaluation should not be extended over a significantly larger area and include emissions from nearby highways and rail activities. Mr. and Mrs. Fey also challenged the "hill country" terrain assumption used in the air dispersion model and requested that maximum and worst case scenarios be evaluated instead of the use of averages.

RESPONSE 1: For many permits, potential impacts to human health and welfare or the environment are determined by comparing predicted emission concentrations from the proposed facility to appropriate state and federal standards and effects screening levels.[1, 2, 3] The specific health-based standards or guidance levels employed in evaluating the potential emissions include the National Ambient Air Quality Standards (NAAQS); TCEQ standards contained in 30 Texas Administrative Code (30 TAC); and TCEQ Effect Screening Levels (ESLs).[3]

National Ambient Air Quality Standards (NAAQS), as created by the United States Environmental Protection Agency (EPA), are defined in the federal regulations (40 C.F.R. § 50.2), and include both primary and secondary standards. The primary standards are those that 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 that 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 affects associated with the presence of an air contaminant in the ambient air. If the proposed facility is operated as required, there should be no adverse health effects.

For most permit applications, an air quality analysis, which may include air dispersion modeling, is performed in order to predict the impacts of emissions outside the plant property. After a permit application's modeling review is complete, in most instances, the modeling results are then sent to the TCEQ's Toxicology Section (TS) to evaluate whether emissions from the proposed facility are expected to cause health or nuisance problems. The Toxicology Section reviews the results from air dispersion modeling and compares these to the TCEQ Effects Screening Levels (ESLs). However, emissions from certain industries on the toxicology section "screening list"[4] do not require a toxicology impacts review. Emissions of particulate matter from facilities like rock crushers, concrete batch plants, and soil-stabilization plants are included on the screening list because the PM emissions are not expected to have adverse impacts. Therefore, if expected emissions are within federal limits, the permit is considered protective.

The permit reviewer used modeling results to verify that predicted ground level concentrations from the proposed facility are not likely to adversely impact off-property receptors. A receptor is defined as the ambient air at "that portion of the atmosphere, external to buildings, to which the general public has access" (40 CFR § 50.1(e)). Furthermore, 30 TAC § 101.4 states that air contaminants shall not be discharged in such concentrations 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

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[1] See the document "Air Quality Modeling Guidelines" for details on air modeling at the TCEQ website at http://www.tceq.state.tx.us/assets/public/permitting/air/Guidance/NewSourceReview/rg25.pdf. Also visit the agency air modeling page at http://www.tceq.state.tx.us/permitting/air/nav/modeling_ index.html.

[2] Documents referenced in this response that are available on the TCEQ website are also available in printed form at a small cost from the TCEQ Publications office at 512-239-0028.

[3] To view the ESL list or obtain more information on ESLs, visit the TCEQ website at http:// www.tceq.state.tx.us/implementation/tox/esl/list_main.html.

[4] The TCEQ Toxicology and Risk Assesment Section has also compiled a list of facilities which do not require a health effects review (commonly referred to as the "Toxicology Emissions Screening List").

property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property." Since a receptor is defined as an off-property location that is protected with respect to the NAAQS, within the boundaries of a company's property there may be emission levels over the NAAQS that are not considered to be exceedances.

For this specific permit application, appropriate air dispersion modeling was performed. The company used the EPA-approved Industrial Source Complex Model Short Term Version 3 (ISCST3) air modeling program to provide a reasonable worst case representation of potential impacts from the proposed facilities on the area surrounding the applicant's operations. The evaluation included 24 hour per day operation and reflected the emissions for all facilities authorized to be used at the site and the throughput associated with each facility as defined in the permit application. The likelihood of whether adverse health effects caused by emissions from Aggregate Industry's proposed facility could occur in members of the general public, including sensitive subgroups such as children, the elderly, or people with existing respiratory conditions, was determined by comparing the facility's predicted air dispersion computer modeling concentrations to the relevant federal standards and effects screening levels.

To capture the effects of the location, the model used EPA-approved algorithms providing rural dispersion coefficients and elevated terrain. These parameters were reviewed by the TCEQ Air Dispersion Modeling Team and judged to be consistent with respect to the topographic map and aerial photography. The analysis also incorporated a complete year of National Weather Service meteorological data to insure that all wind speeds and wind directions would be taken into account.

In addition to modeling the proposed emissions from the permit application, the applicant included the off-property sources found in a retrieval from the Point Source Database (PSDB) that is maintained by the TCEQ. The applicant supplemented the PSDB with additional off-site emission sources from several nearby facilities to further incorporate emissions from those sources in close proximity. The effect of emission sources farther from the specific location were reflected in the use of TCEQ background concentrations from the site's geographic surroundings. In this case, impacts from other non-project and off-site sources have been included through the addition of a conservative background screening concentration to the predicted concentrations from the model. The background emissions are based on the emission inventories that are available for each county. In the current application, the average PM_{10} concentrations that reflect all of Comal County were used as the background screening concentration.

The overall evaluation process provides a conservative prediction that is protective of the public. The modeling predictions were reviewed by the TCEQ Air Permits Division, and the modeling analysis was determined to be acceptable.

The modeling completed by Westward Environmental, Inc. on behalf of Aggregate Industries - WCR Inc. was audited by the TCEQ Air Dispersion Modeling Team to insure that the model analysis methodology was complete and correct with respect to the regulations and guidelines established by the EPA. The NAAQS for PM_{10} is based on a 24-hour time period. The measurement for predicted concentrations of air contaminants in modeling exercises is expressed

in terms of micrograms per cubic meter ($\mu g/m^3$). One microgram is 1/1,000,000 of a gram, or 2.2/1,000,000,000 of a pound (approximately the weight of a dust mite) of air contaminant per cubic meter of ambient air. The air volume of a cubic meter is approximately the size of a washing machine. Predicted air concentrations occurring below the 24-hour NAAQS of 150 $\mu g/m^3$ are not expected to exacerbate existing conditions or cause adverse health effects. Modeling for this facility resulted in predicted PM_{10} concentrations, at the facility's property line, of 139 $\mu g/m^3$ (24-hour) and 47 $\mu g/m^3$ (annual), which are below the NAAQS.[5] Therefore, based on the potential concentrations reviewed by the Executive Director's staff, it is not expected that existing health conditions will worsen, or that adverse health effects in the general public, sensitive subgroups, or animal life will occur as a result of exposure to the expected levels of PM.

The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. Accordingly, the TCEQ does not have jurisdiction to consider facility location choices made by an applicant when determining whether to approve or deny a permit application, unless state law imposes specific distance limitations that are enforceable by the TCEQ. Zoning and land use are beyond the authority of the TCEQ for consideration when reviewing air quality permit applications and such issues should be directed to local officials. As set forth in Section 382.052 of the Texas Clean Air Act (TCAA), the TCEQ shall consider possible adverse health effects on individuals attending schools which are located within 3,000 feet of a facility or proposed facility. A protectiveness review must be conducted for all contaminants emitted. The maximum concentrations are evaluated at the property line, at the nearest off-property receptor, and at any schools located within 3,000 feet of the facilities. The site review indicated that Comal Elementary School and St. John Paul II High School are outside the 3,000 feet distance from the site. Since the impacts for all constituents that are to be emitted were below their corresponding NAAQS limits at the property line, no adverse impacts to human health and the environment are anticipated. The TCEQ San Antonio Regional Office site review indicated no reasons to deny the permit application; therefore, the recommendation was to proceed with the permit review.

The Executive Director has reviewed the application in accordance with the relevant law, policy and procedures, and the Agency's mission to protect the state's human and natural resources consistent with sustainable economic development. As long as the facility is operated as specified in the permit terms and conditions, the proposed emissions are not expected to adversely impact human health, air quality, or the welfare of persons living in the area.

In addition to complying with the federal and state standards and guidelines mentioned above, and as has been stated previously in this response, applicants must also comply with 30 TAC §101.4, which prohibits nuisance conditions. Specifically the rule states, "No person shall discharge from any source whatsoever one of 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." As long as the facility is

[5] EPA repealed the annual time period standard, which had been set at 50 $\mu g/m^3$. Despite the repeal, annual time period modeling was conducted. It was found that this facility would meet the repealed standard.

operated in compliance with the terms of the permit, nuisance conditions, or conditions of air pollution are not expected. According to the facility's maximum allowable emission rate table in the draft permit, the facility will emit approximately 42.14 tons per year (tpy) of PM, 17.93 tpy of PM_{10}, and 0.02 tpy of volatile organic compounds (VOC). These emissions are not expected to create nuisance conditions.

Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with terms of any permit or other environmental regulation by contacting the TCEQ Regional Office at 817-588-5800, or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. If the facility is found to be out of compliance with the terms and conditions of the permit, it will 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 (under Publications, search for document no. 278).

COMMENT 2: Sharlene Fey and Tim Fey asked if there were any outstanding and/or pending requests by any of the neighboring facilities that would increase emissions in the future. They asked what assumptions were used to project future throughput and emissions.

RESPONSE 2: The TCEQ cannot project the future actions of neighboring or other facilities. The TCEQ does, however, have several pending projects that have been submitted by the neighboring businesses. Cemex Cement of Texas, LP, located at 2580 Wald Road, New Braunfels, Texas, has submitted an amendment to air permit no. 6048; Chemical Lime, LTD, located at 350 APG Lane, New Braunfels, Texas, has submitted two amendments and a renewal to air permit no. 7808; and Dean Word Co., LTD, located at 5900 FM 482, New Braunfels, Texas, has recently been authorized a no-increase renewal of air permit No. 702A. Even though these amendments may increase particulate matter emissions, all sources have to be protective with respect to the NAAQS at the property line and beyond. See Response No. 1 for more information on the NAAQS. Other facilities may be contemplating amendments for future submission to the TCEQ but any future plans are unknown to the TCEQ at this time. If any future amendments are submitted, the changes of particulate matter emissions, if any, will also require controls that will make the facility protective with respect to the NAAQS.

COMMENT 3: Many commenters express concerns regarding potential effects on health, welfare, property, and natural resources. Specifically, many commenters express concerns regarding dust, noting that the air is full of dust particles which land on cars and inside homes, that dust on area fields will effect livestock and wildlife, and that they believe dust will worsen

existing health conditions (William Blount, Wayne Brown, Carol and Tom Chaffe, Dennis Felix, Curtis A. Fey, Jr., Sharlene Fey, Tim Fey, Kay Friesenhahn, Charles Foust, Rita Foust, Mario Gonzalez, Ronald Hagelman, Jr., Joseph Hager, Jack Hales, Jr., Henry and Barbara Hand, Jerry D. Harlan, Glendon Hendricks, Margot Hendricks, Susan Jackson, James Kikis, Bill Lathem, Sherilyn M. Logan, Greg and Kelly Naiger, Barbara O'Connor, Philip O'Connor, Dennis Parma, Maggie Parma, Diane Pepin, Michhael Pustka, Jeff Reich, Tressie Mae Russell, Vandeline Sahm, Jim and Roxanne Salinas, Ralph Schmidt, Walter Schuler, Frank and Shelby Simonini, Vincent and Maria Smith, Karen Stout, Johnny Stout, Timothy Sutherland, Catharine Wade, Carol Wetz, Beverly L. White, Gerald R. White, Judy Wright, L. Earl Wright, and James Zipp, as well as commenters listed in Groups A, B, C, E, F, G).

RESPONSE 3: In addition to protecting health, the secondary NAAQS are also set to address welfare effects such as visibility reduction, crop damage, and material damage. Section 302(h) of the Federal Clean Air Act (FCAA) defines effects on welfare to include effects on soils, water, crops, vegetation, manmade materials, animals, wildlife, weather, visibility and climate, damage to and deterioration of property, hazards to transportation, and impacts to personal comfort and well-being, whether caused by transformation, conversion, or combination with other air pollutants. Because the emissions from this facility should not cause an exceedance of the NAAQS, no impact to land, livestock, crops, or visibility is expected, nor should emissions interfere with the use and enjoyment of surrounding land. The secondary NAAQS are set below levels which would be expected to cause nuisance conditions (dust accumulation, decreased visibility) or eye and throat irritation, and, therefore, should not impact the quality of life of those living near the proposed facility.

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.

COMMENT 4: Sharlene Fey and Tim Fey took exception to the characterization of the surrounding property as being primarily a limestone quarrying area with some agricultural and residential area. They list parks, schools and historical buildings and farms that they feel should be represented by designations other than "receptor".

RESPONSE 4: The air dispersion modeling evaluation is conducted to insure that evaluations of potential air pollution at individual locations where people reside, work, and play are protective. These areas are designated, by the EPA and by the program, as receptors. As stated in Response 1, a receptor is defined as the ambient air at "that portion of the atmosphere, external to buildings, to which the general public has access" (40 CFR § 50.1(e)). This definition does not specify the use of the building or area that the general public has access to, nor does it treat any area differently with respect to the protectiveness that is guaranteed by the EPA and the NAAQS.

All areas designated as receptors must have air quality that does not violate the NAAQS. The designation made in the modeling report that the area is primarily a quarrying area with some agricultural and residential area was a statement of the total area composed of quarrying operations as compared to the area designated as agricultural and residential.

COMMENT 5: Patrick W. Christensen requested confirmation that the draft permit fully complies with the necessary rules and regulations including the NAAQS and that the representation is correct with respect to emission sources, emission rates and is based on correct usage of emission factors. Sharlene Fey and Tim Fey asked whether there were any aggressive plans to expand the rock crushing facility that have not yet been documented. Tim Fey further asked if the application falls within the new guidelines. Joseph Hager requested to know the quantity of emissions on a daily, weekly or monthly basis while Jeff Reich questioned whether the fine particle emissions were in violation of the EPA's Clean Air Act.

RESPONSE 5: The previous discussion reflects the compliance of the draft permit with respect to the necessary rules and regulations and demonstrates that the particulate emissions determined for this operation are within the limits established by the NAAQS. The particulate emissions were evaluated on the proposed operation of the facility including the equipment used, the process flow, the hours of operation and the throughput expected. Although the TCEQ cannot project future enhancements, no plans have been submitted to suggest that these parameters would be expanded in the future. The representation of emission sources that were evaluated to determine compliance with the NAAQS are contained in the permit application and are reflected in the Maximum Allowable Emissions Rate Table (MAERT). The emissions tabulated in the MAERT utilize the latest emission factors published in the guidelines developed by the Emission Factor and Inventory Group (EFIG) with EPA's Office of Air Quality Planning and Standards. The AP-42 series is the principal means by which EFIG documents its emission factors. AP-42 document contains several thousand emission factors for many different industries and kinds of equipment. Emission factors are based on EPA testing of specific industries and are representative values that attempt to relate the quantity of a pollutant released to the atmosphere with an activity associated with the release of that pollutant.

Such factors facilitate estimation of emissions from various sources of air pollution. In most cases, these factors are simply averages of all available data of acceptable quality. Emissions factors use the extensive emissions data of many facilities of a particular type to provide a reasonable estimate for emissions for similar facilities. Emission estimates are important for developing emissions control strategies. Data from source-specific emission tests or continuous emission monitors are usually preferred for estimating a source's emissions because those data provide the best representation of the tested source's emissions. However, test data from individual sources is not always available and it may not reflect the variability of actual emissions over time. Thus, emissions factors are frequently the best or only method available for estimating emissions, in spite of limitations.

The use of AP-42 emission factors to establish permit limits is quite common and is an accepted practice by EPA, TCEQ, and regulatory agencies in other states. When test data and or site specific data are available, TCEQ will use that data in permit development, but when no such data is available, then AP-42 emission factors are routinely used. This is not a new practice, but

rather has been in use by TCEQ and predecessor organizations for more than 30 years. In fact, AP-42 states "emission factors are frequently the best or only method available for estimating emissions, in spite of their limitations."

In summary, the use of AP-42 emission factors by Aggregate Industries - WCR, Inc. to calculate emissions is considered by TCEQ to be acceptable. The Air Permitting Division (APD) at the TCEQ attempts to acquire and use the latest information on emission factors from a variety of sources such as EPA, industry organizations, or testing from similar activities known to TCEQ. APD understands that AP-42 emission factors may not always represent the worst case, but are derived from testing, have relevance, and frequently are the best choice.

Based on these factors, emissions are determined on a short term basis as a pound of emissions per hour of operation (lb/hr) as well as a long term basis as tons of emission per year (ton/yr). The facilities at the Aggregate Industries - WCR, Inc. site have been evaluated based on the most recent AP-42 emission factors as described above with the calculated emissions as listed on the permit MAERT. The emissions for this site will total 21.36 lb/hr and 42.14 ton/yr of particulate matter (PM), of which 8.11 lb/hr and 17.93 ton/yr is particulate matter less than 10 microns in diameter (PM_{10}), and 0.02 tpy of volatile organic compounds (VOCs).

COMMENT 6: Sharlene Fey and Tim Fey asked whether Aggregate Industries - WCR, Inc. would be able to work around the resident that lives on the premises?

RESPONSE 6: It is TCEQ's understanding that the Applicant will provide access and proper accommodations to the resident on the property under terms which the Applicant and the resident have agreed upon. However, the resident cannot be denied accessibility to clean air no matter what the terms and conditions agreed to with the Applicant. The air dispersion modeling submitted by the Applicant and reviewed by the TCEQ indicates that the residence on the property was modeled as a receptor and the fence line around the resident's allotted property was also modeled as a receptor. The audit conducted by the TCEQ Air Dispersion Modeling Team shows that this area will be protective with respect to the NAAQS limitations. If operated as documented in the permit application, the resident living in this area should be protected with respect to air quality. It is the Applicant's responsibility to work and operate the facility safely as to cause to further harm.

EMISSION CONTROLS

COMMENT 7: Several commenters feel that more controls on emissions are required and requested information on monitoring, specifically if there was going to be on-going monitoring of the emissions as well as public reporting of the results (Sharlene Fey, Tim Fey, Cheryl Gilpin, Bill Lathem). In reference to the statement in the draft permit that water sprays will be operated as necessary to maintain compliance with TCEQ rules and regulations, Patrick W. Christensen asks how this will actually be accomplished. Sharlene Fey and Tim Fey also questioned whether appropriate controls were in place for the rail and truck loadout operation.

RESPONSE 7: The TCEQ's Best Available Control Technology (BACT) requirement for these types of facilities is a minimum of 70 percent control. The Applicant represented that BACT and

best management practices will be implemented through specific control methodologies, such as the use of water sprays, partial enclosures, paved roads, a truck wheel wash, and unpaved roads sprayed with water as necessary. The Environmental Protection Agency's (EPA) most recent emission factors indicate the use of wet suppression through water sprays, etc., can achieve over 90 percent control, and some sprays could be as effective as an enclosure. Based on the controls proposed by the Applicant, as discussed above, the proposed facilities meet the NAAQS requirements for protectiveness. Representations with regard to construction and operation procedures in an application for a permit are conditions upon which a permit is issued (30 TAC 116.116(a)) regardless of whether all of those representations are included in the permit conditions. In addition, the permit holder must operate within the limits of the permit, including the emission limits as provided by the MAERT. The total emissions of air contaminants from any of the sources of emission must not exceed the values stated on the MAERT attached to the permit entitled "Emission Sources - Maximum Allowable Emission Rates" (30 TAC 116.115(b)(2)(F)).

Given the relationship between throughput and emissions, plant operating parameters (i.e., plant throughput/production) will be used to calculate emissions and the draft permit requires record keeping of throughput on a daily, monthly and annual basis in both tons per hour, tons per month and tons per year.

Emission calculations were based on a level (percent control efficiency) afforded by the specific control method defined in the Applicants application. If the specific control methods represented are employed, then that level of control is expected. Furthermore, if throughput rates are adhered to by the Applicant in its operation of the plant, and the testing required by NSPS (New Source Performance Standards as defined in Title 40 Code of Federal Regulations (40 CFR) Part 60) demonstrates compliance, then emissions rates and emission control effectiveness are expected to be in compliance. The foregoing methods are commonly used and accepted by TCEQ and EPA, and are adequate to demonstrate compliance with applicable law. APD has found no basis to include any other specific requirements regarding measurement or monitoring.

The application represents the controls proposed for use at the plant as well as the predicted moisture content of the aggregate. The conditions of the permit also specify those controls. However, regardless of what controls are specified, the opacity limits required by NSPS and the permit special conditions must be met. Based on past experience with rock crushers, the proposed and required controls are fully expected to accomplish the prescribed opacity limits. In addition, the air dispersion modeling's maximum predicted concentrations are predicted at ground level, and those emissions meet the federal and, thus, the state standards.

In as much as the Applicant is a privately held company, the TCEQ has no authority to mandate that records be maintained and available for review by the public. Recordkeeping is required by the permit conditions and is to be made available upon request to the TCEQ Regional Director or any local air pollution control agency having jurisdiction over the site. Pursuant to 30 TAC 116.115(b)(2)(E)(iii) the TCEQ shall make any such records of compliance available to the public in a timely manner.

COMMENT 8: Patrick W. Christensen requested that the draft permit require routine maintenance inspections of all abatement systems and equipment, require that cleaning and maintenance of the abatement equipment be performed with respect to manufacturer's recommendations, and that appropriate record keeping be required for all such activities.

RESPONSE 8: The emission abatement controls defined in the application refer to the use of water sprays, partial enclosures, paved roads, a truck wheel wash, and unpaved roads sprayed with water as necessary. The Applicant has represented the particular control methodologies to be implemented and that it will implement these controls to minimize emissions at the plant. As stated previously, the permit holder must operate within the limits of the permit, including the emission limits as provided by the MAERT. These limits cannot be achieved without the abatement systems working appropriately. The conditions of the permit specify those controls and includes record keeping requirement that all repairs and maintenance of abatement systems be recorded. Recordkeeping requirements are also required by the General Conditions which are a part of all permit authorizations.

COMMENT 9: Sharlene Fey and Tim Fey asked if water would always be available to minimize dust from stockpiles, serve the wheel washes, keep the roads cleaned, and control dust from the various facilities.

RESPONSE 9: In as much as water is being specified as the control medium for the reduction of emissions, there must be water available for the plant to operate. The use of water as the control will be a permit condition, thus if water is not available, the Applicant cannot operate the plant without revising the permit to authorize some other equivalent control methodology.

COMMENT 10: Sharlene Fey and Tim Fey asked if the moisture content of the aggregate would be measured, monitored and reported, and whether the public would have access to the information.

RESPONSE 10: EPA has indicated that a moisture content of 1.5%, as stipulated in the permit application, is sufficient to control 70% to 90% of the particulate emissions. If this control is met, the Opacity/Visible Emission Limitations of Special Conditions 4 and 5 in the draft permit will not be violated. Opacity is the visible fugitive emissions that can be quantified via EPA's Text Method (TM) 9 by a properly trained observer using the relationship between the Ringlemann Number and the percent opacity. The validity of such measurements has been well established by the courts, including the United States Supreme Court.[6] Aggregate Industries - WCR, Inc. has represented in its application that it will meet the moisture content requirement in all rock processed. If they fall below this value, and a condition of visible emissions occurs, the Application could face enforcement actions.

COMMENT 11: Sharlene Fey and Tim Fey further asked about visible dust leaving the Aggregate Industries - WCR, Inc. property, how this will be detected, and asked how to register or file a complaint.

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[6] Uniform Air Quality Training Program, 100 Series Course, California Environmental Protection Agency, Air Resources Board, Compliance Division

RESPONSE 11: As stated above, the visible emissions will be detected via the opacity limitations listed in the draft permit. Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with terms of any permit or other environmental regulation by contacting the TCEQ San Antonio Regional Office at 210-490-3096, or by calling the twenty-four hour toll-free Environmental Complaints Hotline at 1-888-777-3186. The TCEQ investigates all complaints received. If the facility is found to be out of compliance with the terms and conditions of the permit, it will be subject to possible enforcement action. Additionally, the general public can view the emissions event database on the TCEQ website at http://www.tceq.state.tx.us/nav/cec.

COMMENT 12: Several commenters asked about the use of water as a means to suppress emissions and the drain on the aquifer, especially during drought and times of water restrictions. Commenters asked about the quantity of water required and the contaminating impact on the local springs and water table (Donna Basse, Karen Bishop, Curtis A. Fey, Jr., Sharlene Fey, Tim Fey, Ronald Hagelman, Jr., Joseph Hager, Sherilyn M. Logan, Diane Pepin, Dwight D. Reeh, Sandra Reeh, James Zipp, and Group G). Sharlene Fey and Tim Fey also questioned whether one water truck was sufficient and what the plan was in case the water truck was inoperable.

RESPONSE 12: The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. The Texas Clean Air Act (TCAA) does not require the review of whether facilities have the potential to contaminate water sources, either by the activities regulated by the permit or other activities, such as blasting. This permit does not authorize the discharge of pollution into a body of water. Therefore, evaluation of water quality issues is outside the scope of this air permit review. However, the Applicant may be required to seek additional authorizations in other media, such as water.

The TCAA also does not require the review of the amount of water that will be used for the control of emissions, nor the source of the water. Rather, the TCEQ's authority to issue air quality permits is limited to whether the controlled emissions will comply with the TCAA and TCEQ rules. As has been stated, the Applicant represented the use of water to control emissions. The use of water as the control will be a permit condition, thus if water is not available, the Applicant cannot operate the plant without revising the permit to authorize some other equivalent control methodology.

It is the Applicant's responsibility to have sufficient equipment and water available to meet the representations of the permit application, which, upon issuance, will become conditions of the permit. In its permit application, Aggregate Industries - WCR, Inc. represents the roads will be watered and that water sprays will be operational to meet the BACT requirements and the requisite best management practices. The Executive Director has accepted these representations as adequate to comply with the proposed permit.

COMMENT 13: Several commenters were concerned about the stockpile heights allowed at this site with specific request as to who approved the exception, the basis for the justification, and whether it was customary to grant exceptions to New Source Reviews. The commenters asked whether the site and process flow could be reengineered to accommodate nominal stockpile

heights and asked if the greater heights were evaluated in the impact analysis. The commenters also wanted to know if other existing quarries in the area were subject to the 45 foot height requirement (Patrick W. Christensen, Dwight and Sandra Reeh, Tim and Sharlene Fey, Mark Friesenhahn, Vandeline Sahm, and Group G).

RESPONSE 13: It has been the normal practice of the TCEQ to limit stockpile heights to 45 feet unless a variation is approved by the TCEQ Regional Office and/or any appropriate local air programs with delegation. However, it was determined during this investigation that there are several quarries in the Region 13 (San Antonio) area that do not have this requirement listed in their permit conditions. Aggregate Industries - WCR requested that two of the 17 stockpile heights exceed the 45 ft. limitation; one at 60 feet and the other at 90 feet. The TCEQ requested an engineering report from the company to explain why the additional heights were required. The TCEQ also requested additional air dispersion modeling to determine if the additional stockpile heights would create an increased level of PM concentration and decrease the protectiveness level defined in Response 1.

A review of the engineering report indicated that the requested stockpile heights of the two designated locations would be required to maintain the level of production and the process flow as initially defined. The air dispersion protectiveness model requested by the TCEQ was submitted on August 22, 2008 and audited by the TCEQ Air Dispersion Modeling Team. The results indicate that the increase in stockpile height will not create degradation in the protectiveness described in the response to Comment 1.

Based on this information the Air Permit Division Director, in conjunction with the TCEQ Regional Office, agreed to allow the additional height for these two stockpiles. Added restrictions were placed on the company to insure that the stockpiles were always at a distance from the property line to insure that the NAAQS would not be violated.

SPECIATION

COMMENT 14: Many commenters expressed concerns regarding the emissions quantified as particulate matter equal to or less than 2.5 micrometers in diameter ($PM_{2.5}$). Especially important were the effects of this particulate matter on the health of the residents, the young and the elderly, as well as the effects on the environment and the wildlife (Dennis Felix, Charles Foust, Rita Foust, Greg and Kelly Naiger, Jeff Reich, Cary and Lori Tetrick, Catharine Wade, James Zipp, Group A, and Group D).

RESPONSE 14: On May 16, 2008 the Environmental Protection Agency (EPA) published a final rule package governing the implementation of the New Source Review (NSR) program for $PM_{2.5}$. The rule became effective on July 15, 2008. States with EPA approved Prevention of Significant Deterioration (PSD) programs (like Texas) have up to three years from the publication date to submit revised State Implementation Plans (SIPs) that incorporate these NSR requirements. Until that incorporation is defined, applicants are expected to conduct the air dispersion modeling necessary to show that PM_{10} emissions will not cause a violation of the PM_{10} NAAQS as a surrogate for demonstrating compliance with the $PM_{2.5}$ NAAQS.

As stated in the Responses to Comments 1 and 2, the applicant has submitted air dispersion modeling which was audited by the TCEQ Air Dispersion Modeling Team. The results demonstrate that the site, in contemporaneous operation with surrounding sites, will be protective with respect to the PM_{10} NAAQS. As it is defined at this time, this protectiveness is a surrogate for demonstrating compliance with the $PM_{2.5}$ NAAQS.

The emissions from the proposed sources contained in the permit application have been evaluated. Per the EPA $PM_{2.5}$ surrogate policy, the TCEQ uses the PM_{10} program as a surrogate for the $PM_{2.5}$ program until the EPA fully implements and integrates $PM_{2.5}$ into the New Source Review program. On October 23, 1997, EPA issued a memorandum providing for PM_{10} to be used as a surrogate for $PM_{2.5}$.[7] EPA reaffirmed that conclusion in a memorandum dated April 5, 2005.[8] EPA continued to recognize the issue and outstanding difficulties implementing $PM_{2.5}$ in its *Proposed Rule to Implement the Fine Particle National Ambient Air Quality Standards*.[9] EPA also noted in the Final Rule that it did not include final $PM_{2.5}$ requirements and that they would be issued in a later rule.[10] On May 16, 2008, EPA confirmed that those sources who had submitted applications based on the PM_{10} surrogate policy would be "grandfathered" and thus would remain subject to the surrogate policy for permitting purposes.[11] Furthermore, EPA has added 40 CFR 52.21(i)(1)(xi) to reflect the grandfathering provision.[12] PM_{10} controls and emissions were modeled and predicted PM_{10} concentrations were compared to the PM_{10} NAAQS. Per the surrogate policy, compliance with the PM_{10} NAAQS was used as the surrogate for compliance with the $PM_{2.5}$ NAAQS.[13]

COMMENT 15: Several commenters expressed concern regarding the speciation of the limestone rock as it is crushed, screened, and moved throughout the site. The interest ranged from the effects of silica and/or calcium oxide within the matter to be crushed (Joseph Hager, William Jackson, Judy Wright, and L. Earl Wright) to the possibility of asbestos particulates and the potential to expose an asbestos vein in the quarry (Glendon Hendricks). The commenter asked whether there would be asbestos sampling during the operation of this site and whether the silica and asbestos particles might get into the Edwards Aquifer. Other commenters expressed concern regarding mercury control regulations for cement plants and the emission of hydrochloric acid and total hydrocarbons from cement plants in addition to the emission of

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[7] U.S. EPA Memorandum from John S. Seitz, Director of Office of Air Quality Planning and Standards, *Interim Implementation of New Source Review Requirements for PM2.5*, October 23, 1997.

[8] U.S. EPA Memorandum from Stephen D. Page, Director, *Implementation of New Source Review Requirements in PM-2.5 Nonattainment Areas*, April 5, 2005.

[9] 70 Fed. Reg. 65984, 66043 (November 1, 2005).

[10] 72 Fed. Reg. 20586 (April 25, 2007).

[11] 73 Fed. Reg. 28340 (May 16, 2008). To comply with the grandfathering policy the applicant must meet two conditions: 1) the EPA or its delegate reviewing authority determines the application was complete as submitted, and 2) the completed application is consistent with the requirements as set forth in the EPA memorandum "Interim Implementation of New Source Review Requirements for $PM_{2.5}$."

[12] *See id.*

[13] While EPA granted a petition for reconsideration regarding the surrogate policy on June 1, 2009, this application was submitted under the existing surrogate policy, and met the requirements as stated in the May 16, 2008 Federal Register..

mercury form the crushing of limestone (Yvette Carrier, Katy Stout, Johnny Stout, William Jackson, and John Lovett).

RESPONSE 15: The permit application being reviewed is for the crushing of limestone. The comments regarding cement plants and the potential emissions from cement plants are not pertinent to this review. In accordance with the U.S. Geological Survey, 2005 Ver. 2 found at www.atsdr.cdc.gov/noa/usamap.pdf[14] the only asbestos veins existing in Texas are at locations northwest of Austin and in far west Texas near Van Horn. Thus, concerns with regard to asbestos particulate matter are also not pertinent to this review. Limestone can, potentially, be broken down into its speciated components of which silica is a possible contaminant. The effect of silica emissions from rock crushing facilities has been reviewed by the TCEQ Toxicology Division, which has determined that emissions of particulate matter from rock crushers are not required to have an effects review.[15] Thus, there is no requirement to speciate the limestone emissions nor to determine the effect of silica particulate matter.

As was written in Response 1, an air quality analysis, which can include air dispersion modeling, was performed in order to predict the impacts of emissions outside the plant property. It was stated that after a permit application's modeling review is complete, in most instances, the modeling results are then sent to the TCEQ's Toxicology Section to evaluate whether emissions from the proposed facility are expected to cause health or nuisance problems. The Toxicology Section reviews the results from air dispersion modeling by comparing those results to the TCEQ Effects Screening Levels (ESLs). However, emissions from certain industries on the toxicology section "screening list" do not require a toxicology impacts review. Emissions of particulate matter from facilities like rock crushers, concrete batch plants, and soil-stabilization plants are included on the screening list because the PM emissions are not expected to have adverse impacts. Therefore, if expected emissions are within federal limits, the permit is considered protective and there is no requirement to speciate the limestone emissions nor to determine the effect of silica particulate matter. The study from which this conclusion is reached can be found at www.tceq.state.tx.us/assets/public/permitting/air/Guidance/NewSourceReview/mera.pdf.

MONITORING and COMPLIANCE

COMMENT 16: Several commenters asked about placing advance monitoring and detection measures on Aggregate Industries - WCR, Inc. property and near adjacent property lines and whether appropriate actions would be required in the event of an emission excursion. Commenters doubted that daily enforcement could be obtained. (Patrick W. Christensen, Sharlene Fey, Tim Fey, Group G). Patrick W. Christensen also requested that sufficient lighting be provided at key emission points to ensure that emission excursions are detectable at all hours of the plant operation. Cheryl Gilpin and Walter Schuler both stated that emissions at night, when viewed via additional light source, appeared to be considerably greater than during the daytime. Vandeline Sahm asked whether complaints would be addressed in a timely manner.

[14] United States Department of Health and Human Services, Agency for Toxic Substances and Disease Registry, Locations of Naturally Occurring Asbestos, www.atsdr.cdc.gov/noa/usamap.pdf.
[15] The study used to make this determination can be found at:
www.tceq.state.tx.us/assets/public/permitting/air/Guidance/NewSourceReview/mera.pdf.

RESPONSE 16: At the current time, there will not be property line monitors, video monitors, additional lighting, or any advanced monitoring devices stipulated for this facility. The TCEQ does not typically require particulate matter monitors, continuous opacity monitoring (COMs), or continuous emissions monitoring (CEMs) for rock crushing facilities. Although there are no plant-specific air monitors contemplated for this facility, mobile monitoring can be implemented by the TCEQ if conditions warrant.

The TCEQ regional offices respond to complaints in a timely manner and will prioritize their response based on the potential for adverse health effects associates with the alleged violation.[16] For example, a "priority one" case means serious health concerns exist and the case will be investigated immediately. A "priority four" case, on the other hand, means no immediate health concerns exists, thus it will be investigated with the next 30 days. Staff from the TCEQ regional office will respond to all resident complaints. Please call 210-490-3096 to obtain compliance assistance from the San Antonio Regional Office.

COMMENT 17: Many commenters are concerned about the compliance of Aggregate Industries - WCR, Inc. with respect to operating within their permit conditions and maintaining particulate matter emissions within the specified limits used to determine the protectiveness of the site. They noted that Aggregate Industries - WCR, Inc. is a subsidiary of Holcim, International Cement Corporation and claim that, as the parent company, Holicm has received numerous violations and corresponding fines from the EPA for violations of the National Emission Standards for Hazardous Air Pollutants, has been repeatedly fined by the Michigan Department of Environmental Quality for particulate matter emissions, and has received EPA citations for falsifying emission reports in several states including Texas (Dennis Felix, Sharlene Fey, Tim Fey, Charles Foust, Rita Foust, Mario Gonzalez, Ronald Hagelman, Jr., Joseph Hager, Susan Jackson, Bill Lathem, Greg and Kelly Naiger, Jeff Reich, Katie and Johnny Stout, Cary and Lori Tetrick, Catharine Wade, James, Zipp, Groups C, D, and G).

Other concerns addressed whether or not the parent company and its subsidiaries have money accrued and listed on its financial statement for environmental liabilities. It was also asked whether there are any ongoing investigations of this company (Sharlene Fey, Tim Fey).

RESPONSE 17: During the technical review, a compliance history review of the company and the site was conducted based on the criteria in 30 TAC Chapter 60. These rules may be found at the following website: http://www.tceq.state.tx.us/rules/index.html. The compliance history for the company and site was reviewed for the five year period prior to the date the permit application was received by the Executive Director. The compliance history includes multimedia compliance related components about the site under review. These components include the following: enforcement orders, consent decrees, court judgments, criminal convictions, chronic excessive emission events, investigations, notices of violations, audits and violations disclosed under the Audit Act, environmental management systems, voluntary on-site compliance assessments, voluntary pollution reduction programs, and early compliance.

[16] For more information about this process can be found at:
http://www.tceq.state.tx.us/compliance/complaints/index.html

Aggregate Industries - WCR, Inc.'s permit application was received after September 1, 2002. The company and site have been rated and classified pursuant to 30 TAC Chapter 60. A company and site may have one of the following classifications and ratings:

- High: rating less than 0.01 (above average compliance record);
- Average by Default: rating equal to 3.01 (sites which have never been investigated);
- Average: rating greater than 0.01 but less than 45 (generally complies with environmental regulations); and
- Poor: rating greater than 45 (performs below average).

This site has a rating of 3.01 and a classification of "Average by Default." The company rating and classification, which is the average of the ratings for all sites the company owns, is also rated as 3.01 and classified as "Average by Default".

The TCEQ is delegated authority to regulate only those companies that do business in Texas and only the operations within Texas. The Agency requires that those companies meet the federal laws as established by the EPA and the state laws enacted by legislation. The Agency does not have authority to review regulations authorized by other state agencies nor to review and oversee their permit conditions, methods of investigation, nor enforcement action.

However, pursuant to the concerns that have been expressed, the TCEQ reviewed all permit authorizations held within Texas by Holcim, the parent company of Aggregate Industries - WCR, Inc. Within the state of Texas there are two Customer Numbers (CN) associated with Holcim. Holcim (Texas) Limited Partnerships (CN601231459) was found to have a company rating of 0.39 which is classified as "Average." Holcim (US), Inc. (CN601505985) was found to have a company rating of 1.80, which is also classified as "Average." At the current time, there are no enforcement actions against Holcim (Texas) Limited Partnerships nor Holcim (US), Inc.

As stated previously, individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with terms of any permit or other environmental regulation by contacting the Regional Office at 210-490-3096, or by calling the twenty-four hour toll-free Environmental Complaints Hotline at 1-888-777-3186. The TCEQ investigates all complaints received. If the facility is found to be out of compliance with the terms and conditions of the permit, it will be subject to possible enforcement action. Additionally, the general public can view the emissions event database on the TCEQ website at http://www.tceq.state.tx.us/nav/cec.

COMMENT 18: Patrick W. Christensen requested that a person with appropriate training and/or certification be onsite at all time during operations to monitor compliance with the conditions of the permit.

RESPONSE 18: The TCEQ generally does not involve itself in the personnel decisions of applicants. The TCEQ does not require any facility of this type to employ a person trained to determine compliance with the operating representation of the permit application and the Special Conditions of the permit. If the plant is operated in the manner described in the application and reflected in the permit conditions, there should be no exceedences of emissions that would create nuisance conditions. As has been stated before, individuals are encouraged to report any

concerns about nuisance issues or suspected noncompliance with terms of any permit or other environmental regulation by contacting the Regional Office at 210-490-3096, or by calling the twenty-four hour toll-free Environmental Complaints Hotline at 1-888-777-3186. The TCEQ investigates all complaints received. If the facility is found to be out of compliance with the terms and conditions of the permit, it will be subject to possible enforcement action. Additionally, the general public can view the emissions event database on the TCEQ website at http://www.tceq.state.tx.us/nav/cec

COMMENT 19: Tim Fey requested that unannounced audits be conducted by the TCEQ to determine if there are current violations and issues with the process. William Jackson asked why the TCEQ investigates complaints, but does not monitor permits. He suggested requesting quarterly progress reports from the Applicant with respect to the ISO 14000 documents that the Applicant referred to in the public meeting. Mr. Jackson asked how we report back to the EPA to insure that we are meeting the EPA's Clean Air Act standards and questions whether the EPA finds Texas in compliance with the Clean Air Act.

RESPONSE 19: To the extent that personnel, time and resources are available, the TCEQ does audit permit operations to insure compliance with the record keeping and the rules and regulations associated with the permit conditions. Although specific to each site, the audit generally starts with a review of the permit followed by a complete tour of the operation to insure that only the process flow and operating parameters that were represented in the application are in effect at the site. The audit then goes through the permit conditions to determine how the site operation adheres to each Special and General Condition established by the permit. The final phase of the audit is a review of the record keeping requirements and assurance that the records required are correctly maintained, retrievable, and representative of the operation as defined by the application and subsequent permit authorization. This type of audit is extremely time consuming for both the investigators and the company and is generally done as an announced audit to insure company personnel are available to escort the investigators on the site tours, answer questions, provide confirmation of adherence to permit conditions, and retrieve required records. With the limited resources available, the TCEQ Region Office finds that most of the inspector's time is spent investigating complaints.

~~The ISO (International Organization for Standardization) 14000 environmental management~~ standards exist to help organizations minimize how their operations negatively affect the environment. In order for an Applicant to be awarded an ISO 14000 family of certification, they must be externally audited by an audit body that has been accredited by the international ISO organization. Compliance with the ISO 14000 standards and their availability for review by the public is the responsibility of the Applicant.

The TCEQ has a fully SIP approved program, and is delegated authority by the US EPA for control and compliance of air quality standards in the state of Texas. The TCEQ continually interacts with the EPA to insure that the Clean Air Act is enforced. This delegated authority includes oversight implementation of federal programs including PSD, Nonattainment, New Source Performance Standards, and most maximum allowable control technology regulations. The present permitting action is being undertaken to fulfill requirements of EPA's New Source Performance Standards.

BLASTING and QUARRY EMISSIONS

COMMENT 20: Many commenters raised questions about the blasting of rock in the quarry which would have effects on homes and enjoyment of property (Donna Basse, Karen Bishop, Wayne Brown, Yvette Carrier, Bill Dees, Jometa Dees, Sharlene Fey, Tim Fey, Joseph Hager, Henry and Barbara Hand, Glendon D. Hendricks, Margot Hendricks, Susan Jackson, Bill Lathem, Maggie Parma, Diane Pepin, Dwight D. Reeh, Sandra Reeh, Vandeline Sahm, Jim and Roxanne Salinas, Frank Simonini, Shelby Simonini, Vincent Smith, Maria Smith, Karen and Johnny Stout, Timothy Sutherland, Beverly L. White, Gerald R. White, L. Earl Wright, Judy Wright, and Groups A, B, C, E, F, G). One comment asked about the burning ash that infiltrates the area whenever a quarry breaks into a new blasting zone (Karen and Johnny Stout). Some commenters were concerned about the blasting effects and possible seismic tremors from the blasting that would fracture the limestone filter of the aquifer and damage the groundwater supply, local wells, septic systems as well as the Edwards Aquifer (Dennis Felix, Curtis A Fey, Jr., Joseph Hager, Bill Lathem, Craig and Teresa McKee, Dennis Parma, Maggie Parma, Michael Pustka, Jeff Reich, Vaneline Sahm, Ralph Schmidt, Catharine Wade, Group A, C, D, F). Other commenters expressed concern regarding the effects of blasting on caves in the area especially the structural integrity and preservation of Natural Bridge Caverns situated about 4 miles from the site (Karen and Johnny Stout, Group A, C, G)

RESPONSE 20: The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. Accordingly, the TCEQ does not have jurisdiction to consider blasting or mining in determining whether to approve a permit application for facilities that will emit air contaminants. Blasting operations are associated with quarry operations, and the Texas Clean Air Act, Tex. Health & Safety Code § 382.003(6) provides that quarries are not facilities for purposes of air quality permitting. Therefore, quarry blasting operations are not included as part of the review of an air quality permit application. In addition, the TCEQ has no authority to address property damage claims alleged to result from blasting, nor jurisdiction regarding seismic vibrations, when reviewing an application for an air quality permit. Concerns regarding vibrations should be directed to local officials. The Mine Safety and Health Administration has oversight of mine and quarry health and safety concerns.

COMMENT 21: Mr. Tim Fey requested the definition of a facility.

RESPONSE 21: In accordance with 30 TAC § 116.10(6) a facility is defined as "[a] discrete or identifiable structure, device, item, equipment, or enclosure that constitutes or contains a stationary source, including appurtenances other than emission control equipment. A mine, quarry, well test, or road is not a facility."

TRUCK TRAFFIC and SAFETY

COMMENT 22: Many individuals expressed concern over the increased amount of truck traffic on local roads (some commenters referred to the 275-400 trucks per day mentioned in the public meeting). These commenters stated that additional truck traffic will impact the safety of residents as well as pose a safety issue for students attending the nearby Comal Elementary School. The

trucks will cause additional noise, emissions and dust when traveling to and from the quarry. This increased traffic will only add to the already congested roads caused by trucks from other quarries/cement plants and will cause property damage to other vehicles and damage to roads not designed to handle this amount of heavy loaded trucks (Donna Basse, William Blount, Wayne Brown, Carol and Tom Chaffe, Dennis Felix, Mark Friesenhahn, Kay Friesenhahn, Charles Foust, Rita Foust, Joseph Hager, Ronald J. Hagelman, Jr., Jack Hales, Jr., Henry and Barbara Hand, Jerry D. Harlan, Glendon D. Hendricks, Margot Hendricks, James A. Kikis, Bill Lathem, Sherilyn M. Logan, Craig and Teresa McKee, Greg and Kelly Naiger, Barbara O'Connor, Philip O'Connor, Dennis Parma, Maggie Parma, Diane Pepin, Michael Pustka, Dwight D. Reeh, Sandra Reeh, Jeff Reich, Tressie Mae Russell, Vandeline Sahm, Jim and Roxanne Salinas, Ralph Schmidt, Frank and Shelby Simonini, Karen and Johnny Stout, Timothy Sutherland, Cary and Lori Tetrick, Jeff Tontz, Dustyn Tysdal, Catharine Wade, Gerald R. White, Beverly L. White, Jose Uribe, Charles W. Vinsonhaler, Nancy Vinsonhaler, James Zipp, Groups A, B, C, D, E, F, and G).

Some commenters also asked if there are requirements to cover and tarp loads of aggregate before leaving the site and whether the wheel washes would be effective (Tim Fey, Sharlene Fey), while other commenters asked about any adverse effect on safety and fire emergency rescue response time (Joseph Hager), and who would pay for road repairs and public utility repairs (Karen and Johnny Stout, Jeff Tontz).

REPSONSE 22: The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. The TCEQ does not have jurisdiction over public roads and therefore cannot require an applicant to maintain and/or repair public roads or limit the amount of vehicles entering the public roadways from their facility. Jurisdiction over public safety including access by and for emergency vehicles, enforced speed limits, covering and tarping loads, and public roadway issues in general is held by the Texas Departments of Public Safety and Transportation, as well as local law enforcement authorities. Questions or concerns about traffic or public road issues should be directed to these authorities.

However, to mitigate the effects of dirt and mud tracked onto the public roads, Aggregate Industries - WCR, Inc. has proposed to install and operate a wheel wash station. As stated in the permit operating conditions, "[t]his station shall direct water sprays onto the undercarriage of product trucks to remove mud and/or road dust and shall be utilized on all product trucks leaving the site."

COMMENT 23: Several commenters expressed concern regarding the estimated 1 to 2 daily trains hauling aggregate through New Braunfels and the effect/hardship on residential traffic and response time of emergency vehicles (Karen Bishop, Ron Hagelman, Jr., Joseph Hager, Mark Friesenhahn, Bill Lathem, Dwight D. Reeh, Sandra Reeh, Vandeline Sahm, Dustyn Tysdal, and Gerald R. White).

REPSONSE 23: The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. As with traffic associated with trucks hauling aggregate from the site, the TCEQ does not have jurisdiction over rail lines. Jurisdiction over public safety including

access by and for emergency vehicles is held by the local law enforcement authorities. Questions or concerns about traffic or public road issues should be directed to these authorities.

ENDANGERED SPECIES and HISTORICAL PRESERVATION

COMMENT 24: Many commenters were concerned regarding the impact of endangered species which use the land/habitat of the property (Joseph Hager, Denis Felix, Sharlene Fey, Tim Fey, William Jackson, Groups C and G). Other commenters were concerned with respect to the potential damage of Farm to Market (FM) road 482 which has been recognized as a National Historical Trail, and the effect on nearby historical structures, cemeteries, chapels, parks, etc. (Sharlene Fey, Tim Fey, Dwight Reeh, Sandra Reeh, Janice Rosebush, Karen Stout, Johnny Stout).

RESPONSE 24: The issuance of an air quality authorization is not authority to emit or discharge contaminants into other media nor would it override local or federal laws and regulations. It is incumbent upon the applicant to request and acquire any additional authorizations that may be needed by local or federal law.

The Executive Director has reviewed the protectiveness modeling associated with this permit application and has determined that the air emissions beyond Aggregate Industry - WCR, Inc.'s property line is protective with respect to the health and well being of the general population. That is, when the proposed plant is operating in compliance with its air quality authorization there should be no exceedance of a state or federal air quality standard. Additionally, the TCEQ has no statutory authority to oversee the maintenance or legal use of public roads such as FM 482. This responsibility resides with the local law enforcement, Texas Department of Transportation, and/or the Department of Public Safety.

LOCATION, SITE SELECTION, NOISE, and LIGHT POLLUTION

COMMENT 25: Many commenters did not want another quarry in the area when there are already several quarries and other facilities in close proximity (Donna Basse, Cheryl Gilpin, William Blount, Dennis Felix, Karen Friesenhahn, Jack Hales, Jr., Sherilyn M. Logan, Joanna Lybrand, Craig and Teresa Mckee, Barbara O'Connor, Philip O'Connor, Dennis Parma, Maggie Parma, Diane Pepin, Vendeline Sahm, Jim and Roxanne Salinas, Ralph Schmidt, Walter Schuler, Vincent Smith and Maria Smith, Karen Stout, Johnny Stout, Dustyn Tysdal, Catharine Wade, Carol Wetz, Charles Vinsonhaler, Nancy Vinsonhaler and Group E). Other commenters expressed concern that the location of the quarry would destroy the resort tourist industry of the area with the potential loss of employment (Craig and Teresa McKee, Gerald R. White). One group of commenters wanted all permit applications to be denied (Group F). Vandeline Sahm asked about the nuisance created by this type of operation.

RESPONSE 25: The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. The TCEQ does not have zoning authority with regard to where the facility is located. However, the TCEQ Air Permits Division requested a site evaluation as part of the permit review from either the TCEQ regional office or a local environmental protection program. For this application, TCEQ Region 13 (San Antonio) is the appropriate entity to

conduct the site review. Mr. Layne Perelli, the investigator with TCEQ Region 13 who conducted the initial site review visited the site on February 6, 2008. His site review stated that (1) the nuisance/odor potential at the site is rated "Low"; (2) the hazard potential for the site is rated "Low"; the surrounding land use is "Rural; farm land. There is quarry to the northeast;" (4) there is no school within 3000 feet; (5) the distance to the nearest residence is "[a]pproximately 1000 feet to the southwest; and (6) the receptor type is a "Residence".

Based on this information regarding the site and the surrounding area, the distance to off property receptors, the air dispersion modeling predictions, the controls represented by the Applicant, and the resultant compliance with the NAAQS property line protectiveness, the Executive Director does not expect that the emissions from the crushing and screening operation will result in air pollution.

COMMENT 26: Many residents are concerned about noise and asked if OSHA requirements were being met (Wayne Brown, Dennis Felix, Mark Friesenhahn, Ronald Hagleman, Jr., Craig and Teresa McKee, Dennis Parma, Maggie Parma, Vandeline Sahm, Frank and Shelby Simonini, Vincent and Maria Smith, Timothy Sutherland, L. Earl Wright, Judy Wright, Group G). Some commenters felt that the site may be in violation of New Braunfels Code of Ordinance 2003-34, Sec 82.9 regarding noise pollution (Jeff Zipp, Group A, C, D). Many concerns are related to the increase in noise from the proposed rock crushing and quarry operation, and suggested that the noise level monitoring be installed. They were concerned about the affect both on residents and on local wildlife (William Blount, Sharlene Fey, Tim Fey, Glendon D. Hendricks, Margot Hendricks, Bill Lathem, Sherilyn M. Logan). Many commenters expressed concerns with regard to odor, noise, and light pollution (William Bount, Sharlene Fey, Tim Fey, Mark Friesenhahn, Craig and Teresa McKee, Dennis Parma, Vandeline Sahm, and Group G).

RESPONSE 26: The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. Accordingly, the TCEQ does not have jurisdiction to consider noise from a facility when determining whether to approve an application for an air quality permit. Noise ordinances are normally enacted by cities, such as the New Braunfels' ordinance referenced in the comment, or counties and enforced by local law enforcement authorities. Commenters should contact their local authorities with questions or complaints about noise pollution. Similarly, the TCEQ does not have authority under the TCAA to consider light pollution in an air quality permit review. Finally, as discussed in Response 1, applicants must also comply with 30 TAC §101.4, which prohibits nuisance conditions. As long as the facility is operated in compliance with the terms of the permit, nuisance conditions, or conditions of air pollution are not expected.

PERMIT RESTRICTIONS

COMMENT 27: Patrick W. Christensen asked that the permit recordkeeping requirements be expanded to cover a five (5) year period and that public be provided access to these records.

RESPONSE 27: It is by Agency regulation (30 TAC § 116.115(b)(E)(v)) that permits of this type shall keep records for a rolling 24-month period. Citizens concerned about the operation or compliance of this facility should report their concerns to the San Antonio Regional Office. The

regional office, or any authority with jurisdiction, can review the records at any time to insure that the operation is within the scope and bounds of the air permit authorizing the facility. The 24-month record retention period required by 30 TAC 116.115(b)(E)(v) can be lengthened to an extended period of time if an applicant's compliance history, performance records, or violation notices warrant a further investigation into the company's operation. Such conditions do not, however, currently exist for this permit that would require such an extension of the record retention period.

COMMENT 28: Sharlene Fey, Tim Fey and John Lovett asked if the permit could be written such that the operation would be limited to a single shift only, and not allow a second shift operation.

RESPONSE 28: The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. The TCEQ reviews the permit application based on the information provided by the applicant, including a review of the protectiveness of the facilities operation with respect to the NAAQS. The applicant conducted air dispersion modeling for a worse-case, 24 hour, 7 day a week operating schedule and found no expected exceedance of the NAAQS. Thus, there is no basis under the delegated authority of the Agency for adding a restriction to the permit to reduce the daily hours of operation.

MISCELLANEOUS

COMMENT 29: Several commenters asked about the increase in the emissions related to ozone formation and questioned the exposure to the ozone increases due to the rock crushing operation (Sherilyn M. Logan, Dwight Reeh, Sandra Reeh).

RESPONSE 29: The rock crushing operation, as defined by the permit application and as congruent with the permitting authority of the TCEQ, does not generate ozone causing emissions.

COMMENT 30: Karen and Johhny Stout questioned the issue of cement production with its toxic emissions

RESPONSE 30: This permitting authorization would be only for the operation of a rock crushing facility. There is no cement production authorized by this permit.

COMMENT 31: Sharlene Fey and Tim Fey asked about the added effects of the ash from Mexico fires and whether these emissions were taken into account. Katie Stout and Jim Stout asked about the effect of trucks from Mexico driving into the area and the added emissions from these vehicles.

RESPONSE 31: The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statue. Accordingly, the TCEQ does not have jurisdiction to consider additional issues associated with the effects of fires or trucks when determining whether to approve or deny an air quality permit application.

COMMENT 32: Sharlene Fey and Tim Fey requested background information on Westward Environmental, Inc. with special interest regarding the success rate in obtaining permits from the TCEQ and the compliance history on facilities they have represented.

RESPONSE 32: The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statue. It is not the policy of the TCEQ to review and/or judge the capability and business ability of the different consulting firms that work with the regulated companies to submit applications for air permits to the TCEQ for review. Each New Source Review (NSR) permit is reviewed by an employee of the TCEQ to insure that the application is in compliance with all of the rules and regulations of the TCEQ. No permit is granted to a regulated company without the review and evaluation of the TCEQ.

WATER ISSUES, EDWARDS AQUIFER

COMMENT 33: Several commenters requested that there be a better balance between air and water permitting to insure that the rock crushing operation does not pollute nor drain the Edwards Aquifer or Comal Springs (Frank H. Dietz, Dennis Felix, Dennis Parma, Katie Stout, Johnny Stout, Group G). Sharlene Fey, Tim Fey, and Vandeline Sahm expressed concern regarding the flood plain of the Dry Comal Creek and the pollutants which could flow into the flood plain due to the rock crushing and associated operations.

Several commenters asked whether Aggregate Industries - WCR, Inc. had obtained the necessary permits from the Edwards Aquifer Authority (Mark Friesenhahn, James A. Kikis) and whether the required water would be pulled from the Edwards Aquifer or the Trinity Aquifer (Sharlene Fey, Tim Fey). Curtis A. Fey, Jr. expressed concern about the current water supply with respect to drought conditions.

RESPONSE 33: The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. The draft permit regulates the control and abatement of air emissions only, and therefore issues regarding ground water and water contamination are not within the purview of this permit review. The TCAA does not require the review of whether facilities have the potential to contaminate water sources, either by activities regulated by the permit or other activities, such as blasting. This permit does not authorize the discharge of pollution into a body of water. Therefore, evaluation of water quality issues is outside the scope of this air permit review. However, the applicant may be required to receive additional authorization from different media, e.g., a stormwater permit.

Aggregate Industries - WCR, Inc. represented that water will be used to control emissions. Ponds associated with the operation are used to contain water from the wash plant and emission control operations and are used to recycle water back into the process so as to reduce the use of local water for emission control. It is the responsibility of the applicant to not only obtain and use an adequate water supply, but to also comply with any water quality or disposal requirements. This responsibility is not relevant in the review of an application for an air quality permit; however, the applicant may be required to receive additional authorization from different media.

BUSINESS ISSUES

COMMENT 34: Dennis Felix asked abut the proposed schedule date for authorization of this permit and questioned when the construction would begin as well as the target date for the site to begin business.

REPSONSE 34: The scheduled date for authorization is dependent upon the process which governs the review of this air quality permit. After the RTC is issued, all of the hearing requests for this application will be set for consideration by the Commission. If the Commission concludes that one or more of the requestors have affected party status, then the application will be sent to the State Office of Administrative Hearings (SOAH) for a contested case hearing. The final schedule is based on whether they deem the protestants to have significant cause to move the review to the SOAH judges for decision. See Response 41 for a further discussion of this process.

Construction on the site, other than land clearing, soil load bearing tests, leveling of the area, sewer and utility lines, road building, power line installation, fencing construction shack building, etc. cannot commence until all permits associated with the operation of this site have been obtained. This includes not only the air quality permit, but any other permit that may be required.

COMMENT 35: Mark Friesenhahn expressed concerns regarding the waste product from the mining operation including the discharge of tailings, contaminants and mine wastes into the local watershed. Specifically he asked about the tailings in the ponds associated with the rock crushing operation and the requirements for tailings and discharge management.

RESPONSE 35: Tailings (also known as slimes, tailings pile, tails, leach residue, or slickens) as defined for mining operations, are the materials left over after the process of separating the valuable fraction from the worthless fraction of an ore. The composition of tailings is directly dependent on the composition of the ore and the process of mineral extraction used on the ore. In the case of Aggregate Industries - WCR, Inc. the only tailings that would remain from the quarrying of the rock would be the indigenous rock. As stated earlier in Response 15, there is no speciation of this rock, thus, there are no tailings, or mine wastes, that would go into the local watershed. The ponds that are associated with the operation are used to contain water from the wash plant and emission control operations and are used to recycle water back into the process so as to reduce the use of local water for emission control.

COMMENT 36: Joseph Hager asked if there were other permits for which the company had to submit applications. Dennis Felix asked whether the company should be required to apply to U.S. Fish and Wildlife Service for an incidental take permit.

RESPONSE 36: The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. The current application is for the air emissions associated with the rock crushing operation. Any other permits required by the company prior to start of construction, or the start of operation, need to be obtained by the company. The extent of the permitting authorization required to begin this operation is outside the scope of the air permit.

COMBINED EFFECT

COMMENT 37: Many people were concerned about the combined and interrelated environmental impact that this plant would have on all the natural resources of Texas including the air, water, and land resources. Protestants were concerned that the TCEQ was too focused on only the issues related to the air contaminants to the detriment of the Texas economy (Curtis A. Fey, Jr., Ronald Hagelman, Jr., Karen Stout, Johnny Stout). Sharlene Fey, Tim Fey. and Mark Friesenhahn wanted the concerns forwarded to relevant agencies for their evaluation and response. Other commenters expressed concern that the combustion effects of engines, trucks, and railcars were not accounted for in the permit authorization (Dwight Reeh, Sandra Reeh). Sharlene Fey and Tim Fey asked if the TCEQ was aware of any studies that related the effects of massive man-made landscape changes to the variations in climate, rainfall patterns, etc.

RESPONSE 37: The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. The current application is for an air quality permit, and TCEQ is limited to reviewing this permit under the TCAA. Trucks and railcars are categorized as mobile sources and their emissions by definition are not subject to regulation by the TCAA. To construct and operate the rock crushing facilities, Aggregate Industries - WCR, Inc. is responsible for obtaining any other permits or approvals that are required from this or any other governmental entity. Tex. Const. Art. XVI § 59(a) delegates authority over conserving and developing natural resources to the legislature. The Legislature adopts the statutes that govern the authority of the TCEQ. Accordingly, the TCEQ acts in accordance with its delegated authority when issuing permits.

ADDITIONAL COMMENTS

COMMENT 38: Sharlene Fey and Tim Fey mentioned that it was difficult to obtain copies of relevant public documents. They were charged $1.00 per page from the Comal County Courthouse and were to be charged a retail printer fee from the Region 13 office. The Feys eventually made a copy from the working file in the permit reviewer's office at the Austin TCEQ location.

RESPONSE 38: It is not unusual that Agencies may charge reasonable fees for the direct costs of searching for and copying the records you request. For example, under the Freedom of Information Act (FOIA) search fees generally range from $11 to $28 per hour, based on the salary and benefits of the employee doing the search. Fees for computer time, which are described in each agency's FOIA regulations, vary greatly. They may be as high as $270 per hour. Photocopying costs are normally between 3 and 25 cents per page. Often there are waivers or reductions to fees depending upon the category of request.

COMMENT 39: Gerald R. White expressed concern that this area was a resort area and not a "blue collar" community. Dennis Felix expressed opposition to the site due to the environmental conflicts and the destruction of the peace and harmony that currently exists.

REPSONSE 39: The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. The TECQ does not have authority to consider any possible effect on

income, property values, tax base, the appeal of an area to attract businesses and people, effects on tourism, or to regulate whether a business can locate in a particular area as a result of actions taken by this agency with regard to review of air quality permit applications.

COMMENT 40: Sharlene Fey and Tim Fey asked about working safely around a gas pipeline.

RESPONSE 40: The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. The scope of the review of this air permit application is limited to review of air quality issues relevant to the operation of this rock crusher. Safety measures utilized at the quarry and rock crushing operation are beyond the authority of the TCEQ.

COMMENT 41: Ron Hageleman asked if the TCEQ would have any responsibility for future litigation resulting from the damage to homes, the environment and the community due to the results of this permit.

RESPONSE 41: The proposed air quality permit has been reviewed and determined to be protective of air quality standards. This determination is based on the plant being operated in compliance with its permit. If the plant is not operated in compliance with its permit, then litigation could be brought against the company by the TCEQ.

If a citizen has filed a contested case hearing request and challenges the proposed permit's protectiveness of public health and welfare, the Commission will determine whether the citizen is an affected party. If the citizen is determined to be an affected party, the Commission normally refers the case to the State Office of Administrative Hearings (SOAH) for an evidentiary hearing. The citizen (or citizen's attorney) would need to provide evidence and facts that the proposed permit does not meet the state and federal requirements for control technology and health impacts. The hearing will result in a Proposal for Decision (PFD) by the Administrative Law Judge. The PFD is then reviewed by the Commission, which then makes a decision on whether or not to issue the permit.

If the proposed permit is issued then a citizen may still request judicial review of the Executive Director's approval. A person affected by the TCEQ's approval must file a petition appealing the approval in Travis County district court within 30 days after the effective date of the approval.

CHANGES MADE IN RESPONSE TO COMMENT

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

Respectfully submitted,

Texas Commission on Environmental Quality

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