Click to View Bookmarks

RE: Permit Request # 82199L002

NSR
64589

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 20 AM 3:49
CHIEF CLERKS OFFICE

To Whom it May Concern:

I live in Somervell County at 1884 C.R. 319, Rainbow. I am opposed to a rock-crushing facility (permit # 82199L002) scheduled for construction in the Chalk Mountain area.

Somervell County is a destination location for thousands of tourists including locations such as Dinosaur State Park which is within 10 miles of the proposed facility. I am concerned about the air quality in this county, the environmental issues, noise, erosion, destruction from heavy equipment. Biologists & naturalists from all over the world come to this area to study birds.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Margaret A. Adams
P.O. Box 400
Nemo, TX. 76070

PM
H
OPA
BY

A2706

MW

FORT WORTH TX 761

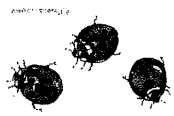
"LET US DARE TO READ,
THINK, SPEAK A
John Adams, 17

Margaret Adams
P O Box 400
Nemo, TX 76070

17 OCT 2008 PM 1 T

RECEIVED
OCT 20 2008
TCEQ MAIL CENTER
MM

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX. 78711-3087



NSR
164584

L. & S. Enterprises/Texas Freight

P.O. Box 1152
Glen Rose, Tx. 76043
254-898-1117 / 254-898-1177 Fax

Texas D.O.T. Certificate #005127889C

D&B #158487848

2008 SEP 24 AM 10:39
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9-14-2008

Texas Commission on Environmental Quality
Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

OPA
SEP 24 2008
BY EB

Re: Requested Permit # 82199L002

Dear Sirs;

I am writing in regards to the above requested permit. I strongly urge you to review **all** the pertinent facts concerning this request. Several areas I feel you could consider is.

1. Air quality in the area. Clearly the 10 micron factor/rule comes into play. I suffer from asthma and my wife suffers from allergies. When we are near dirt roads, gravel pits, or dusty conditions our problems worsen. A rock crusher will defiantly be a serious health risk to us and everyone in the surrounding community.

2. Several endangered birds on and near the property. This will almost certainly cause the rare species to become extent. Not to mention the impact on other native wildlife.

3. Dinosaur bones that have been found in that immediate area will be destroyed and lost for all eternity. I personally have some great ancient bones and fossils from the close proximity.

4. A well know ancient Indian burial ground will be destroyed. In the exact location of the proposed pit.

MW

5. Highway 67 is 1 lane in either direction. That area will become a grave safety risk to all motorist including local residents being put in harm's way. I am in the trucking industry and the amout of traffic on highway 67 is already to its limit without the addition to heavy equipment movements day in and day out.

6. The prettiest rest area in TEXAS. Chalk Mountain. Our wonderful "Picnic Area" built many years ago, soon after the great depression in the wilderness will no longer be alone in area. It will be commercialized and the peaceful area we all have grown so attached to.

7. The noise factor will be disturbing to the peaceful quietness we now enjoy.
In the struggling real estate market the property values will most certainly go down.

With all due respect we feel the need for a public hearing. At least to review all the contributing factors on this most distressing situation before final determination is reached. Thank you for your attention to this matter.

Sincerely,

Steve Allen

cc; Senator Kipp Averitt, Somervell Count Judge Maynard, Texas Parks and Wildlife, Texas Department of Public Safety, Chalk Mountain Wildlife Management, Fossil Rim, Zach Cummings, James Bernard, Charles Brown,Glen Rose Newspaper,The Reporter Newspaper, US Fish and Wildlife Department

L. & S. Enterprises/Texas Freight

P.O. Box 1152
Glen Rose, Tx. 76043
254-898-1117 / 254-898-1177 Fax

Texas D.O.T. Certificate #005127889C **D&B #158487848**

9-16-2008

Dear Sirs,

Please help us out with this situation about to happen at Chalk Mountain.
Thanks for all you all do!

Sincerely,

Steve Allen

L. & S. Enterprises
P.O. Box 1152
Glen Rose, Tx. 76043

FORT WORTH TX 761

17 SEP 2008 PM 3 L

"LET US DARE TO READ
THINK, SPEAK AND WRITE."
John Adams, 176
powerofthelet

USA42

Texas Department of Public Safety
5805 North Lamar Blvd.
Austin Tx. 78752-4422

78752+4422

L. & S. Enterprises/Texas Freight

P.O. Box 1152
Glen Rose, Tx. 76043
254-898-1117 / 254-898-1177 Fax

Texas D.O.T. Certificate #005127889C **D&B #158487848**

9-14-2008

NSR
64589

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP 17 AM 10:48
CHIEF CLERKS OFFICE

Texas Commission on Environmental Quality
Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

H OPA
SEP 17 2008
BY BP

Re: Requested Permit # 82199L002

Dear Sirs;

I am writing in regards to the above requested permit. I strongly urge you to review **all** the pertinent facts concerning this request. Several areas I feel you could consider is.

1. Air quality in the area. Clearly the 10 micron factor/rule comes into play. I suffer from asthma and my wife suffers from allergies. When we are near dirt roads, gravel pits, or dusty conditions our problems worsen. A rock crusher will defiantly be a serious health risk to us and everyone in the surrounding community.

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mw

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In the struggling real estate market the property values will most certainly go down.

With all due respect we feel the need for a public hearing. At least to review all the contributing factors on this most distressing situation before final determination is reached. Thank you for your attention to this matter.

Sincerely,

Steve Allen

Steve Allen

cc; Senator Kipp Averitt, Somervell Count Judge Maynard, Texas Parks and Wildlife, Texas Department of Public Safety, Chalk Mountain Wildlife Management, Fossilrim,Zach Cummings, James Bernard, Charles Brown,Glen Rose Newspaper,The Reporter Newspaper, US Fish and Wildlife Department

L. & S. Enterprises/Texas Freight
P.O. Box 1152
Glen Rose, Tx. 76043

FORT WORTH TX 761

16 SEP 2008 PM 3 L

RECEIVED
SEP 17 2008
TCEQ MAIL CENTER
JR

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP 17 AM 10: 48
CHIEF CLERKS OFFICE

Texas Commission on Environmental Quality
Office of the Chief
Mail Code 105 TCEQ
P.O. Box 13087
Austin, Tx. 78711-3087

78711-3087

NSR
645889

Office of Chief Clerk
TCEQQ
PO Box 13087
Austin Texas 78711-3087

PM
H

OPA
OCT 13 2008
BY

CHIEF CLERKS OFFICE
2008 OCT 13 AM 10: 27
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Re Air Quality Permit #82199L002

To Whom It May Concern:

The purpose of this letter is to submit public comments, to request a public meeting and to request a contested case hearing to the Office of the Chief Clerk. An application has been made to the TCEQ for a permit which would authorize a rock crushing facility at 11209 US Hwy. 67, Glen Rose, Texas, Somervell County. Tommy Davis, dba Slick Machines, of Brownwood, Texas is the applicant. I am definitely opposed to this permit being issued because of the following reasons.

Air contaminants and loss of habitat will negatively impact the health and well being of Federally and State listed Endangered Species (Black-Capped Vireos and Golden-Cheeked Warblers). They are on the top 10 endangered list. I feel all wild life will be affected.

I am concerned about air and noise pollution negatively affecting the health and quality of life of residents.

This is a heavily populated area. The speed limit is 70 mi. per hour on the highway. There are steep inclines and many curves. Increased truck traffic will create dangerous conditions in this area.

I fear a negative economic impact on Somervell County because of the loss of tourism and lower home values.

Chalk Mountain, an identifiable historical state landmark, would be forever removed from our landscape. A State Road Side Park considered one of the states most beautiful will be overlooking a rock crushing facility if this permit is granted. There are numerous other historical sites in the area including a church.

We recognized the need for rock crushers and gravel. We simply feel, for the reasons stated above, that the proposed site is the wrong location for a facility of this kind, and we request you assistance in ensuring that this facility is not established.

Sincerely,

Brenda S. Alvarez
5613 HONDO DR.
GRANBURY, TX 76049 (817) 578-1835

mw

ROUGH CREEK LODGE, INC.
P.O. BOX 2400
GLEN ROSE, TEXAS 76043

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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 13 AM 10: 27

CHIEF CLERKS OFFICE

Office of Chief Clerk
TCEQ
P.O. BOX 13087
Austin, TX 78711-3087

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OCT 13 2008

TCEQ MAIL CENTER

78711-3087

NSR
L64589 H

OPA

FEB 20 2009

BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 20 AM 10: 35

CHIEF CLERKS OFFICE

February 13, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a **Public Hearing** in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

As a member of Fort Worth Audubon Society and/or National Audubon, the opportunities afforded nature lovers at Chalk Mt. are of great importance.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility. Hundreds of tourist, including birdwatchers, come to the Chalk Mt. area to enjoy the native habitat and air quality provided in Somervell County.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Federally Endangered Species in and around the proposed facility due to air quality. We are especially concerned about the effect on the breeding birds of Chalk Mt., specifically the Golden-cheeked warbler and Black-capped vireo.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park. Our enjoyment of this Roadside Park will be effected by dust, debris and noise coming from the proposed facility.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

MW

We feel we are affect parties, because:

- The Nuisance created by the proposed facility and its impact on our enjoyment of the State Roadside Park and the impact to our enjoyment of bird watching in the area in and around the proposed facility. For many years, Fort Worth Audubon Society has enjoyed the gracious hospitality of private landowners, specifically, the adjacent property landowner. We have been allowed access to survey and study the birds, including the Federally Endangered Birds named above.

- Dust and debri in the area will not only affect the health of birdwatchers in the area, it will cover the native habitat which is essential for the breeding population of Chalk Mt. Golden-cheeked warbler and Blck-capped vireos, both listed on Federally Endangered Species.

- Please include Fort Worth Audubon Society on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature Charley Amos

Name Charley Amos

Address 1016 Briarcliff
Arlington, TX 76012

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

NSR
U4559 H

OPA
FEB 20 2009
BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 FEB 20 AM 10: 35
CHIEF CLERKS OFFICE

February 13, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a **Public Hearing** in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

As a member of Fort Worth Audubon Society and/or National Audubon, the opportunities afforded nature lovers at Chalk Mt. are of great importance.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility. Hundreds of tourist, including birdwatchers, come to the Chalk Mt. area to enjoy the native habitat and air quality provided in Somervell County.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
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- Please include Fort Worth Audubon Society on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature Lynn E Barber

Name Lynn E. Barber

Address 6120 Trail Lake Drive
Fort Worth, TX 76133

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

NSR
64589

Office of Chief Clerk
TCEQQ
PO Box 13087
Austin Texas 78711-3087

PM OPA HR
OCT 10 2008
BY [illegible]

CHIEF CLERKS OFFICE
2008 OCT -9 PM 2:31
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Re Air Quality Permit #82199L002

To Whom It May Concern:

The purpose of this letter is to submit public comments, to request a public meeting and to request a contested case hearing to the Office of the Chief Clerk. An application has been made to the TCEQ for a permit which would authorize a rock crushing facility at 11209 US Hwy. 67, Glen Rose, Texas, Somervell County. Tommy Davis, dba Slick Machines, of Brownwood, Texas is the applicant. I am definitely opposed to this permit being issued because of the following reasons.

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I am concerned about air and noise pollution negatively affecting the health and quality of life of residents.

This is a heavily populated area. The speed limit is 70 mi. per hour on the highway. There are steep inclines and many curves. Increased truck traffic will create dangerous conditions in this area.

I fear a negative economic impact on Somervell County because of the loss of tourism and lower home values.

Chalk Mountain, an identifiable historical state landmark, would be forever removed from our landscape. A State Road Side Park considered one of the states most beautiful will be overlooking a rock crushing facility if this permit is granted. There are numerous other historical sites in the area including a church.

We recognize the need for rock crushers and gravel. We simply feel, for the reasons stated above, that the proposed site is the wrong location for a facility of this kind, and we request you assistance in ensuring that this facility is not established.

Sincerely,

Frank Barrow Pat Barrow

Frank and Pat Barrow
1229 CR 2021
Glen Rose, TX 76043

mw

Barrow
1229 CR 2021
Glen Rose, Tx 76043

FORT WORTH TX 761
06 OCT 2008 PM 1 L

LET US DARE TO READ,
THINK, SPEAK AND WRITE

Office of Chief Clerk
TCEQQ
P.O. Box 13087
Austin, Tx 78711-3087

105

RECEIVED
OCT 08 2008
TCEQ MAIL CENTER
RB

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT -9 PM 2:30

CHIEF CLERKS OFFICE

78711+3087

NSR
64589

November 30, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

OPA
PM
H
BY

2008 DEC -4 AM 10: 37
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. My health and my son's health will be adversely affected by the emissions from a rock crushing facility. Our son has asthma. This will cause him to have chronic asthma attacks and will cause extreme difficulty with his breathing. I have an autoimmune disease called sarcoidosis, which manifest in the lungs and is triggered by dust and dirt in the air. The dust and dirt aggravates the lungs, causes upper respiratory infections and aggressively develops into chronic pneumonia. This greatly concerns us because our property is only located within ½ mile of the proposed site for the rock crusher. I am also concerned regarding the use of ground water. All residents in the impacted area are on individual water wells which have been drilled at the resident's expense. Will the operator of the rock crusher be drilling a water well or will he haul water? What hazards will be in the drainage from the used water? I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

We respectfully request a public meeting and hearing on this issue.

Mark and Patricia Beauregard
2253 CR 1006, Chalk Mountain
Walnut Springs, Texas 76690

MW

Beauregard
2253 CR1006, Chalk Mnt.
Walnut Springs, TX 76690

FORT WORTH TX 761
02 DEC 2008 PM 8 L

HAPPY HOLIDAYS

USA FIRST CLASS FOREVER

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 DEC -4 AM 10: 37
CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RECEIVED
DEC 04 2008
TCEQ MAIL CENTER

RE:
Permit Request #82199L002 78711+3087

TCEQ Public Meeting Form

Thursday, October 23, 2008

Tommy Davis dba Slick Machines
Proposed Air Quality Permit No. 82199L002

PLEASE PRINT:

Name: Mark Beauregard

Address: 2253 CR1006

City/State: Walnut Springs, TX 76690 Zip:

Phone: (254) 897 4619

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 24 PM 3:25
CHIEF CLERKS OFFICE

☑ Please add me to the mailing list.

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

If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☐ I wish to provide formal oral comments.

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

Please give this to the person at the information table. Thank you.

OPA RECEIVED

OCT 23 2008

10/23/2008

AT PUBLIC MEETING BP

We live at 2253 CR1006, a little over ½ mile from the proposed operation. What affect will it have on our air quality and if dynamite is used in the operation will it damage my water well? Who will be held liable and responsible for damages and restitution? Larry Parham? Tommy Davis?

Mark Beauregard

Mark Beauregard

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 24 PM 3:25
CHIEF CLERKS OFFICE

(mailing address) Mark Beauregard
2253 CR1006
Walnut Springs, TX 76690

MW

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Mark Beauregard

Mark Beauregard

2253 CR1006 ← mailing address
Walnut Springs, TX 76690

NSR
04589

Mark & Patricia Beauregard
2253 CR 1006
Hwy. 67, Chalk Mountain
Walnut Springs, Texas 76690
254-897-4619

September 10, 2008

OPA
SEP 15 2008
BY

PM

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP 12 PM 2:44
CHIEF CLERKS OFFICE

Office of Chief Clerk
TCEQ
PO Box 13087
Austin, TX 78711-3087

RE: Air Quality Permit Number 82199L002

Dear Sirs:

It has just recently come to our attention that an application has been made to the TCEQ for issuance of Air Quality Permit Number 82199L002, which would authorize the change of location of a rock crushing Facility to 11209 US Hwy 67, Glen Rose, TX, Somervell County. Tommy Davis, dba Slick Machines, of Brownwood, Texas is the applicant.

As residents and land owners in Somervell County, we have several major concerns regarding the issuance of the aforementioned permit. Our homestead is approximately 6 miles east of the proposed rock crushing facility, directly on Hwy 67. Our land is occupied by two rare, endangered birds that are listed with Endangered Species Act, the Golden-checked Warbler and the Black-capped Vireos. If this rock crushing plant is allowed to build, the habitat of these birds will be destroyed. In addition, we have the following concerns:

- Air quality is a major concern. Having lived in the Dallas/Fort Worth area we are familiar with the pollution and health issues associated with rock quarries. Fine, microscopic particles of rock will be inhaled and ingested by anything that comes in contact with the crushed rock.

- Property values will significantly decrease if this plant is allowed to operate. Somervell county and Glen Rose are known for their pristine beautify, rivers, hills, and nature. A rock quarry would only destroy the land that it inhabits, and will leave it in an unusable and extremely undesirable state after the rock has been quarried.

- Highway 67 is a State Hwy and the current speed limit is at the proposed site is 70mph. At the site of the proposed plant, six miles from our home, there is no acceleration or turn lane. The highway in that location is extremely hilly and curvy as well. Our location currently has a problem with the additional traffic due to the oil and gas business in this area. Rock haulers, water trucks, and additional employee vehicles have added major destruction to our roads and have caused numerous fatalities due to the additional traffic, negligence and disregard in

mw

obeying the speed limits and laws of the road.

- Somervell County and The City of Glen Rose are a tourist area. With the addition of more trucks and dangerous conditions, the tourism in this area will slow down. Hwy 67 is a favorite route to San Antonio, taken by many families because of its natural beauty, topography and lack of major traffic.

- Chalk Mountain is a quiet, ranching community, with most homesteads having numerous acres between them. There are no city lights, and it is a quiet and beautiful place to live. The proposed rock quarry will be operating 24 hours a day and will cause major noise pollution. The people living adjacent to the proposed facility will be most affected and not only will the noise be horrendous, but it will cause their property values to be worthless, resulting in potential loss of any revue from the sale of their property in the future.

We ask that a public meeting be allowed, and additional time be given to organize this meeting. The people living on Chalk Mountain, Highway 67, and Somervell County need to be aware of the risk and dangers of the proposed rock crushing facility.

Thank you in advance for your consideration and assistance.

Sincerely,

Mark & Trish Beauregard

Mark and Trish Beauregard

Beauregard
2253 CR 100 C
Walnut Springs, TX
76690

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 SEP 12 PM 2:43

CHIEF CLERKS OFFICE

FORT WORTH TX 761

11 SEP 2008 PM 3 T

"LET [redacted]
THINK, SPEAK AND [redacted]
John Adams, 1765
powerofthelette[redacted]

US ADVERTISING POSTAGE

Office of Chief Clerk
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

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SEP 12 2008
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Office of the Chief Clerk

Mail Code 105 TCEQ

P.O. Box 13087

Austin, TX 78711-3087

PM OPA
H OCT 16 2008
BY BP

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 16 AM 10: 39

CHIEF CLERKS OFFICE

NSR
W4589

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres of oak shinnery and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. I fear that the installation and operation of the proposed rock-crushing facility will adversely impact the nesting and occupied habitat of these 2 endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for habitat restoration may be wasted efforts if this facility is permitted for operation.

In addition to potential impacts to 2 federally endangered species of birds, the proposed rock crushing facility will also potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

mw

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

cc:

LaDonna Castanuela, Chief Clerk, TCEQ

Mike Wilson, Permits Division, TCEQ

Booker Harrison, Environmental Law Division, TCEQ

Dirk Kempthorne, Secretary of Interior

Dale Hall, Director of US Fish & Wildlife Service

Benjamin Tuggle, Southwest Region, <ST1:COUNTRY-REGIoN w:st="on">US</ST1:COUNTRY-REGIoN> Fish & Wildlife Service

Division of Endangered Species, <ST1:COUNTRY-REGIoN w:st="on">US</ST1:COUNTRY-REGIoN> Fish & Wildlife Service

Division of Bird Habitat Conservation, US Fish & Wildlife Service

State Senator Troy Fraser via email troy.fraser@senate.state.tx.us

State Senator Kip Averitt via email kip.averitt@senate.state.tx.us

Representative Sid Miller via email sid.miller@house.state.tx.us

PETA

Ms. Caren Beck
2303 Avalon Ct
Fort Worth, TX 76103

FORT WORTH TX 76

14 OCT 2008 PM 5 T

LET US DARE TO
THINK, SPEAK AN
John Adams, 1765
powerofthepeo

USA 42

Office of the Chief clerk
Mail Code 105 TCEQ
P O Box 13087
Austin, TX 78711-3087

RECEIVED
OCT 16 2008
TCEQ MAIL CENTER
RB

From: PUBCOMMENT-OPA
To: PUBCOMMENT-OCC2
Date: 4/15/2010 3:55 PM
Subject: Fwd: Public comment on Permit Number 82199L002
Place: PUBCOMMENT-OCC2

AIRNSR 64589

H

>>> PUBCOMMENT-OCC 4/14/2010 11:30 AM >>>

>>> <chlkmtn@gmail.com> 4/14/2010 11:15 AM >>>

REGULATED ENTY NAMESLICK MACHINES ROCK CRUSHER 1
RN NUMBER:RN105244461
PERMIT NUMBER:82199L002
DOCKET NUMBER:
COUNTY:SOMERVELL
PRINCIPAL NAME:DAVIS, TOMMY
CN NUMBER:CN602877276
FROM
NAME:G. Darrell Best
E-MAIL:chlkmtn@gmail.com
COMPANY:
ADDRESS:PO BOX 2809
GLEN ROSE TX 76043-2809
PHONE:2145177789
FAX:
COMMENTS: My name is George Darrell Best and I live at 1600 CR-1006, Glen Rose. My daytime phone number is 214-517-7789. The TCEQ is considering whether to issue a permit to an applicant by the name of Tommy Davis dba Slick Machines, under permit number (82199L002). I request a contested case hearing. I believe that I am an affected party due to the proximity of my home to the proposed location. I believe my health and welfare will be adversely affected by the proposed facility due to its proximity and the impact on the environment in the surrounding area. This area is a natural area which supports habitat for endangered species and the issuance of a permit will enable the landowner and applicant to destroy the environment and natural beauty of Chalk Mountain, impacting not only the habitat of the endangered species, but to our lifestyle, reason for moving to Glen Rose and impact to our health, safety and welfare. In addition to the above, I believe there are substantial flaws in the application process and the assumptions made by the TCEQ in the analysis of the permit for Slick Machines. I believe the only way for these issues to be addressed and rectified is through a Contested Case Hearing. We have tried to get answers to our questions and have the responses from the TCEQ which have not satisfied many of the concerns addressed in out many questions. Therefore I respectfully request a contested case hearing.
George Darrell Best

MW

NSR
064589

OPA

H SEP 12 2008

BY

Office of the Chief Clerk
MC-105, TCEQ
PO BOX 13087
Austin, TX 78711-3087

September 9, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP 11 PM 10
CHIEF CLERKS OFFICE

Dear Sir or Madam:

I am writing in regards to an Air Quality Permit Request (Permit Number 82199L002) in Somervell County. Tommy Davis has requested a permit to allow a rock crushing facility to operate eight hours/day, five days/week, and to crush 100 tons of rock/hour for a total of 75,000 tons/year. The permit seeks approval to allow air contaminants "including particulate matter less than 10 microns in diameter."

My residence is located at 1600 CR-1006, approximately 1 ½ miles from the proposed facility. In addition to concerns about the impact of the air quality in and around my home, I am concerned about the other impacts to the general environment of the area. What will be the impact on the ground water supply, how will waste water, as part of dust control measures, be treated, how will the plant ensure that the waste water pollution does not end up in my well water among many other issues.

Two species of Federally and State listed Endangered birds, the Golden-Cheeked Warbler and the Black-Capped Vireo have nesting areas in the area of the proposed facility. The property to be permitted is likely to also have populations of these birds. If approved, the entire area's population of these protected birds will be negatively impacted by the air contaminants released by the rock crushing facility.

While I understand the permit request is in regards to air quality, I also think that these and other factors need to be considered including the destruction of the bird habitat that will be in violation of federal endangered species laws.

I am requesting that a formal public hearing be held in regards to this permit request. This will allow for a thorough discussion of the issues involved before any decision is made. Please add me to the mailing list to receive future public notices for this application.

My contact information is:

George D. Best
P.O. Box 2809
1600 CR-1006
Glen Rose, TX 76043

Any mail sent must include the P.O. Box in the address. My home phone number is 254-898-8422.

Sincerely,

George D. Best

CC: State Representative Sid Miller
County Commissioner Zach Cummings
Anthony Barbieri – Kessler Collins

mw

George D. Best
P.O. Box 2809
Glen Rose, TX 76043

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 SEP 11 PM 3: 20

CHIEF CLERKS OFFICE

RECEIVED

SEP 11 2008

TCEQ MAIL CENTER
AJ

Office of Chief Clerk
MC-105, TECQ
P.O. Box 13087
Austin, TX 78711-3087

NSF
44589

H OPA

FEB 16 2009

IPt

BY AB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 13 PM 4:05

CHIEF CLERKS OFFICE

February 11, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a **Public Hearing** in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

We live at 1600 CR 1006, less than 1 1/2 miles from the proposed facility.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Endangered Species in and around the proposed facility due to air quality.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Impact to the roads in Somervell County and the cost associated with upgrading the roads to handle Rock Haulers and the dangers posed by heavy trucks ingress and egress to Hwy 67.
- Decreased property values in the area around the proposed facility and in Somervell County.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park.
- The Nuisance created by the proposed facility preventing the enjoyment of the State Roadside Park and surrounding bird watching areas.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

We feel we are affect parties, because:

- The Nuisance created by the proposed facility and its impact on our enjoyment of the State Roadside Park and the impact to our enjoyment of bird watching in the area in and around the proposed facility.

- Property Value, we live within 1 1/2 miles of the proposed facility and the Rock Crushing facility will have a negative impact on our property values and will prevent us from the enjoyment of our property. We spend a lot of times outdoors, enjoying the fresh air and are concerned with the health affects of having a rock crusher located so closed to our property ans the effect it will have on our health and on our animals.

Please include our name on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature _____

Name George and Mary Best

Address P.O. Box 2809

Glen Rose, TX 76043

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us
Representative Harvey Hildebran
David Frederick, Attorney

N83
64559

February 11, 2009

OPA

FEB 15 2009

BY EB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 13 PM 4:05

CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a **Public Hearing** in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

We live at 1600 CR 1006, less than 1 1/2 miles from the proposed facility.

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- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Endangered Species in and around the proposed facility due to air quality.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Impact to the roads in Somervell County and the cost associated with upgrading the roads to handle Rock Haulers and the dangers posed by heavy trucks ingress and egress to Hwy 67.
- Decreased property values in the area around the proposed facility and in Somervell County.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park.
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- Property Value, we live within 1 1/2 miles of the proposed facility and the Rock Crushing facility will have a negative impact on our property values and will prevent us from the enjoyment of our property. We spend a lot of times outdoors, enjoying the fresh air and are concerned with the health affects of having a rock crusher located so closed to our property ans the effect it will have on our health and on our animals.

Please include our name on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature _____

Name George and Mary Best

Address P.O. Box 2809

Glen Rose, TX 76043

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us
Representative Harvey Hildebran
David Frederick, Attorney

Chalk Mountain Foundation
P.O. Box 2809
Glen Rose, TX 76043

OPA
JAN 08 2010
BY DM

AIRNSR
64589

January 6, 2009

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

RE: Permit Request No. **82199L002**

Further to my letter dated December 30, 2009 concerning Slick Machines at Chalk Mountain.

As of January 5th, 2010, Slick Machines has went into commercial operations at Chalk Mountain.

On more than one occasion Slick Machines, the TCEQ and the Department of Interior, Fish and Wildlife Service have been put on notice concerning the Endangered Species at Chalk Mountain and their Habitat.

Slick Machine continues to destroy habitat at Chalk Mountain.

The Chalk Mountain Foundation in March and April of 2009, at its expense, hired a certified wildlife biologist that verified through sight and sound the presence of the Endangered Species on the Parham Property, the location of Slick Machine's operation.

Why does the Texas Commission on Environmental Quality allow screening operations to exist in this documented environmentally sensitive area? The applicant is destroying habitat on a nearly daily basis.

Congressman Edwards, why isn't the department of Interior enforcing the provisions of the endangered species act?

Representative Miller and Senator Averitt, why isn't the State of Texas Parks and Wildlife Service engaged with this property owner as the endangered species are listed on both the State and Federal registry? Why does a search of company databases at the Secretary of State not show a Tax ID or Sales Tax ID for Slick Machines?

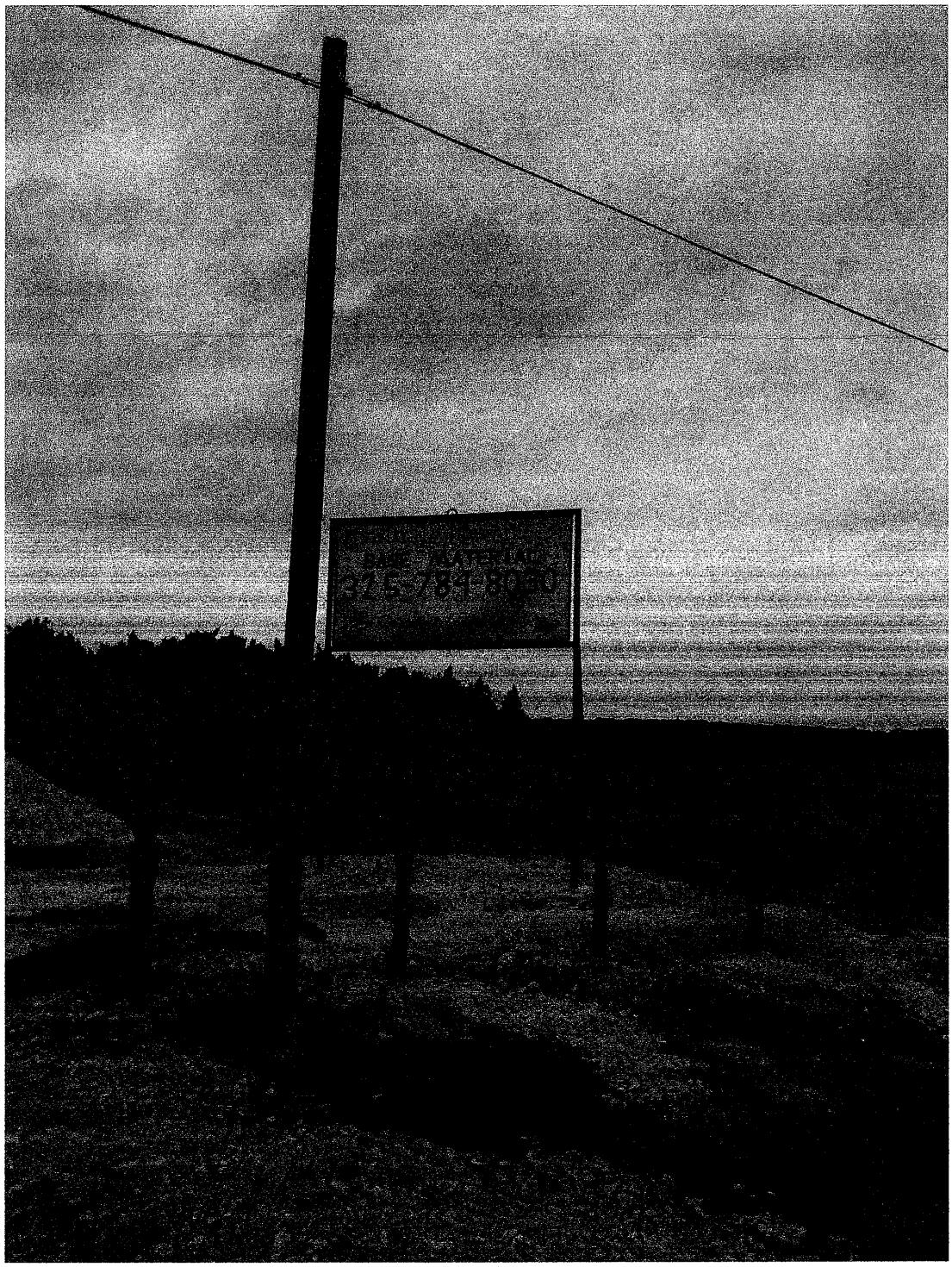
2010 JAN -8 AM 10:06
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Sincerely,

G. Darrell Best
Chalk Mountain Foundation

CC: Congressman Chet Edwards
Representative Sid Miller
Senator Kip Averitt
Department of Interior, Fish and Wildlife Service
David Frederick - Lowerre, Frederick, Perales, Allmon & Rockwell

Chalk Mountain Foundation
P.O. Box 2809
Glen Rose, TX 76043



Slick Machine's
Chalk Mountain, Texas
January 6, 2010

Chalk Mountain Foundation
P.O. Box 2809
Glen Rose, TX 76043

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2010 JAN -8 AM 10: 04

CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 - TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RECEIVED

JAN 08 2009

TCEQ MAIL CENTER
AT

78711+3087

Chalk Mountain Foundation
P.O. Box 2809
Glen Rose, TX 76043

December 29, 2009

NSR
64589

OPA
JAN 04 2010
BY EB

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am writing to inform you that the applicant returned to Chalk Mountain mid-November and has been destroying further habitat at Chalk Mountain.

Since the middle of November our members have reported that the Applicant has expanded his driveway and driveway into the mining operation. Further, additional trees and habitat have been removed. Chalk Mountain Foundation members have reported that drilling at the site has occurred along with blasting.

As we or our representatives are not allowed on-site we cannot confirm the damage the Applicant has caused to the environment or habitat for the endangered species.

As we have requested in previous correspondence we are asking that the permit which would allow for Rock Crushing at the site, which will further damage the habitat for the endangered species be denied.

Sincerely,

G. Darrell Best
President Chalk Mountain Foundation

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 JAN -4 AM 9:56
CHIEF CLERKS OFFICE

CC:
State Senator Kip Averitt
Representative Sid Miller
U.S. Fish and Wildlife Service
Congressman Chet Edwards

Chalk Mountain Foundation
P.O. Box 2809
Glen Rose, TX 76043

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2010 JAN -4 AM 9:56

CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 - TCEQ
P.O. Box 13087
Austin, TX 78711-3087

78711+3087

FORT WORTH TX 760

29 DEC 2009 PM 4 L

RECEIVED

JAN 04 2010

TCEQ MAIL CENTER
MM

4ps

(12)

TCEQ Public Meeting Form

Thursday, September 3, 2009

Tommy Davis dba Slick Machines
Proposed Air Quality Permit No. 82199L002

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 SEP -4 PM 4:27
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: DARRELL BEST

Mailing Address: PO Box 2809

Physical Address (if different): 1600 CR-1006

City/State: Glen Rose TX Zip: 76043

Phone: (254) 8948422

☐ Please add me to the mailing list.

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

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☑ I wish to provide formal oral comments.

☑ I wish to provide formal written comments at tonight's public meeting.

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

Please give this to the person at the information table. Thank you.

MW

OPA RECEIVED
SEP 03 2009
AT PUBLIC MEETING

Comments for Public Meeting
Chalk Mountain Foundation
3rd Meeting
Public Meeting, Session 1
September 3, 2009
7 PM
Expo Center Glen Rose

I have reviewed the documents placed at the Somervell County library and remain disappointed as to what can be learned from the documentation. After being in this process for over 400 days, we still do not have:

1. Have a site plan to describe what is going to happen at the site, where the crusher is to be placed, storage areas, roads pits and so forth.
    a. The initial application say there was a site plan, one has never been provided.
    b. Question - what is the plan? Are you "taking that mountain down"?
2. We do not know anything about the Rock Crusher itself, such as
    a. Make/model
    b. When manufactured and by what company
    c. Its operating specifications
    d. where it is located today
    e. last performance evaluation
    f. last inspection
    g. last revision date and test to ensure that it is still in compliance
3. None of our hundreds of other questions have been answered
    a. I've had more than one person tell me they have given up as because the TCEQ hasn't provided responses.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 SEP -4 PM 4:27
CHIEF CLERKS OFFICE

Lessons we have learned at these meetings

1. The way we can find out if emissions from Rock Crushers exceed the limits is by hanging scotch tape on the barbed wire at the fence line
2. the in order to calculate the emissions of a rock crushing operation you must first ascertain the weight of an empty front end loader
3. The way you measure to see if the opacity rate exceeds 7% is by looking with your eyes, after completing of course the pre-requisite "smoke School" course
4. That TCEQ Rules and Regulations are more guidelines than Rules as if you violate them, there is no penalty assessed for the violation
5. An Air Quality Permit can be deemed "Administratively Complete" and Compliant with the Technical Requirements of the Permit even if the application has missing, erroneous or misleading information on the permit application

And tonight we are going to find out how an Applicant can submit a new application in the middle of the process and not have to start over without required public notice and adherence to process and procedures.

What we have learned about Slick Machines in the past 404+ days:

- Slick Machines has tried to put in a driveway through the right of way without a permit
- Operated without a Storm water permit
- His driveway was permitted under a temporary permit allowing the driveway to be in place for 120 days - we are now in the 11th month of the 120 day periods.
- Broken at least two meetings with the US Fish and Wildlife
- He and the property owner have been notified of the existence of the two endangered species on the property and their habitat
- He moved his rock crusher to the Gulf Coast to help with the clean up from Rita and two days prior to our last meeting had a complaint about the dust he was creating from crushing concrete

So my questions to the TCEQ:

1. Who do you work for?
2. What is your mission?
3. What are you goals?
4. In the past 400+ days how many applications for Rock Crusher permits have been submitted?
    a. How many have been approved?
    b. How many have been denied?

As demonstrated in our meeting in March, TCEQ Rules and Regulations can be violated without fear of enforcement action, so what Rules and Regulations can be violated that will be enforced and what Rules and Regulations are more "Guidelines than Rules"?

My Question for Mr. Davis

1. When are we going to see a site plan
2. When as you going to reveal to the citizens of Somervell County your plans for "taking that mountain down"?

Questions Concerning the Application:

1. Why do the draft Special Conditions allow for greater Opacity emissions that what is allowed by 40 CFR Part 60, Subpart OOO Requirements and which regulations trump the other for enforcement?
2. The Applicant was allowed to submit a new application in May of 2009. Why was this allowed? His original application had several errors (as does the new application) and the original application is in conflict with the current application, so does the new application take precedence?

3. In HCE's letter of June 1st to Mr. Hyde of the TCEQ, it states "HCE was given instruction by Mr. Larry Buller of the TCEQ to correct form PI-1 and the Core Date Form.
    a. What were the instructions
    b. What was corrected
    c. Why is Mr. Buller completing the application for the Applicant?

It seems that Slick Machines has an advocate working with them from the TCEQ in order to get a permit issued, who is our advocate?

4. In the December 1, 2008 letter to the Applicant, Ms. Castanuela stated that the Executive Director has completed the technical review of the application and had prepared a preliminary decision and draft permit.

How could the executive director make the decision given that we have demonstrated that the application was flawed as well as incomplete?

5. In October of 2008 a report was issued concerning the compliance rating of the Applicant. Will a new report be generated in October of this year and will it take into consdieration the complaints registered in Somervell County and in Galveston?
6. An impact evaluation was made at the site by Ms. Xin Roa in August of 2008 and her findings were that the site was not a sensitive location with respect to nuisance
    a. Were any of the neighbors interviewed
    b. What went in to her findings
    c. what constitutes a sensitive location with respect to nuisance
    d. was the health and welfare of the endangered species considered
7. Form PI-1 claims 2 new jobs will be created.
    - Who will hold those jobs and are they really new, or just the existing jobs from Desdemona and Galveston?
8. The applicant states that the proposed facility, site and plot plan meets all current technical requirements of the permit special conditions.
    - There isn't any site plan, so how can it be deemed compliant or non-complaint and how can the TCEQ accept the statement of face value?
9. Why isn't the Change of Location Review Analysis & Technical Review signed and dated by the Project Reviewer?

Respectfully Submitted,

Darrell Best
1600 Cr-1006
Glen Rose, TX 76043

LvSR
64589

PM/OPA
APR 0 9 2009
BY DM

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 APR -9 AM 9:52
CHIEF CLERKS OFFICE

April 7, 2009

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

RE: Permit Request No. **82199L002**

The Chalk Foundation would like to thank the TCEQ for coming to Glen Rose on March 31st to discuss the above referenced application.

We would also like to thank the TCEQ for making the offer to extend the 30 day comment beyond the 31st of March time limit based on the fact that required documents have not been placed at the local county library as required by the first and second notices placed in the Glen Rose Reporter.

We would also like to respectfully request the following:

1) Given that the Applicant failed to properly place the second notice in the paper within 33 calendar days as required by TCEQ Rules and Regulations, that the Applicant be required to re-notice the community of the TCEQ's decision to issue a draft permit. The Applicant needs to make sure the documents are in the library from the first day that the notice is placed in the paper.

2) In that the venue changed at the last moment for the meeting and was changed the day after Chalk Mountain place full page ads in both Glen Rose papers and the Stephenville Empire Statesman ran a front page article on the Monday before the meeting stating that the meeting location was to be held at the Glen Rose High School Auditorium, that a new meeting be scheduled to publically discuss the issues concerning the draft permit. This meeting should be scheduled at a time once **all** documents related to this application are placed at the county library in compliance with TCEQ rules and previous notices and the new notice is placed in the paper as per 1) above.

We request that the meeting be scheduled at a time and place coordinated and convenient to both the Citizens of Somervell County and Applicant rather than at the exclusion of community involvement and at the convenience of only the Applicant. We would recommend the Expo Center conference center which is easy to find, has adequate space to handle large crowds and would allow the TCEQ to set up the room so the Applicant and TCEQ do not have to share the same space as they did in the first meeting in October 2008 and the recently completed meeting on March 31, 2008.

Sincerely,

G. Darrell Best
Chalk Mountain Foundation

CC: Representative Sid Miller
Senator Kip Averitt
Public Interest Counsel - TCEQ

P.O. Box 2809
Glen Rose, TX 76043

mw

Chalk Mountain Foundation
P.O. Box 2809
Glen Rose, TX 76043

FORT WORTH TX 761
07 APR 2009 PM 3 L

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

RECEIVED
APR 0 9 2009
TCEQ MAIL CENTER
AJ

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 APR -9 AM 9:52
CHIEF CLERKS OFFICE

78711+3087

(1)

TCEQ Public Meeting Form

Tuesday, March 31, 2009

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 APR -1 PM 2:27
CHIEF CLERKS OFFICE

Tommy Davis dba Slick Machines
Proposed Air Quality Permit No. 82199L002

PLEASE PRINT:

Name: DARRELL BEST

Mailing Address: P.O. Box 2809

Physical Address (if different): 1600 CR-1006

City/State: GLEN ROSE Zip: 76043

Phone: (254) 898-8422

☐ Please add me to the mailing list.

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

If yes, which one? Chalk Mountain Foundation

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☐ I wish to provide formal oral comments.

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

Please give this to the person at the information table. Thank you.

Darrell Best
P.O. Box 2809
Glen Rose, TX 76043

Comments for Public Meeting
Chalk Mountain Foundation
1st Session
March 31, 2009
7 PM
Glen Rose Jr. High School

OPA RECEIVED
MAR 31 2009
AT PUBLIC MEETING

Home Address
1600 CR-1006
Glen Rose, TX 76043

Welcome to Glen Rose

On behalf of the Chalk Mountain Foundation and its members we appreciate that the TCEQ and the Applicant have come to Glen Rose once again to discuss the Permit Application for Slick Machines at Chalk Mountain.

We asked for this second meeting because we are having a great deal of difficulty in receiving timely, complete and accurate information concerning this permit application.

The meeting tonight is an example of the problems we have been having since the first notice went into the paper in August of 2008.

- Reservations were made for a meeting at the High School on March 5th, 2009
  - Yet we were not notified until March 18th.
    - Why did it take 13 days to notify us? It only took 2 days when the location was changed.
    - The 13 day lag caused us to only have one opportunity to raise awareness in the community about the meeting through our local newspapers.
    - The 13 day lag caused us to be notified during spring break, at our busiest time of the year and when a great number of our citizens are on vacation.
- We were notified of the change of location to the Jr. High the day after the papers came out with the notice that the meeting was going to be held at the Sr. High.
  - Why is there a rush to have a meeting.
  - Why didn't we hold off for a couple more weeks when everyone could have proper notice and when a more suitable location could have been booked?
  - Why was the high school selected in the first place?
    - Last time we met at the Citizen's Center where we always meet, where there is adequate parking and is easy for out of town participants to locate?
  - Why when the location had to be changed was the Jr. High selected?
    - The Citizen's Center has always been available and is available this evening, why was the difficult to find location of the Jr. High selected?
- A casual observer might conclude that we are only going through the motions here of granting public meetings rather than soliciting real public discourse concerning this permit application.

Best

First Public Meeting

- The first Public Meeting was held October 23, 2008.
  - It's been 5 months and 8 days, not including today.
    - Why have none of our hundreds of questions been responded to?
    - Based on past performance why would we expect the future to be different or for our questions today to be answered in a timely manner, or to be considered as part of the application review process?
  - According to TCEQ procedures, "Public meetings provide the public with an opportunity to learn about the application, ask questions of the applicant and the TCEQ, and offer formal comments, It also allows TCEQ staff to hear firsthand the concerns and objections of the community and gather input for use in the agency's consideration of the application.
    - Based on the results of issuing a draft permit, it doesn't seem the above is an accurate portrayal of the process.
    - We pointed out over 20 flaws with the application, missing documentation and a variety of other issues and the TCEQ has deemed the permit application to be administratively complete and satisfies state and federal regulatory requirements. How?
- The first Notice required the applicant to place the application in the Somervell County Library.
  - A complete application, with attachments has never been made available at the library and through the first meeting, was not available at either TCEQ Region 3 or 4's regional offices.
  - Why, in that the TCEQ has been notified of this error, has the TCEQ not ensured that these documents are available in Somervell County or at the Regional offices?

2nd Notice

- On December 1, 2008, Donna Castanuela of the Chief Clerks Office notified Slick Machines that the TCEQ had issued a Draft Permit.
  - The letter included the following admonishments:
    - Please note that it is **very important** that you follow **all** directions in the enclosed instructions.
    - If you do not comply with **all** requirements described in the instructions, further processing of your application may be suspended or the agency may take other actions.
  - Why was Slick Machines allowed to take 45 days to place the second notice in our weekly newspaper, when they we instructed that it must occur within 33 calendar days?
    - The notice should have appeared no later than Friday, January 2, 2009.
    - The notice appeared January 14, 2009.
    - What sanction did the TCEQ provide for Slick not complying with this regulation?

BEST

- The Public Notice checklist required that from the FIRST DAY of newspaper publication:
    - Ensure copy of the complete application (including any subsequent revisions) and the TCEQ Executive Director's preliminary decision (including draft permit) are at a public place.
        - This was not done, what sanctions did the TCEQ take with the applicant concerning this issue?
        - Our attorney was told by the TCEQ's attorney that Hill Country Environmental alleges that "someone from Somervell County has removed documents from the Somervell County library".
            - What proof does Hill Country have of this allegation?
            - Does Hill Country have a delivery receipt of when the alleged documentation was delivered to the County library?
            - Why was a complete set of documentation not available in Austin when we filed a Public Records Request?
            - How can an application be administratively complete when it is demonstrated to be incomplete with attachments missing or not provided?
- In the instructions it states that "the bold text of the enclosed notice **must** be printed in the newspaper in a font style or size that distinguishes it from the rest of the notice (i.e., **bold**, *italics).* **failure to do so may require re-notice.**
    - Has the TCEQ required a re-notice in that the notice did not comply with those requirements?
- Did the applicant comply with the requirement to submit **original newspaper clippings or tear sheets** of each published notice within **<u>10 business days</u>**?
- Did the applicant submit the *Public Notice verification Form* to the TCEQ Office of the Chief Clerk within **<u>10 business days</u>**?
- In the instructions it states: **If you fail to publish the notice or submit proof of publication *on time*,** the TCEQ may suspend further processing on your application or take other actions.
    - What actions did the TCEQ take?
- On September 5, 2008 both the TCEQ and the Applicant were notified by the United States Department of Interior, Fish and Wildlife Service that "it is highly probable that one or both birds (referring to the Golden-cheeked Warbler and Black Capped Vireo) occur on the property.
    - Why did the TCEQ ignore this and allow the Applicant to "prepare the site" in advance of the issuance of a permit?
    - Why did the TCEQ issue a PBR for the operation of a rock screen.
    - How is the operation of a rock screen to be construed as work done in preparation of a rock crusher?
    - We have surveyed up to the fence line of the property since the first of March and have found the endangered species on the adjoining property and located birds across the fence line on the proposed site. We will be submitting our findings to Fish and Wildlife.

BEST

- On October 29, 2008 - some 6 days after the first Public Meeting - you heard from Representative Miller of District 59, strongly urging that the Permit be denied.
- In February 2009 you heard from the largest tourism attraction in Somervell County, an organization that works with endangered species and works with the US Fish and Wildlife Service and Texas Parks and Wildlife - asking that the permit be denied and failing that for a Public Hearing.
- You have heard from the Somervell County Commissioners about keeping Chalk Mountain pristine.
- You have heard from various other State Representatives from as far away as Houston concerning this permit application.
- You have received letters from the Chalk Mountain Wildlife Management Association that has spent both public and private money developing habitat for these endangered species that will be affected by the air quality and noise and habitat destruction as a result of the issuance of a permit.
- The Texas Parks and Wildlife, Prairie and Pineywoods Trail, location 53 sign is within sight of the proposed location.
- A Texas Roadside Park, that is has been frequented by road travelers on highway 67 for over 50 years and whose visitors health would be impacted by a rock crusher within a half mile of the proposed site, and

With all of this, we are still progressing through the process as if there is no public opposition, no concerning for the endangered species which are on the property, no opposition from our public officials and no concern for the public health - WHY?

Sincerely,

G. Darrell Best
President
Chalk Mountain Foundation

BOT

Comments for Public Meeting
Chalk Mountain Foundation
2nd Session
March 31, 2009
7 PM
Glen Rose Jr. High School

1. Where is the Rock Crusher that is proposed for Chalk Mountain located today?
2. When was the last time the Rock Crusher was in operation
3. What is the state of BACT with this Rock Crusher - when was the machine last brought up to standard?
4. We have not seen the air impacts modeling for Chalk Mountain. Where can we get this date for this location and this machine?
5. In that Somervell County does not have an air quality monitoring system, how is the TCEQ going to ensure that the impact from the Rock Crusher is going to meet the standards. We feel that if a permit is going to be issued that a Continuous Emission Monitoring system be deployed. In that Power plants are being forced to add these "CEMS" for particulate matter, we believe that Rock Crushers should not be held to any lesser standard.
6. There are too many ways for the operator of a rock crusher to "avoid the accurate reporting" of the capacity of the crusher or on the hours of operation of the crusher. Assuming the permit is limited to crushing less than 100 tons/hour, how capacity is determined is very important; there needs to be a test run after initial startup and observed by TCEQ or an outside contractor to confirm that the capacity is whatever the operator said it was.
7. There is a similar problem with any limit in the standard permit on hours of operation. The draft permit allows for operation 5 hours a day, 5 days a week, 30 weeks a year for a total of 750 hours a year. But it is possible for crusher operators to either (1) turn off the clock that tracks how long the crusher has operated or (2) claim the clock measures the hours the engine is operating, but does not accurately measure the hours rock is actually being crushed. How is the TCEQ going to ensure that the clock is not shut off and not relying that the citizens of Somervell County are going to have to take the burden of monitoring the site for which the TCEQ is going to issue a permit?
8. Please provide details of the Compliance History Report of October 10, 2008.
9. The Review Analysis and Technical Review states that the Emission Controls will be measured, but the method is by calculation. Calculation is not measuring. The calculation will be from the daily, monthly and annual production records as reported by the operator. This means the emission measurements will be suspect, at best. What steps is the TCEQ going to take to ensure the calculation of emissions is accurate?
10. By what standard did Ms. Xin Rao use on August 22, 2008 to deem that the location was not sensitive with respect to nuisance? Did she consider the 75 families within 2 miles of the proposed location? Did she consider the endangered species or the habitat on the property of the proposed location? Did she consider that the proposed location is on a major east-west highway and dynamite is going to be set off within a 1/4 mile of the highway - is that not a

nuisance? Did she check the underground pipelines in the area? Did you site review include the noting of the run off in the headlands of Rough Creek that leads to the Bosque River and Lake Waco? Did her report note that there isn't a well at the site, so dust contol on the rock crusher, the roads in and out of the site and stockpiles can not occur or the nuisance it will cause to adjacent homeowners when a commercial well is drilled to supply the water for the rock crushing operation?

In that my previous questions have gone unanswered, I attach the following from the October 23rd meeting:

1. How were the emission factors for the air contaminants from then portable facility determined, e.g., were manufacture's test data or EPA AP-42 data or what used; were VOCs from haul and customer trucks and on-site diesel engines considered?

2. To what extent were particulate emissions from haul roads and blasting, in addition to the emissions from the rock crushing operations alone, considered?

3. To what extent do the entire operation's (so, quarrying, hauling, crushing, stockpiling, customer pick-up) affect property line impact evaluations, if any, for the operation?

4. What is the composition of the rock that is to be crushed; in particular, what are the silica and heavy metals concentrations and species in the rock?

5. How was the Best Available Control Technology level of emissions determined for was determined for VOCs and particulate emissions (e.g., what percentage control will be considered to be BACT for particulates and VOCVs)?

6. What, if any, consideration does TCEQ give to the impacts of airborne particulate emissions on groundwater or surface water resources?

7. How will the various production weights will be measured and the records of these measures be maintained and reported?

8. What does the agency consider to be the existing background concentrations for PM-10 and PM-2.5 at the site? Why does the agency believe those numbers are credible?

BEST

9. Will the agency require any property-line air-contaminant monitoring for VOCs and particulates?

10. What is the experience, if any, of the Slick Machines principals with rock quarrying and crushing; what is the compliance history over the past 10 years of firms in which these individuals were principals?
    a. What firms were they principals of, in addition to Slick Machines
    b. What is the parent company of Slick Machines?
    c. Who are the principals of the parent company?
    d. What other principals are major and minority partner/investors/backers of Slick Machines?

11. How, if at all, does TCEQ plan to coordinate approval of facility relocation and enforcement efforts related to this site with the county?

12. What is the probable response time for TCEQ investigators, in the event neighbors of the site complain regarding the proposed operation?

13. What is the likely duration of the agency's decision making process regarding the relocation at issue, here?

14. Is there any indication whether Slick Machine (or another Tommy Davis entity) will apply or has applied for an individual permit for a rock crushing operation at the site?

15. How about asphalt production, is there any indication of or plan for an asphalt plant at the site? How about a materials storage operation at the site?

16. If there were an indication of a permit application for an individual rock crusher permit or for an asphalt plant or for a materials storage facility at the site, how would that affect TCEQ's decision making regarding this relocation request?

17. If, as many neighbors believe, Slick Machines or Mr. Davis failed to secure coverage under the agency's general storm water permit for construction, would that affect at all the agency's decision making regarding the relocation request?

18. Does the agency acknowledge any responsibility to consider the more broad "public interest" (e.g., safety issues associated with haul truck traffic on rural roads or consequences for endangered species that nest on the site) in making its relocation decision?

19. If the agency does not impose continuous emissions monitoring requirements (e.g., a requirement to install a PM continuous emission monitoring system or automated periodic filter sampling system) on the facility, how does the agency rationalize that its permit restrictions are enforceable, as a practical matter?

20. Is a contested case hearing available for affected neighbors on a relocation authorization like this one? If not, what is the rule or statute that takes away that right? If so, what is the deadline to make the request?

B-21

21. Does Slick Machine's application for a Permit include a **Site Plan**? If so, or if not;
    a. Does the site plan include a site map detailing the proposed permit area?
    b. What is the distance to streams and creeks adjacent to the proposed facility?
    c. Nearest direction and distance to a county road; to a state hwy; intersection?
    d. Detailed ingress and egress route?
    e. A detailed plan in which the quarry will be mined?
    f. Does it include a report from an Independent hydrologist on any ground or surface water in the proposed affected area?
    g. Any plan to prevent any negative effect on ground and surface water?
    h. Any plans as to how, if an independent hydrologist report is submitted with the site plan, the company intends to address the recommendations in the hydrologist report?
    i. If an independent hydrologist has not been engaged, will the Permit Applicant allow an Independent hydrologist to perform a survey?
    j. What is the distance to the nearest egress point to a waterway?
    k. What method(s) is the operator going to deploy to keep dust from leaving the proposed facility during blasting, sorting, loading and transferring materials from/to the facility?
    l. What method(s) is the operator going to undertake to keep any water used in the entire mining and dust prevention operation from seeping back into the well water of surrounding residents?
    m. What is the distance from the proposed facility to the nearest residence?
    n. Will the operator or land owner provide a tour for local citizens of the proposed site to audit the proposed plan for the proposed facility?

22. Does Slick Machine's application for a Permit include a **Transportation Plan**? If so, or if not;
    a. Have a documented plan for transporting materials to and from the quarry over public roads
    b. Has or will TCEQ solicit a recommendation from TXDOT regarding the adequacy and design capacity of the roadway to safely accommodate the additional volumes of traffic expected to be generated at the proposed facility?
    c. Does the operator of the proposed facility have a plan in place to require all trucks to be completely tarped? If not, why not?
        i. How is the planned monitored?
        ii. Does the plan include independent contractor training and certification for the tarping of vehicles?
        iii. Have any of the operators vehicles or vehicles carrying aggregate from any of the operators facilities ever been cited for carrying aggregate in an uncovered vehicle? Have any vehicles ever been cited for the cause of an accident?

BOT

d. Does the operator of the proposed facility carry liability insurance for any accident, damage or pollution caused by its vehicles or the sub contractors carrying the materials to/from the proposed facility?
    i. Who is the policy with?
    ii. How much liability coverage is carried?

23. Does Slick Machine's application for a Permit include a **Blasting Plan**? If so, or if not;

a. Is Blasting proposed for this proposed facility? If so;
    i. What is the Blast Warning Plan?
    ii. How does the close proximity of HWY 67 to the proposed facility figure into the blasting plan?
    iii. How close will be the closest home to the blasting area?
    iv. How close is the closest gas pipeline to the blasting area?
    v. What warning signs are going to be placed at HWY 67 warning drivers of an impending blast?
    vi. Has TXDOT been made aware of the blasting plan?
b. Does the Blasting Plan provide for recording and reporting on blasts, including;
    i. The exact location, time and date of detonation
    ii. The direction, distance to nearest building, school, church, commercial or institutional building
    iii. The weather conditions during the blast
    iv. The seismograph reading, including exact location of the seismograph and its distance from the blast
    v. Documentation of who is taking the readings, their training and expertise
    vi. Notification of seismographic blast results on a company website
    vii. An email notice of all planned blasts with a suitable notice period (24hrs)
    viii. Will blasting occur outside of the hours of operation on the Air Quality Permit for the Rock crusher?
c. The steps that will be taken to ensure no damage will occur to the Trinity Aquifer.
    i. What mechanism will be put in place to monitor the Trinity for damage?
    ii. What are the qualifications of the person or company that will be doing the monitoring?
    iii. What State certifications are required
    iv. Who monitors that the certifications are complete, up to date and have not expired?

Post

24. Does Slick Machine's application for a Permit include a Reclamation Plan? If so, or if not;
    a. Does the plan return all of the affected land at the proposed quarry site to a useful purpose?
        i. What is the stated useful purpose?
        ii. How will the land be returned to its useful purpose?
        iii. What is the timetable for the mining work to be performed?
        iv. What is the timetable for the completion of the reclamation process?
        v. How long from the end of the mining operation until the reclamation process is commenced?
        vi. What is the plan for Re-vegetation of the site?
        vii. Has a bond been posted for the reclamation work?

25. Has Slick Machines leased the land or leased its Mineral Rights?
    a. What is the term of the leasing agreement
    b. Have all owners of the land been informed of the terms of the agreement?

26. Does Slick Machines plan, anticipate or is considering the mining of Dimensional Stone at the proposed facility? If so, or if not;
    a. What is the plan to protect the water run off to Rough Creek?
    b. What is the plan concerning run off to the adjoining properties to the north and west of the proposed facility?
    c. What specific plans does the operator have to ensure the Clear Streams Initiative is adhered to?
27. What specific plans does the operator of the facility have to adhere to the Clear Streams Initiative?
    a. What specific plans does the operator have concerning run off to the adjoining properties to the north and west of the proposed facility?

28. Does the operator of the proposed facility have any State issued or industry issued or Equipment Manufacture issued certifications for the management of; or operation of a mining or rock crushing operation?
    a. What Certificate are those?
    b. What continuing education has been completed
    c. Has certification ever been denied?
    d. Has any previous certification been revoked?
    e. Has any previous certification expired?
    f. Who manages the certification program for the Operator

B051

i. What training have they received to qualify them for the management of a certification and training program

g. What Certifications have the TCEQ made concerning this Operator?

29. What is the operator's Safety program
    a. Have there ever been any safety violations?
    b. What is the operator's safety record?
    c. Who administers the operator's safety program?
    d. What certifications does the safety administrator possess
        i. Have any of the safety administrators certifications expired
        ii. How does the administrator stay current with the latest best practices
        iii. What is the date of the last continuing education class and what was the class? Did the Administrator receive a certificate from the clas and what did the certificate say.
        iv. How many hours a year does the administrator receive in continuing education?

30. Has the hardness of the rock at the proposed facility been tested for compliance with TXDOT standards?
    a. Does the rock meet TXDOT Standards?
        i. If so, who is the customer for the materials produced at the proposed facility?
        ii. If not, who is the customer for the materials produced at the proposed facility?

31. Has a geologist and/or an archeologist surveyed the proposed facility for items of archeological and historical purposes?
    a. What is the specific plan to ensure dinosaur bones, fossils, footprints and other remains are not lost in the rock crushing operation?
    b. What is the specific plan to insure the remains, relics and burial grounds of the Native Americans that are know to have inhabited the area in and around the proposed facility are not lost in the rock crushing operation?

32. What enforcements and complaints has the TCEQ pursued or otherwise have been involved in with this operator; or any predecessor; partner, investor or "backer" of the operator of this proposed facility?
    a. What were the complaints, if any, and actions taken

b. What were the enforcements, if any, and action taken
c. Has the operator of the proposed facility ever been denied a permit, or has a permit ever been cancelled for any facility the operator, partner, investor or backer been involved in?
d. Has the operator ever been cited for the operation of a rock crushing facility without the requisite permits for air or water quality?

33. How long did Slick Machines crush rock at the Valera pit?
    a. How many tons per year were mined?
    b. How many acres is the mine site?
    c. Why was the Air Quality permit cancelled?
    d. Are you still pulling gravel from the Pit?
    e. Why did the egress route go along the county road rather than across the ranch road?
    f. Why is there ankle deep dust on the county road in the direction that the trucks travel and none in the opposite direction?

34. When was the machine moved to Desdemona?
    a. Did you receive a permit to crush rock in Desdemona?
    b. How much rock did you crush in Desdemona?
    c. Are you still crushing rock in Desdemona?
    d. How many complaints did you have in Desdemona?
    e. Why have you quit crushing rock in Desdemona and moving the rock crusher here?

BEST

Slick Machines Complaints

Complaint Status

Complaint Tracking #:	**49686**
Complaint Received Date:	11/19/2004
Number Complaining:	1
Status:	CLOSED
Status Date:	01/07/2005
Nature:	INDUSTRIAL
Frequency:	CURRENT
Duration:	
Media:	WATER
Program:	WATER QUALITY - HIGH LEVEL
Priority:	Within 30 Calendar Days
Effect:	GENERAL
Receiving Water Body:	
Regulated Entity:	SLICK MACHINES
County:	COLEMAN

Description:

Complainant alleges a portable rock crushing operation is operating without permits for transporting water.

Comment:

BBST

INTRODUCTION

On November 19, 2004, a complaint was submitted to the TCEQ Abilene Region by telephone concerning a portable rock crushing operation in Coleman County. The complainant alleged that the facility is operating without a storm water permit.

On December 14, 2004, Ms. Jennifer Meador, Storm Water Investigator with the TCEQ Abilene Region, and Mr. Mike Taylor, Air Investigator, conducted an unannounced on-site investigation at Slick Machines Valera Site, located at the junction of FM 503 and CR 420, Valera, Texas, in response to the alleged storm water complaint. This inspection is considered a multi-media investigation in conjunction with the air program.

Ms. Meador and Mr. Taylor met with Mr. Tommy Davis, owner of Slick Machines, and explained that an investigation of the operation would be conducted to determine the validity of the allegation. Mr. Davis was present during the site investigation. According to Mr. Davis, the site was not permitted through an individual permit or the Multi-Sector General Permit (MSGP) issued under the Texas Pollutant Discharge Elimination System (TPDES). An exit interview was conducted on December 14, 2004, in which Mr. Davis was informed that the facility will receive a Notice of Violation (NOV) letter including a compliance due date for the alleged violation of operating without authorization to discharge storm water associated with industrial activity to water in the state through an individual permit or the TPDES MSGP. Ms. Meador informed Mr. Davis of permit requirements, as well as, the process on obtaining a TDPES MSGP. An exit interview form documenting the alleged violation was given to Mr. Davis on-site.

GENERAL FACILITY AND PROCESS INFORMATION

Slick Machines Valera Site is a portable rock crushing operation producing limestone road base material. The site consists of a portable rock crusher, several stock piles of limestone material, and a maintenance (lay down) area all located within the rock quarry. The operation is classified under Standard Industrial Classification (SIC) code 1422, Crushed and Broken Limestone, covered under Sector J (Mineral Mining and Dressing Facilities) of the Texas Pollutant Discharge Elimination System (TPDES) Multi-Sector General Permit (MSGP). The total acreage of the site is approximately 750 acres with the quarry encompassing approximately 4 acres. Storm water flows east down the south trench of the road exiting the quarry to a series of two detention ponds, located east of the quarry, ultimately discharging to Mustang Creek.

BACKGROUND

There have not been any previous storm water investigations at this site.

ADDITIONAL INFORMATION

Mr. Davis accompanied Ms. Meador and Mr. Taylor during the site investigation. During the investigation, one violation was noted of operating without authorization to discharge storm water associated with industrial activity.

Photographs were taken to document the investigation. These photographs are included as attachments in the investigation report. A NOV letter will be sent to the facility on January 10, 2005.

Action Taken:

On December 14, 2004, an unannounced on-site investigation was conducted at Slick Machines Valera Site, located at the junction of FM 503 and CR 420, Valera, Texas by Ms. Jennifer Meador, Storm Water Investigator with the TCEQ Abilene Region, and Mr. Mike Taylor, Air Investigator, in response to an alleged storm water complaint.

During the investigation, one alleged violation was noted of operating without authorization to discharge storm water associated with industrial activity. A NOV letter will be sent to the facility on January 10, 2005.

A letter documenting the investigation findings will be sent to the complainant on January 10, 2005.

View Investigation Details

Return to Top

B001

Complaint Tracking #: 72939

Complaint Received Date: 03/15/2006

Number Complaining: 1

Status: CLOSED

Status Date: 03/23/2006

Nature: DUST

Frequency: CURRENT

Duration: ESTIMATED

Media: AIR

Program: AIR QUALITY - HIGH LEVEL

Priority: Within 30 Calendar Days

Effect: ENVIRONMENTAL

Receiving Water Body:

Regulated Entity: SLICK MACHINES

County: COLEMAN

Description:

Caller complaining about excessive dust from rock crushing operation nearby caller's residence. Complainant states that there is a significant coating of white dust on their property and equipment as well as on the hay that cattle now refuse to eat.

Comment:

The investigator attempted to contact the complainant via telephone numerous times on March 16, 17 & 20, 2006, but was unsuccessful. Therefore, an onsite investigation was scheduled for March 21, 2006, based on available information.

Action Taken:

Based on the results of the March 21, 2006, investigation, no nuisance dust conditions could be confirmed from operations at the alleged source. Therefore, it is recommended that this complaint, Incident No. 72939, be closed. The complainant will be informed of the results of the investigation via letter.

BEST

Complaint Tracking #: 74509

Complaint Received Date: 04/18/2006

Number Complaining: 1

Status: CLOSED

Status Date: 04/18/2006

Nature: DUST

Frequency: CURRENT

Duration: ACTUAL

Media: AIR

Program: AIR QUALITY - HIGH LEVEL

Priority: Within 30 Calendar Days

Effect: ENVIRONMENTAL
GENERAL

Receiving Water Body:

Regulated Entity: SLICK MACHINES

County: COLEMAN

Description:

Complainant alleges that dust from a road leading to the Slick Machine rock crushing operation is causing a nuisance, by coating his property with dust.

Comment:

The invesetigators explained to the complainant that the TCEQ does not regulate nuisance dust conditions when the dust is generated by a county road.

Action Taken:

The on site investigation confirmed that dust from County Road 420 in Coleman County had caused nuisance conditions.

Complaint Tracking #: 48402

Complaint Received Date:	10/25/2004
Number Complaining:	1
Status:	CLOSED
Status Date:	10/28/2004
Nature:	WASTE - DO NOT USE AFTER 04/04
Frequency:	CURRENT
Duration:	
Media:	WASTE
Program:	MUNICIPAL SOLID WASTE - HIGH LEVEL
Priority:	Within 30 Calendar Days
Effect:	GENERAL
Receiving Water Body:	
Regulated Entity:	CALICHE PIT 2525 FARM ROAD
County:	BROWN

Description:

A demolished house was improperly disposed in a caliche pit and disposed along with sewer pipe and dirt.

Comment:

The incident will be closed by investigation #339075. Violations were noted, an NOV will be issued to Slick Machinery and Otis Lawrence.

Action Taken:

A site visit was conducted by Ron Dennis, Abilene, Region 3 on 10/20/2004.

Opening Comments from October 23rd meeting:

BEST

Concerned Citizens for the Preservation of Chalk Mountain

Opening Comments

I've been told the pristine beauty of Chalk Mountain was first recorded in Life magazine in 1938 – it was listed as the second most scenic view in Texas.

In the 1950's State Hwy 67 has been re-routed over the mountain. Exactly 50 years ago the Gibbs family of Glen Rose donated a portion of the Skipper Ranch to the State of Texas for a State Roadside Park. A historical marker is being applied for this year to be placed at the Park.

Chalk Mountain's history goes back to the 1300's where Native American's dwelled in the caves. Remains have been found within 3 miles of the proposed facility at Panther Cave.

The current "Ghost town" of Chalk Mountain began its life as a trading post. At the Chalk Mountain cemetery, the oldest marker on site is from 1874 – but there are several markers with no dates whatsoever. The Cottonwood Baptist Church was founded in 1875, the Cottonwood Schoolhouse still stands on the property of the Cottonwood Baptist Church.

In 1904, the Masonic Lodge was chartered at Chalk Mountain, 104 years ago. This is truly historic place; not many years ago it is rumored that moonshine stills could be found just behind every stand of cedars on Chalk Mountain.

For the last 30 years owners of the land adjacent to the proposed facility have spent hundreds of thousands of dollars developing the habitat for numerous bird and animal species. Money for the development of this area as a wildlife habitat has come from State and Federal programs, private grants and endowments and from the individual land owners. Among their successes, they have been successful in the development of habitat for two endangered species. Birders have visited property just on the other side of the fence from the proposed facility from as far away as England, Germany and both coasts of the United States.

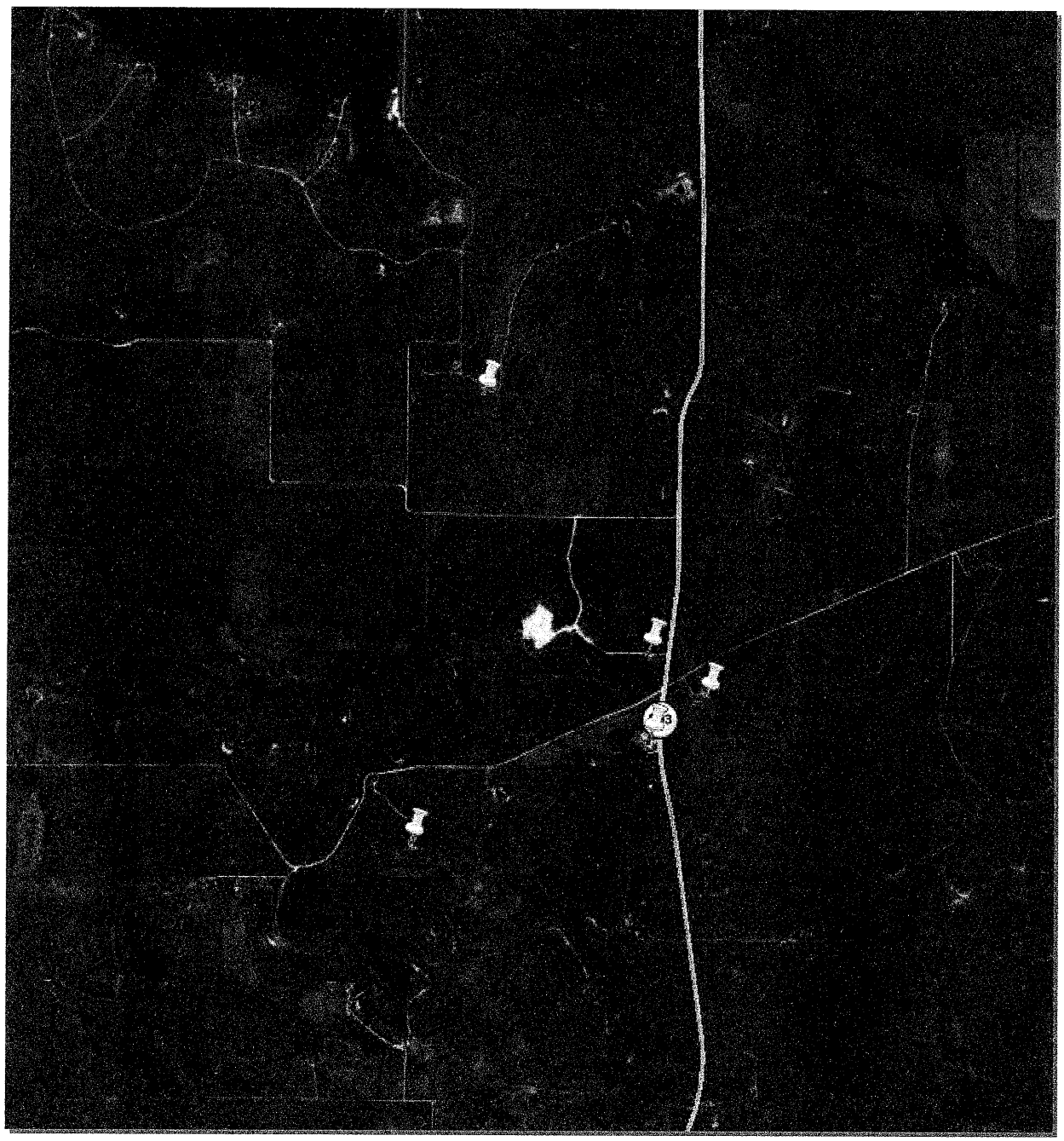
Since the 1980's, Somervell County has increasingly become a tourist destination. With facilities such as Fossil Rim, Dinosaur World, Dinosaur State Park, the Expo, the Amphitheater among many other attractions including bed and breakfast locations in rustic settings, Somervell has developed into a premier tourist destination in North Texas, generating over $17 million in direct spending annually. Tourist income is a renewable resource.

BOST

In a recent newspaper article Mr. Davis stated that he liked the location at Chalk Mountain because no one lived there. I guess he "Googled" Chalk Mountain and found it was a ghost town. Don't tell that to Ms. Jackson who has run a convenience store at Chalk Mountain for 53 years. Don't tell that to the family that lives within a ¼ mile of the pit itself or another family within ½ mile, or the 35 families within a mile of the proposed facility. In less than 2 ½ miles there are 72 families – about 200 people.

Homes near Proposed facility

I think Mr. Davis has mistaken Chalk Mountain to his Pit in Valera; by comparison, they seem to be almost deserted.



Slick Machine's Valera Pit – Coleman County

BBT

On October 20, 2008, the Somervell County Commissioners adopted the following Resolution:

RESOLUTION OF THE COMMISSIONER COURT
OF SOMERVELL COUNTY, TEXAS
IN SUPPORT OF KEEPING CHALK MOUNTAIN PRISTINE

WHEREAS, 2008 is the fiftieth anniversary of the dedication of the State Roadside Park on Hwy 67 West (Gibbs Roadside Park), overlooking the Chalk Mountain area, and

WHEREAS, Somervell County is a tourist destination for various outdoor activities, including "birding" by tourists from throughout the United States and foreign countries, and

WHEREAS, Chalk Mountain is known throughout North Texas to be a pristine, scenic and historical area of Somervell County.

NOW, THEREFORE, be it resolved by the Commissioner Court of Somervell County that this Court is supportive of all reasonable efforts to retain the pristine beauty of the Chalk Mountain area.

IN WITNESS THEREOF, we have affixed our signatures and seal on this 20 Day of October, 2008.

Walter Maynard, County Judge

Zach Cummings, Comm., Pct. #1

Mike Ford, Comm., Pct. #2

Lloyd Wirt, Comm., Pct #3

James Barnard, Comm., Pct. #4

ATTEST:

Candace Garrett, County Clerk

FILED
CANDACE GARRETT
COUNTY/DISTRICT CLERK
SOMERVELL CO., TEXAS
2008 OCT 20 AM 10: 10
DEPUTY
BY

The Concerned Citizens for the Preservation of Chalk Mountain support the Commissioners Resolution of 20 October.

From an environmental vantage point, the Chalk Mountain area is known for its pristine environment. People have moved here specifically for its clear, clean air. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region.

Based on the negative economic impact to Somervell County, the unneeded damage to a pristine and historic area of Somervell County, the added traffic of large rock hauling trucks on an already overcrowded and dangerous highway, the negative impact to tourism at Chalk Mountain, the impact to the air quality to the County and the negative impact to the habitat of wildlife in the area in general and to the endangered species specifically, we the Concerned Citizens for the Preservation of Chalk Mountain hereby respectfully request that the Air Quality permit for this facility be denied.

Sincerely,

G. Darrell Best

Concerned Citizens for the Preservation of Chalk Mountain

BEST

Golden-cheeked Warbler Survey
on the
Brown Property,
Erath and Somervell Counties, Texas
March 25, 2009

A Golden-cheeked Warbler (*Dendroica chrysoparia*) survey was conducted on March 25, 2009 at the 321 acre Brown Property, owned by the Charles Brown Family. The survey was conducted from 7:15 a.m. until 11:45 a.m. and the survey crew consisted of Environmental Defense Fund staff members Linda Laack, Wildlife Scientist, and Michele Amador Lopez, Wildlife Associate. University of Texas student, Craig Johnson, also participated in the survey. The temperature ranged from 56-62° F, and it was calm and overcast. Tapes of bird recordings were not used during the survey.

Eight male Golden-cheeked Warblers were heard singing during the survey and one female Golden-cheeked Warbler was observed. The coordinates of each location are provided in Table 1 and displayed in Map 1. The Golden-cheeked Warblers were all located in mature oak/juniper forests with 70-95% canopy cover. Common trees in this forest included Ashe Juniper, Spanish Oak, White Shin Oak, and Live Oak. Due to time constraints, the survey was mainly conducted along or near the ranch roads. It is very likely that additional Golden-cheeked Warblers occur on the ranch, as we did not survey in all of the areas of high quality habitat. High quality warbler habitat was also seen on neighboring properties to the north and east of the Brown Property. One of the male warblers (#5) was heard across the eastern boundary fence on an adjoining property.

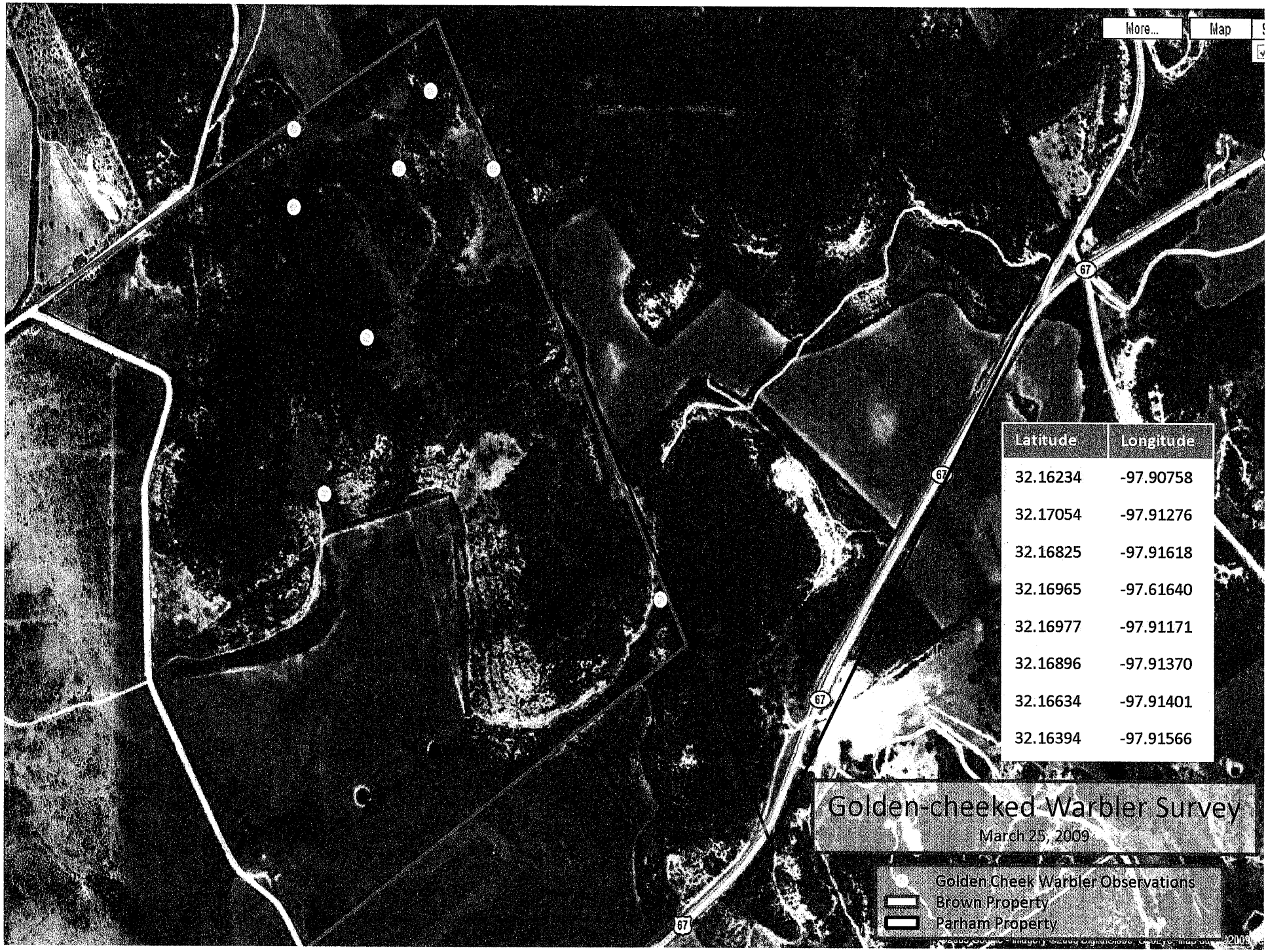
Some areas of the ranch had habitat that may be suitable for Black-capped Vireos. We listened for vireos in these areas but none were detected. Black-capped Vireos migrate to their breeding range later than do Golden-cheeked Warblers and it is likely that the vireos have not yet arrived in this area. To determine if Black-capped Vireos occur on the ranch, it would be advisable to conduct an additional survey between April 10 and May 31.

In addition to Golden-cheeked Warblers, the following birds were also seen and/or heard during the survey: Great Blue Heron, Turkey Vulture, Black Vulture, Sharp-shinned Hawk, Wild Turkey, Mourning Dove, Red-bellied Woodpecker, Eastern Phoebe, White-eyed Vireo, American Crow, Tufted Titmouse, Carolina Chickadee, Carolina Wren, Bewick's Wren, Ruby-crowned Kinglet, Blue-gray Gnatcatcher, Northern Mockingbird, Black-and-white Warbler, Rufous-crowned Sparrow, Field Sparrow, Chipping Sparrow, White-throated Sparrow, White-crowned Sparrow, Northern Cardinal, Red-winged Blackbird, Brown-headed Cowbird, House Finch, and Pine Siskin.

BEST

Table 1. Location of Golden-cheeked Warblers (GCWA) heard and/or seen at the Brown Property in Erath and Somervell Counties, Texas on March 25, 2009.

Identification Number	Time of Detection	Coordinates of where we heard/saw GCWA (Decimal Degrees)	Survey Results
1	7:46 a.m.	32.16234 -97.90758	Heard one male GCWA singing A song about 15 meters NW of coordinates.
2	8:31 a.m.	32.17054 -97.91276	Heard one male GCWA singing A song downslope about 15 meters S of coordinates.
3	9:04 a.m.	32.16825 -97.91618	Heard one male GCWA singing A song about 3 meters NE of coordinates.
4	9:10 a.m.	32.16965 -97.61640	Heard one male GCWA singing A song about 5 meters SW of coordinates.
5	9:52 a.m.	32.16977 -97.91171	Heard one male GCWA singing A song about 5-15 meters E of coordinates across boundary fence on adjoining property.
6	10:10 a.m.	32.16896 -97.91370	Heard one male GCWA singing A song about 5-12 meters SE of coordinates.
7,8	10:22 a.m.	32.16634 -97.91401	Heard one male GCWA singing A song in a Juniper at the coordinates and saw one female GCWA in the same Juniper .
9	11:15 a.m.	32.16394 -97.91566	Heard one male GCWA singing A song about 15-30 meters NW of coordinates.



Latitude	Longitude
32.16234	-97.90758
32.17054	-97.91276
32.16825	-97.91618
32.16965	-97.61640
32.16977	-97.91171
32.16896	-97.91370
32.16634	-97.91401
32.16394	-97.91566

Pg 51

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 13 PM 4:06

CHIEF CLERKS OFFICE

February 11, 2009

OPA

PM
Ipt

FEB 13 2009

BY EB

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a Public Meeting in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility, we live within 1 1/2 miles of the proposed location.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Endangered Species in and around the proposed facility due to air quality.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Impact to the roads in Somervell County and the cost associated with upgrading the roads to handle Rock Haulers and the dangers posed by heavy trucks ingress and egress to Hwy 67.
- Decreased property values in the area around the proposed facility and in Somervell County.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park.
- The Nuisance created by the proposed facility preventing the enjoyment of the State Roadside Park and surrounding bird watching areas.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

mw

Concerning the Public Meeting we are requesting be held in Glen Rose, we respectfully request a meeting with the TCEQ to understand why:

- Questions that were raised in the first Public Meeting held in Glen Rose on October 23, 2008 have gone unanswered, yet the Permit process is progressing.
- Why the questions were not reviewed as part of the vetting process to determine if the Permit Application was "Administratively Complete" and complied with TCEQ Rules and Regulations when over 20 flaws were noted in the initial permit.
- Why the Permit Application has been allowed to move forward while the Public has not been provided with information as detailed in the TCEQ Public Notices in the *Glen Rose Reporter*.
- Why the TCEQ has not made sure the Applicant filed information in accordance with the requirements of the Second Notice from the first day that the notice was placed in the *Glen Rose Reporter*.
- Why the TCEQ is allowing the process to move forward when the notice was placed in the paper improperly.
- Why the TCEQ is rushing the application through the approval process without having performed tests to identify whether Silica will be present in the air as the result of Rock Crushing operation or if any other known Carcinogens will be released into the atmosphere as a result of Rock Crushing operations.

Please include our name on the permanent mailing list for this permit application 82199L002.

Sincerely,

George and Mary Best

P.O. Box 2809

Glen Rose, TX 76043

254-898-8422

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us
Representative Harvey Hildebran
David Frederick, Attorney

NSR
64539

OPA

PM FEB 16 2009

IPT BY EB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 13 PM 4:05

CHIEF CLERKS OFFICE

February 11, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

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We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility, we live within 1 1/2 miles of the proposed location.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
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- Overall impact to our health and safety as a result of the rock crushing operation.
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- The Nuisance created by the proposed facility preventing the enjoyment of the State Roadside Park and surrounding bird watching areas.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

MW

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Please include our name on the permanent mailing list for this permit application 82199L002.

Sincerely,

George and Mary Best

P.O. Box 2809

Glen Rose, TX 76043

254-898-8422

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us
Representative Harvey Hildebran
David Frederick, Attorney

NSR
WL539

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 13 PM 4:05

CHIEF CLERKS OFFICE

OPA

BY GB

February 11, 2009

Mr. Buddy Garcia
Chairman
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

Chairman Garcia,

I am writing in reference to the above listed Permit Application for an Air Quality Permit for a Rock Crusher proposed for placement at Chalk Mountain.

I understand that there are processes and procedures in place for the issuance of Air Quality Permits for Rock Crushing operations. We are working through that process in Somervell County.

However, I wanted to make you aware that the citizens of Somervell County are being denied access to information that according to two different Public Notices is supposed to be provided at the Somervell County library.

On October 23rd, 2008 a Public Meeting was conducted in Glen Rose. Hundreds of questions were asked. None have been answered. Since October 23rd, the TCEQ has deemed the Air Quality permit application to be compliant with the technical requirements and we have passed into the second phase of the permit process. At the meeting and in writing, we pointed out over 20 flaws in the initial permit application, not the least of which was that the complete application with supporting documentation has never been placed at the County Library as defined in the Public Notice. We notified your department of these deficiencies at the meeting on October 23rd.

When we were notified that the permit had progressed to the second phase, we asked the reviewer about the comments we made on the initial application and he stated that he had not reviewed our comments. Why?

It seems that if your department was going to go through the time, effort and expense of travelling all the way to Glen Rose and the citizens of Somervell County were going to take their time and effort to come to the meeting and ask hundreds of questions, that it is not unreasonable to expect that the questions would be reviewed in concert with reviewing the permit application.

Further to the process we are now in, your department issued a letter to the Applicant on December 1, 2008 stating the Applicant had 33 calendar days to place the 2nd notice in the paper - they took 44. Further the notice instructs the Applicant to "Provide copy of the complete application (including any subsequent revisions) and the TCEQ Executive Director's preliminary decision (including draft permit) at a public place for reviewing and copying". The instructions also stated that this was to take place from the ***first*** day of newspaper publication. To date we do not have a complete application, any revisions, the Executive Director's decision or the draft permit.

MW

While we understand a process is in place, it has the appearance that the TCEQ is not following its own procedures and that the Applicant is not following the instructions provided by the TCEQ to provide the Citizens of Somervell County with proper notice and due process in this permit application.

We therefore respectfully request that the issuance of an Air Quality permit for the placement of a Rock Crusher at Chalk Mountain be denied.

Sincerely,

George and Mary Best

P.O. Box 2809

Glen Rose, TX 76043

254-898-8422

CC: David Frederick, Attorney At Law
County Attorney Ron Hankins
Commissioner Zach Cummings - Precinct 1
County Judge Walter Maynard
State Representative Sid Miller
State Senator Kip Averitt
U.S. Congressman Chet Edwards

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6L1559

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FEB 1 3 2009

BY GB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 13 PM 4:05

CHIEF CLERKS OFFICE

February 11, 2009

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Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

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Glen Rose, TX 76043

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County Attorney Ron Hankins
Commissioner Zach Cummings - Precinct 1
County Judge Walter Maynard
State Representative Sid Miller
State Senator Kip Averitt
U.S. Congressman Chet Edwards
✓ OFFICE OF PUBLIC INTEREST COUNSEL

NSR
U41589

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

OPA

2009 FEB 13 PM 4:04

CHIEF CLERKS OFFICE

BY EB

February 11, 2009

LaDonna Castanuela - Chief Clerk
Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

Ms. Castanuela,

On December 1, 2008 you wrote Mr. Tommy Davis of Slick Machines a letter instructing him on the proper procedures for the filing of a second notice in the above mention permit.

None of the supporting documents to the original permit application have ever been placed in the Somervell County library. Further, the Executive Director's decision nor the Draft Permit have been placed at the library. Your instructions to Mr. Davis were clear. The notice in the paper was clear. These documents were to be placed in the Somervell County Library from the first day of the notice in the paper. They were not and still are not at the library.

Your instructions were also clear that the notice was to appear in the paper **within** 33 calendar days. They did not, it was only on the 44th day that the notice was placed.

Your instructions were clear that the notice had to be placed with the identical **bolding** in the notice in the paper as it was on the notice, it did not.

Your instructions were clear. The Applicant did not follow the instructions. We respectfully request the Application be denied.

Sincerely,

George and Mary Best

P.O. Box 2809

Glen Rose, TX 76043

254-898-8422

MW

NSR
64589

OPA

BY EB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 13 PM 4:05

CHIEF CLERKS OFFICE

February 11, 2009

Donna Castanuela
Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

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Sincerely,

George and Mary Best

P.O. Box 2809

Glen Rose, TX 76043

254-898-8422

mw

NSR
L41589

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 13 PM 4:06

CHIEF CLERKS OFFICE

OPA

FEB 13 2009

BY GB

February 11, 2009

Donna Castanuela
Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

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Sincerely,

George and Mary Best

P.O. Box 2809

Glen Rose, TX 76043

254-898-8422

MW

NSR
LL1339

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

OPA

2009 FEB 13 PM 4:05

CHIEF CLERKS OFFICE

PM
IR+

BY GB

February 11, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

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- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park.
- The Nuisance created by the proposed facility preventing the enjoyment of the State Roadside Park and surrounding bird watching areas.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

MW

Concerning the Public Meeting we are requesting be held in Glen Rose, we respectfully request a meeting with the TCEQ to understand why:

- Questions that were raised in the first Public Meeting held in Glen Rose on October 23, 2008 have gone unanswered, yet the Permit process is progressing.
- Why the questions were not reviewed as part of the vetting process to determine if the Permit Application was "Administratively Complete" and complied with TCEQ Rules and Regulations when over 20 flaws were noted in the initial permit.
- Why the Permit Application has been allowed to move forward while the Public has not been provided with information as detailed in the TCEQ Public Notices in the *Glen Rose Reporter*.
- Why the TCEQ has not made sure the Applicant filed information in accordance with the requirements of the Second Notice from the first day that the notice was placed in the *Glen Rose Reporter*.
- Why the TCEQ is allowing the process to move forward when the notice was placed in the paper improperly.
- Why the TCEQ is rushing the application through the approval process without having performed tests to identify whether Silica will be present in the air as the result of Rock Crushing operation or if any other known Carcinogens will be released into the atmosphere as a result of Rock Crushing operations.

Please include our name on the permanent mailing list for this permit application 82199L002.

Sincerely,

George and Mary Best

P.O. Box 2809

Glen Rose, TX 76043

254-898-8422

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us
Representative Harvey Hildebran
David Frederick, Attorney

(3)

TCEQ Public Meeting Form

Thursday, October 23, 2008

Tommy Davis dba Slick Machines
Proposed Air Quality Permit No. 82199L002

MUST INCLUDE

PLEASE PRINT:

Name: DARRELL BEST

Address: 1600 CR 1006, P.O. BOX 2809

City/State: GLEN ROSE Zip: 76043

Phone: ( )

☐ Please add me to the mailing list.

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

If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☒ I wish to provide formal oral comments.

☐ I wish to provide formal written comments at tonight's public meeting.

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 24 PM 3:21
CHIEF CLERKS OFFICE

Please give this to the person at the information table. Thank you.

MW

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

October 23, 2008

OPA RECEIVED

OCT 23 2008

AT PUBLIC MEETING BP

RE: Permit Request No. 82199L002

To Whom It May Concern:

Attached please find my questions concerning the permit application for the proposed facility at Chalk Mountain.

There are two documents attached; Concerned Citizen's for the Preservation of Chalk Mountain and Chalk Mountain Public Meeting Questions – On behalf of the Concerned Citizens for the Preservation of Chalk Mountain.

If the attached is lost, or additional copies are required, please contact me at 214-517-7789.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 24 PM 3:22
CHIEF CLERKS OFFICE

My Address is

G. Darrell Best

P.O. Box 2809

Glen Rose, TX 76043

Sincerely,

signed _____

print G. Darrell Best

MW

Concerned Citizens for the Preservation of Chalk Mountain
Opening Comments

I've been told the pristine beauty of Chalk Mountain was first recorded in Life magazine in 1938 – it was listed as the second most scenic view in Texas.

In the 1950's State Hwy 67 has been re-routed over the mountain. Exactly 50 years ago the Gibbs family of Glen Rose donated a portion of the Skipper Ranch to the State of Texas for a State Roadside Park. A historical marker is being applied for this year to be placed at the Park.

Chalk Mountain's history goes back to the 1300's where Native American's dwelled in the caves. Remains have been found within 3 miles of the proposed facility at Panther Cave.

The current "Ghost town" of Chalk Mountain began its life as a trading post. At the Chalk Mountain cemetery, the oldest marker on site is from 1874 – but there are several markers with no dates whatsoever. The Cottonwood Baptist Church was founded in 1875, the Cottonwood Schoolhouse still stands on the property of the Cottonwood Baptist Church.

In 1904, the Masonic Lodge was chartered at Chalk Mountain, 104 years ago. This is truly historic place; not many years ago it is rumored that moonshine stills could be found just behind every stand of cedars on Chalk Mountain.

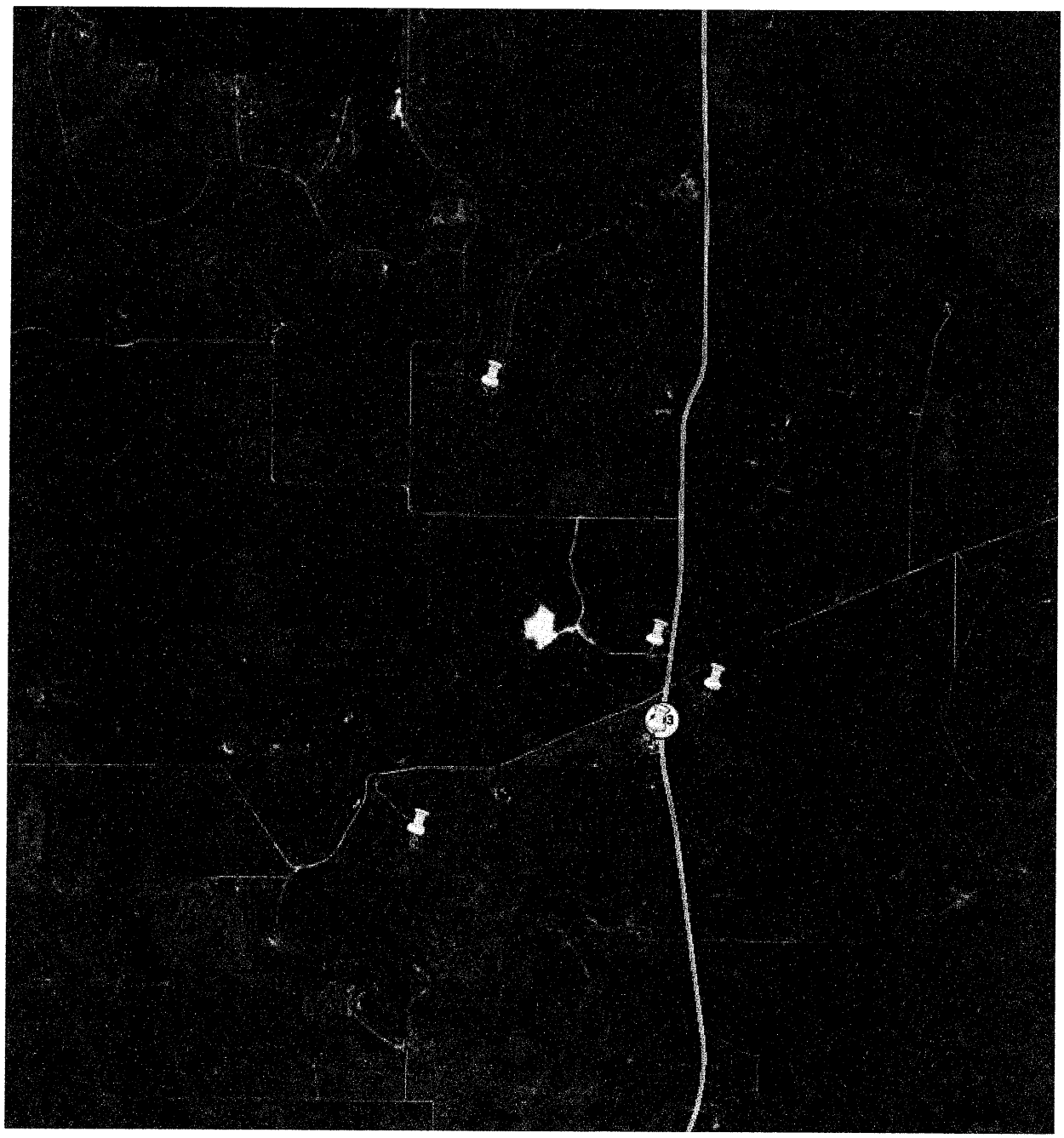
For the last 30 years owners of the land adjacent to the proposed facility have spent hundreds of thousands of dollars developing the habitat for numerous bird and animal species. Money for the development of this area as a wildlife habitat has come from State and Federal programs, private grants and endowments and from the individual land owners. Among their successes, they have been successful in the development of habitat for two endangered species. Birders have visited property just on the other side of the fence from the proposed facility from as far away as England, Germany and both coasts of the United States.

Since the 1980's, Somervell County has increasingly become a tourist destination. With facilities such as Fossil Rim, Dinosaur World, Dinosaur State Park, the Expo, the Amphitheater among many other attractions including bed and breakfast locations in rustic settings, Somervell has developed into a premier tourist destination in North Texas, generating over $17 million in direct spending annually. Tourist income is a renewable resource.

In a recent newspaper article Mr. Davis stated that he liked the location at Chalk Mountain because no one lived there. I guess he "Googled" Chalk Mountain and found it was a ghost town. Don't tell that to Ms. Jackson who has run a convenience store at Chalk Mountain for 53 years. Don't tell that to the family that lives within a ¼ mile of the pit itself or another family within ½ mile, or the 35 families within a mile of the proposed facility. In less than 2 ½ miles there are 72 families – about 200 people.

Homes near Proposed facility

I think Mr. Davis has mistaken Chalk Mountain to his Pit in Valera; by comparison, they seem to be almost deserted.



Slick Machine's Valera Pit – Coleman County

On October 20, 2008, the Somervell County Commissioners adopted the following Resolution:

RESOLUTION OF THE COMMISSIONER COURT
OF SOMERVELL COUNTY, TEXAS
IN SUPPORT OF KEEPING CHALK MOUNTAIN PRISTINE

WHEREAS, 2008 is the fiftieth anniversary of the dedication of the State Roadside Park on Hwy 67 West (Gibbs Roadside Park), overlooking the Chalk Mountain area, and

WHEREAS, Somervell County is a tourist destination for various outdoor activities, including "birding" by tourists from throughout the United States and foreign countries, and

WHEREAS, Chalk Mountain is known throughout North Texas to be a pristine, scenic and historical area of Somervell County.

NOW, THEREFORE, be it resolved by the Commissioner Court of Somervell County that this Court is supportive of all reasonable efforts to retain the pristine beauty of the Chalk Mountain area.

IN WITNESS THEREOF, we have affixed our signatures and seal on this 20 Day of October, 2008.

Walter Maynard, County Judge

Zach Cummings, Comm., Pct. #1

Mike Ford, Comm., Pct. #2

Lloyd Wirt, Comm., Pct #3

James Barnard, Comm., Pct. #4

ATTEST:

Candace Garrett, County Clerk

FILED
CANDACE GARRETT
COUNTY/DISTRICT CLERK
SOMERVELL CO., TEXAS
2008 OCT 20 AM 10: 10
DEPUTY
BY

The Concerned Citizens for the Preservation of Chalk Mountain support the Commissioners Resolution of 20 October.

From an environmental vantage point, the Chalk Mountain area is known for its pristine environment. People have moved here specifically for its clear, clean air. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region.

Based on the negative economic impact to Somervell County, the unneeded damage to a pristine and historic area of Somervell County, the added traffic of large rock hauling trucks on an already over crowded and dangerous highway, the negative impact to tourism at Chalk Mountain, the impact to the air quality to the County and the negative impact to the habitat of wildlife in the area in general and to the endangered species specifically, we the Concerned Citizens for the Preservation of Chalk Mountain hereby respectfully request that the Air Quality permit for this facility be denied.

Sincerely,

G. Darrell Best
Concerned Citizens for the Preservation of Chalk Mountain

Chalk Mountain Public Meeting Questions
On behalf of the
Concerned Citizens for the Preservation of Chalk Mountain

1. How were the emission factors for the air contaminants from then portable facility determined, e.g., were manufacture's test data or EPA AP-42 data or what used; were VOCs from haul and customer trucks and on-site diesel engines considered?

2. To what extent were particulate emissions from haul roads and blasting, in addition to the emissions from the rock crushing operations alone, considered?

3. To what extent do the entire operation's (so, quarrying, hauling, crushing, stockpiling, customer pick-up) affect property line impact evaluations, if any, for the operation?

4. What is the composition of the rock that is to be crushed; in particular, what are the silica and heavy metals concentrations and species in the rock?

5. How was the Best Available Control Technology level of emissions determined for was determined for VOCs and particulate emissions (e.g., what percentage control will be considered to be BACT for particulates and VOCVs)?

6. What, if any, consideration does TCEQ give to the impacts of airborne particulate emissions on groundwater or surface water resources?

7. How will the various production weights will be measured and the records of these measures be maintained and reported?

8. What does the agency consider to be the existing background concentrations for PM-10 and PM-2.5 at the site? Why does the agency believe those numbers are credible?

9. Will the agency require any property-line air-contaminant monitoring for VOCs and particulates?

10. What is the experience, if any, of the Slick Machines principals with rock quarrying and crushing; what is the compliance history over the past 10 years of firms in which these individuals were principals?
    a. What firms were they principals of, in addition to Slick Machines
    b. What is the parent company of Slick Machines?
    c. Who are the principals of the parent company?
    d. What other principals are major and minority partner/investors/backers of Slick Machines?

11. How, if at all, does TCEQ plan to coordinate approval of facility relocation and enforcement efforts related to this site with the county?

12. What is the probable response time for TCEQ investigators, in the event neighbors of the site complain regarding the proposed operation?

13. What is the likely duration of the agency's decision making process regarding the relocation at issue, here?

14. Is there any indication whether Slick Machine (or another Tommy Davis entity) will apply or has applied for an individual permit for a rock crushing operation at the site?

15. How about asphalt production, is there any indication of or plan for an asphalt plant at the site? How about a materials storage operation at the site?

16. If there were an indication of a permit application for an individual rock crusher permit or for an asphalt plant or for a materials storage facility at the site, how would that affect TCEQ's decision making regarding this relocation request?

17. If, as many neighbors believe, Slick Machines or Mr. Davis failed to secure coverage under the agency's general storm water permit for construction, would that affect at all the agency's decision making regarding the relocation request?

18. Does the agency acknowledge any responsibility to consider the more broad "public interest" (e.g., safety issues associated with haul truck traffic on rural roads or consequences for endangered species that nest on the site) in making its relocation decision?

19. If the agency does not impose continuous emissions monitoring requirements (e.g., a requirement to install a PM continuous emission monitoring system or automated periodic filter sampling system) on the facility, how does the agency rationalize that its permit restrictions are enforceable, as a practical matter?

20. Is a contested case hearing available for affected neighbors on a relocation authorization like this one? If not, what is the rule or statute that takes away that right? If so, what is the deadline to make the request?

21. Does Slick Machine's application for a Permit include a **Site Plan**? If so, or if not;
    a. Does the site plan include a site map detailing the proposed permit area?
    b. What is the distance to streams and creeks adjacent to the proposed facility?
    c. Nearest direction and distance to a county road; to a state hwy; intersection?
    d. Detailed ingress and egress route?
    e. A detailed plan in which the quarry will be mined?
    f. Does it include a report from an Independent hydrologist on any ground or surface water in the proposed affected area?
    g. Any plan to prevent any negative effect on ground and surface water?
    h. Any plans as to how, if an independent hydrologist report is submitted with the site plan, the company intends to address the recommendations in the hydrologist report?
    i. If an independent hydrologist has not been engaged, will the Permit Applicant allow an Independent hydrologist to perform a survey?
    j. What is the distance to the nearest egress point to a waterway?
    k. What method(s) is the operator going to deploy to keep dust from leaving the proposed facility during blasting, sorting, loading and transferring materials from/to the facility?
    l. What method(s) is the operator going to undertake to keep any water used in the entire mining and dust prevention operation from seeping back into the well water of surrounding residents?
    m. What is the distance from the proposed facility to the nearest residence?
    n. Will the operator or land owner provide a tour for local citizens of the proposed site to audit the proposed plan for the proposed facility?

22. Does Slick Machine's application for a Permit include a **Transportation Plan**? If so, or if not;
    a. Have a documented plan for transporting materials to and from the quarry over public roads
    b. Has or will TCEQ solicit a recommendation from TXDOT regarding the adequacy and design capacity of the roadway to safely accommodate the additional volumes of traffic expected to be generated at the proposed facility?
    c. Does the operator of the proposed facility have a plan in place to require all trucks to be completely tarped? If not, why not?
        i. How is the planned monitored?
        ii. Does the plan include independent contractor training and certification for the tarping of vehicles?
        iii. Have any of the operators vehicles or vehicles carrying aggregate from any of the operators facilities ever been cited for carrying aggregate in an uncovered vehicle? Have any vehicles ever been cited for the cause of an accident?
    d. Does the operator of the proposed facility carry liability insurance for any accident, damage or pollution caused by its vehicles or the sub contractors carrying the materials to/from the proposed facility?
        i. Who is the policy with?
        ii. How much liability coverage is carried?

23. Does Slick Machine's application for a Permit include a **Blasting Plan**? If so, or if not;

a. Is Blasting proposed for this proposed facility? If so;
   i. What is the Blast Warning Plan?
   ii. How does the close proximity of HWY 67 to the proposed facility figure into the blasting plan?
   iii. How close will be the closest home to the blasting area?
   iv. How close is the closest gas pipeline to the blasting area?
   v. What warning signs are going to be placed at HWY 67 warning drivers of an impending blast?
   vi. Has TXDOT been made aware of the blasting plan?
b. Does the Blasting Plan provide for recording and reporting on blasts, including;
   i. The exact location, time and date of detonation
   ii. The direction, distance to nearest building, school, church, commercial or institutional building
   iii. The weather conditions during the blast
   iv. The seismograph reading, including exact location of the seismograph and its distance from the blast
   v. Documentation of who is taking the readings, their training and expertise
   vi. Notification of seismographic blast results on a company website
   vii. An email notice of all planned blasts with a suitable notice period (24hrs)
   viii. Will blasting occur outside of the hours of operation on the Air Quality Permit for the Rock crusher?
c. The steps that will be taken to ensure no damage will occur to the Trinity Aquifer.
   i. What mechanism will be put in place to monitor the Trinity for damage?
   ii. What are the qualifications of the person or company that will be doing the monitoring?
   iii. What State certifications are required
   iv. Who monitors that the certifications are complete, up to date and have not expired?

24. Does Slick Machine's application for a Permit include a Reclamation Plan? If so, or if not;

a. Does the plan return all of the affected land at the proposed quarry site to a useful purpose?
   i. What is the stated useful purpose?
   ii. How will the land be returned to its useful purpose?
   iii. What is the timetable for the mining work to be performed?
   iv. What is the timetable for the completion of the reclamation process?
   v. How long from the end of the mining operation until the reclamation process is commenced?
   vi. What is the plan for Re-vegetation of the site?
   vii. Has a bond been posted for the reclamation work?

25. Has Slick Machines leased the land or leased its Mineral Rights?
    a. What is the term of the leasing agreement
    b. Have all owners of the land been informed of the terms of the agreement?

26. Does Slick Machines plan, anticipate or is considering the mining of Dimensional Stone at the proposed facility? If so, or if not;
    a. What is the plan to protect the water run off to Rough Creek?
    b. What is the plan concerning run off to the adjoining properties to the north and west of the proposed facility?
    c. What specific plans does the operator have to ensure the Clear Streams Initiative is adhered to?
27. What specific plans does the operator of the facility have to adhere to the Clear Streams Initiative?
    a. What specific plans does the operator have concerning run off to the adjoining properties to the north and west of the proposed facility?

28. Does the operator of the proposed facility have any State issued or industry issued or Equipment Manufacture issued certifications for the management of; or operation of a mining or rock crushing operation?
    a. What Certificate are those?
    b. What continuing education has been completed
    c. Has certification ever been denied?
    d. Has any previous certification been revoked?
    e. Has any previous certification expired?
    f. Who manages the certification program for the Operator
        i. What training have they received to qualify them for the management of a certification and training program
    g. What Certifications have the TCEQ made concerning this Operator?

29. What is the operator's Safety program
    a. Have there ever been any safety violations?
    b. What is the operator's safety record?
    c. Who administers the operator's safety program?
    d. What certifications does the safety administrator possess
        i. Have any of the safety administrators certifications expired
        ii. How does the administrator stay current with the latest best practices
        iii. What is the date of the last continuing education class and what was the class? Did the Administrator receive a certificate from the clas and what did the certificate say.
        iv. How many hours a year does the administrator receive in continuing education?

30. Has the hardness of the rock at the proposed facility been tested for compliance with TXDOT standards?
    a. Does the rock meet TXDOT Standards?
        i. If so, who is the customer for the materials produced at the proposed facility?
        ii. If not, who is the customer for the materials produced at the proposed facility?

31. Has a geologist and/or an archeologist surveyed the proposed facility for items of archeological and historical purposes?
    a. What is the specific plan to ensure dinosaur bones, fossils, footprints and other remains are not lost in the rock crushing operation?
    b. What is the specific plan to insure the remains, relics and burial grounds of the Native Americans that are know to have inhabited the area in and around the proposed facility are not lost in the rock crushing operation?

32. What enforcements and complaints has the TCEQ pursued or otherwise have been involved in with this operator; or any predecessor; partner, investor or "backer" of the operator of this proposed facility?
    a. What were the complaints, if any, and actions taken
    b. What were the enforcements, if any, and action taken
    c. Has the operator of the proposed facility ever been denied a permit, or has a permit ever been cancelled for any facility the operator, partner, investor or backer been involved in?
    d. Has the operator ever been cited for the operation of a rock crushing facility without the requisite permits for air or water quality?

33. How long did Slick Machines crush rock at the Valera pit?
    a. How many tons per year were mined?
    b. How many acres is the mine site?
    c. Why was the Air Quality permit cancelled?
    d. Are you still pulling gravel from the Pit?
    e. Why did the egress route go along the county road rather than across the ranch road?
    f. Why is there ankle deep dust on the county road in the direction that the trucks travel and none in the opposite direction?

34. When was the machine moved to Desdemona?
    a. Did you receive a permit to crush rock in Desdemona?
    b. How much rock did you crush in Desdemona?
    c. Are you still crushing rock in Desdemona?
    d. How many complaints did you have in Desdemona?
    e. Why have you quit crushing rock in Desdemona and moving the rock crusher here?

Complaint Status

Complaint Tracking #: 49686

Complaint Received Date: 11/19/2004
Number Complaining: 1

Status: CLOSED
Status Date: 01/07/2005

Nature: INDUSTRIAL
Frequency: CURRENT
Duration:
Media: WATER
Program: WATER QUALITY - HIGH LEVEL
Priority: Within 30 Calendar Days
Effect: GENERAL

Receiving Water Body:

Regulated Entity: SLICK MACHINES
County: COLEMAN

Description:

Complainant alleges a portable rock crushing operation is operating without permits for transporting water.

Comment:

INTRODUCTION

On November 19, 2004, a complaint was submitted to the TCEQ Abilene Region by telephone concerning a portable rock crushing operation in Coleman County. The complainant alleged that the facility is operating without a storm water permit.

On December 14, 2004, Ms. Jennifer Meador, Storm Water Investigator with the TCEQ Abilene Region, and Mr. Mike Taylor, Air Investigator, conducted an unannounced on-site investigation at Slick Machines Valera Site, located at the junction of FM 503 and CR 420, Valera, Texas, in response to the alleged storm water complaint. This inspection is considered a multi-media investigation in conjunction with the air program.

Ms. Meador and Mr. Taylor met with Mr. Tommy Davis, owner of Slick Machines, and explained that an investigation of the operation would be conducted to determine the validity of the allegation. Mr. Davis was present during the site investigation. According to Mr. Davis, the site was not permitted through an individual permit or the Multi-Sector General Permit (MSGP) issued under the Texas Pollutant Discharge Elimination System (TPDES). An exit interview was conducted on December 14, 2004, in which Mr. Davis was informed that the facility will receive a Notice of Violation (NOV) letter including a compliance due date for the alleged violation of operating without authorization to discharge storm water associated with industrial activity to water in the state through an individual permit or the TPDES MSGP. Ms. Meador informed Mr. Davis of permit requirements, as well as, the process on obtaining a TDPES MSGP. An exit interview form documenting the alleged violation was given to Mr. Davis on-site.

GENERAL FACILITY AND PROCESS INFORMATION

Slick Machines Valera Site is a portable rock crushing operation producing limestone road base material. The site consists of a portable rock crusher, several stock piles of limestone material, and a maintenance (lay down) area all located within the rock quarry. The operation is classified under Standard Industrial Classification (SIC) code 1422, Crushed and Broken Limestone, covered under Sector J (Mineral Mining and Dressing Facilities) of the Texas Pollutant Discharge Elimination System (TPDES) Multi-Sector General Permit (MSGP). The total acreage of the site is approximately 750 acres with the quarry encompassing approximately 4 acres. Storm water flows east down the south trench of the road exiting the quarry to a series of two detention ponds, located east of the quarry, ultimately

discharging to Mustang Creek.

BACKGROUND

There have not been any previous storm water investigations at this site.

ADDITIONAL INFORMATION

Mr. Davis accompanied Ms. Meador and Mr. Taylor during the site investigation. During the investigation, one violation was noted of operating without authorization to discharge storm water associated with industrial activity.

Photographs were taken to document the investigation. These photographs are included as attachments in the investigation report. A NOV letter will be sent to the facility on January 10, 2005.

Action Taken:

On December 14, 2004, an unannounced on-site investigation was conducted at Slick Machines Valera Site, located at the junction of FM 503 and CR 420, Valera, Texas by Ms. Jennifer Meador, Storm Water Investigator with the TCEQ Abilene Region, and Mr. Mike Taylor, Air Investigator, in response to an alleged storm water complaint.

During the investigation, one alleged violation was noted of operating without authorization to discharge storm water associated with industrial activity. A NOV letter will be sent to the facility on January 10, 2005.

A letter documenting the investigation findings will be sent to the complainant on January 10, 2005.

View Investigation Details

Return to Top

Complaint Tracking #: 72939

Complaint Received Date: 03/15/2006
Number Complaining: 1

Status: CLOSED
Status Date: 03/23/2006

Nature: DUST
Frequency: CURRENT
Duration: ESTIMATED
Media: AIR
Program: AIR QUALITY - HIGH LEVEL
Priority: Within 30 Calendar Days
Effect: ENVIRONMENTAL

Receiving Water Body:

Regulated Entity: SLICK MACHINES
County: COLEMAN

Description:

Caller complaining about excessive dust from rock crushing operation nearby caller's residence. Complainant states that there is a significant coating of white dust on their property and equipment as well as on the hay that cattle now refuse to eat.

Comment:

The investigator attempted to contact the complainant via telephone numerous times on March 16, 17 & 20, 2006, but was unsuccessful. Therefore, an onsite investigation was scheduled for March 21, 2006, based on available information.

Action Taken:

Based on the results of the March 21, 2006, investigation, no nuisance dust conditions could be confirmed from operations at the alleged source. Therefore, it is recommended that this complaint, Incident No. 72939, be closed. The complainant will be informed of the results of the investigation via letter.

Complaint Tracking #: **74509**

Complaint Received Date: 04/18/2006
Number Complaining: 1

Status: CLOSED
Status Date: 04/18/2006

Nature: DUST
Frequency: CURRENT
Duration: ACTUAL
Media: AIR
Program: AIR QUALITY - HIGH LEVEL
Priority: Within 30 Calendar Days
Effect: ENVIRONMENTAL
GENERAL

Receiving Water Body:

Regulated Entity: SLICK MACHINES
County: COLEMAN

Description:

Complainant alleges that dust from a road leading to the Slick Machine rock crushing operation is causing a nuisance, by coating his property with dust.

Comment:

The invesetigators explained to the complainant that the TCEQ does not regulate nuisance dust conditions when the dust is generated by a county road.

Action Taken:

The on site investigation confirmed that dust from County Road 420 in Coleman County had caused nuisance conditions.

Complaint Tracking #: **48402**

Complaint Received Date: 10/25/2004
Number Complaining: 1

Status: CLOSED
Status Date: 10/28/2004

Nature: WASTE - DO NOT USE AFTER 04/04
Frequency: CURRENT
Duration:
Media: WASTE
Program: MUNICIPAL SOLID WASTE - HIGH LEVEL
Priority: Within 30 Calendar Days
Effect: GENERAL

Receiving Water Body:

Regulated Entity: CALICHE PIT 2525 FARM ROAD
County: BROWN

Description:

A demolished house was improperly disposed in a caliche pit and disposed along with sewer pipe and dirt.

Comment:

The incident will be closed by investigation #339075. Violations were noted, an NOV will be issued to Slick Machinery and Otis Lawrence.

Action Taken:

A site visit was conducted by Ron Dennis, Abilene, Region 3 on 10/20/2004.

OPA

WH PM OCT 01 2008 BY KM

NSR 64589

Office of the Chief Clerk
MC-105, TCEQ
PO BOX 13087
Austin, TX 78711-3087

September 27, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT -1 PM 12
CHIEF CLERKS OFFICE

Dear Sir or Madam:

I am writing in regards to an Air Quality Permit Request (Permit Number 82199L002) in Somervell County. Tommy Davis has requested a permit to allow a rock crushing facility to operate eight hours/day, five days/week, and to crush 100 tons of rock/hour for a total of 75,000 tons/year. The permit seeks approval to allow air contaminants "including particulate matter less than 10 microns in diameter."

In my previous correspondence I had inappropriately used the phrase of "Public Hearing" instead of requesting appropriately a "Public Meeting".

Please withdraw my request for a Public Hearing and change that request to a Public Meeting. It is my understanding that both State Representative Sid Miller and Senator Kip Averitt have asked for the meeting, as well as our County Commissioners and several of my neighbors in Somervell County.

My residence is located at 1600 CR-1006, approximately 1 ½ miles from the proposed facility. In addition to concerns about the impact of the air quality in and around my home, I am concerned about the other impacts to the general environment of the area. What will be the impact on the ground water supply, how will waste water, as part of dust control measures, be treated, how will the plant ensure that the waste water pollution does not end up in my well water among many other issues.

Two species of Federally and State listed Endangered birds, the Golden-Cheeked Warbler and the Black-Capped Vireo have nesting areas in the area of the proposed facility. The property to be permitted is likely to also have populations of these birds. If approved, the entire area's population of these protected birds will be negatively impacted by the air contaminants released by the rock crushing facility.

I am requesting that a public meeting be held in regards to this permit request. This will allow for a thorough discussion of the issues involved before any decision is made. Please add me to the mailing list to receive future public notices for this application.

My contact information is: George D. Best
P.O. Box 2809
1600 CR-1006
Glen Rose, TX 76043

Any mail sent must include the P.O. Box in the address. My home phone number is 254-898-8422.

Sincerely,

George D. Best

mw

George D. Best
P.O. Box 2809 Glen Rose, TX 76043

FORT WORTH TX 761

29 SEP 2008 PM 7 T

"LET US DARE TO READ, THINK, SPEAK, AND WRITE."
John Adams.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT -1 AM 10:42
CHIEF CLERKS OFFICE

Office of the Chief Clerk
MC-105, TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RECEIVED
OCT 01 2008
TCEQ MAIL CENTER

78711-3087

NSR
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PM
H

OPA
OCT 24 2008
BY BP

Office of Chief Clerk
TCEQQ
PO Box 13087
Austin Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 24 AM 10:22
CHIEF CLERKS OFFICE

Re Air Quality Permit #82199L002

To Whom It May Concern:

The purpose of this letter is to submit public comments, to request a public meeting and to request a contested case hearing to the Office of the Chief Clerk. An application has been made to the TCEQ for a permit which would authorize a rock crushing facility at 11209 US Hwy. 67, Glen Rose, Texas, Somervell County. Tommy Davis, dba Slick Machines, of Brownwood, Texas is the applicant. I am definitely opposed to this permit being issued because of the following reasons.

Air contaminants and loss of habitat will negatively impact the health and well being of Federally and State listed Endangered Species (Black-Capped Vireos and Golden-Cheeked Warblers). They are on the top 10 endangered list. I feel all wild life will be affected.

I am concerned about air and noise pollution negatively affecting the health and quality of life of residents.

This is a heavily populated area. The speed limit is 70 mi. per hour on the highway. There are steep inclines and many curves. Increased truck traffic will create dangerous conditions in this area.

I fear a negative economic impact on Somervell County because of the loss of tourism and lower home values.

Chalk Mountain, an identifiable historical state landmark, would be forever removed from our landscape. A State Road Side Park considered one of the states most beautiful will be overlooking a rock crushing facility if this permit is granted. There are numerous other historical sites in the area including a church.

We recognized the need for rock crushers and gravel. We simply feel, for the reasons stated above, that the proposed site is the wrong location for a facility of this kind, and we request you assistance in ensuring that this facility is not established.

Sincerely,

Heather Bienko

Heather Bienko

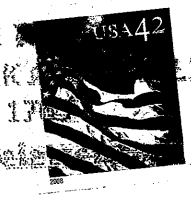
MW

JOHN AND HEATHER BIENKO
14038 BROOKCREST
DALLAS, TX 75240

DALLAS TX 752

23 OCT 2008 PM 5 T

"LET US DARE T
THINK, SPEAK
John Adams, 17
powerofthele



office of Chief Clerk
TCEQQ
Austin, TX 78711-3087

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OCT 24 2008
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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 24 AM 10: 22

CHIEF CLERKS OFFICE

78711/3087

NSR
604589

Rebecca Bloch
1504 Clover Lane
Granbury, TX 76048

October 8, 2008

OPA
PM
H
OCT 13 2008
BY

CHIEF CLERKS OFFICE
2008 OCT 13 AM 10: 23
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres of oak shinnery and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. I fear that the installation and operation of the proposed rock-crushing facility will adversely impact the nesting habitat and nesting habits of these 2 endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for habitat restoration may be wasted efforts if this facility is permitted for operation.

In addition to potential impacts to 2 federally endangered species of birds, the proposed rock crushing facility will also potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

mw

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

LBloch
1504 Clover Lane
Granbury, TX 76048

FORT WORTH TX 761
09 OCT 2008 PM 3 T

"LET US DARE TO
THINK, SPEAK AN
John Adams, 176
powerofthelett

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 13 AM 10: 23
CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
PO Box 13087
Austin, TX 78711-3087

RECEIVED
OCT 13 2008
TCEQ MAIL CENTER

78711-3087

NOR
64589

Office of Chief Clerk
TCEQQ
PO Box 13087
Austin Texas 78711-3087

PM OPA HR
OCT 10 2008
BY DM

2008 OCT -9 PM 2:42
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Re Air Quality Permit #82199L002

To Whom It May Concern:

The purpose of this letter is to submit public comments, to request a public meeting and to request a contested case hearing to the Office of the Chief Clerk. An application has been made to the TCEQ for a permit which would authorize a rock crushing facility at 11209 US Hwy. 67, Glen Rose, Texas, Somervell County. Tommy Davis, dba Slick Machines, of Brownwood, Texas is the applicant. I am definitely opposed to this permit being issued because of the following reasons.

Air contaminants and loss of habitat will negatively impact the health and well being of Federally and State listed Endangered Species (Black-Capped Vireos and Golden-Cheeked Warblers). They are on the top 10 endangered list. I feel all wild life will be affected.

I am concerned about air and noise pollution negatively affecting the health and quality of life of residents. I live less than ½ mile (as a bird flies) from this location. I have put everything I have into my land, house and property. I do not feel its fair for this company to be able to operate so close to people's homes.

This is a heavily populated area. The speed limit is 70 mi. per hour on the highway. There are steep inclines and many curves. Increased truck traffic will create dangerous conditions in this area.

I fear a negative economic impact on Somervell County because of the loss of tourism and lower home values.

Chalk Mountain, an identifiable historical state landmark, would be forever removed from our landscape. A State Road Side Park considered one of the states most beautiful will be overlooking a rock crushing facility if this permit is granted. There are numerous other historical sites in the area including a church.

We recognized the need for rock crushers and gravel. We simply feel, for the reasons stated above, that the proposed site is the wrong location for a facility of this kind, and we request you assistance in ensuring that this facility is not established.

Sincerely,
Paul & Deirdre Boccafogli
9828-A Highway 67 west
Walnut Springs, Texas 76690

Paul

MW

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT -9 PM 2:42

CHIEF CLERKS OFFICE

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Office of Chief Clerk
TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

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OCT 09 2008
TCEQ MAIL CENTER
RB

78711-3087

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 15 PM 1:59

CHIEF CLERKS OFFICE

DON BODENHAMER
ATTORNEY AT LAW

6207 AIRPORT FREEWAY
FORT WORTH, TEXAS 76117

PHONE (817) 831-6000
FAX (817) 831-8870

October 10, 2008

NSR
LC15891

PM
H

OPA
OCT 16 2008
BY BP

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at: 9049 Highway 67W, Glen Rose, Texas 76043.

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

Air Quality in Somervell County. the proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particular Matter less than 10 Microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Endangered Species. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalist from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Environmental Issues. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am, also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

Economic impact. Somervell County is a destination location for thousands of tourists, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

mw

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Don Bodenhamer
Attorney at Law

DB/ec

Cc: file

NSR
64589

DON BODENHAMER
ATTORNEY AT LAW

6207 AIRPORT FREEWAY
FORT WORTH, TEXAS 76117

PHONE (817) 831-6000
FAX (817) 831-8870

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 1 PM 3:05
CHIEF CLERKS OFFICE

October 10, 2008

OPA
PM
H
OCT 14 2008
BY

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at: 9049 Highway 67W, Glen Rose, Texas 76043.

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

Air Quality in Somervell County. the proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particular Matter less than 10 Microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Endangered Species. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalist from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Environmental Issues. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am, also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

Economic impact. Somervell County is a destination location for thousands of tourists, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

MW

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Don Bodenhamer
Attorney at Law

DB/ec

Cc: file

DON BODENHAMER
ATTORNEY AT LAW
6207 AIRPORT FREEWAY
FORT WORTH, TEXAS 76117

FORT WORTH TX 761

10 OCT 2008 PM 4 L

"LET US DARE TO READ,
THINK, SPEAK A[illegible]
John Adams, 176[illegible]
powerofthelett[illegible]

FIRST-CLASS FOREVER

COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 13 PM 3:04

CHIEF CLERKS OFFICE

RECEIVED
OCT 13 2008
TCEQ MAIL CENTER
AJ

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

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RECEIVED

OCT 14 2008

Texas Commission on Environmental Quality
Commissioners' Offices

DON BODENHAMER
ATTORNEY AT LAW

6207 AIRPORT FREEWAY
FORT WORTH, TEXAS 76117

PHONE (817) 831-6000
FAX (817) 831-8870

NSR
604589

October 10, 2008

OPA

OCT 16 2008

BY

RECEIVED BY OPA
TRACKING #
ASSIGNED TO:

OCT 14 2008

DUE DATE:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 15 PM 1:57
CHIEF CLERKS OFFICE

Mr. Buddy Garcia
Texas Commission on Environment Quality
M.C. 100, P.O. Box 13087
Austin, Texas 78711-3087 **MCCRRR: 7000 0520 0021 6643 9746**

RE: Permit Request No. 82199L002

Dear Chairman Garcia:

I live in Somervell County at 9049 Highway 67W, Glen Rose, Texas 76043. This location is at the base of Chalk Mountain. I am strongly opposed to a rock-crushing facility scheduled for construction approximately one mile from my ranch. There are many environmental concerns of the residents of this county as enumerated in a letter sent to the Office of the Chief Clerk, TCCQ (attached).

You should also be aware the United States Department of the Interior has taken a stance in opposition to this permit application (attached); as well as the Fort Worth Audubon Society. Further, at this very time, the landowner, most likely in concert with Mr. Tommy Davis (d.b.a. Slick Machines) who is seeking the permit, has brought in heavy equipment and has cleared several acres of soil and trees. This activity is an affront to concerns outlined in Thomas J. Cloud's (U.S. Dept. of the Interior) letter.

Mr. Garcia, I am not one to rise up in opposition to matters that affect only a few citizens when the expected benefit for the majority weighs heavy. However, this permit, if approved, will have a devastating impact on the area surrounding this proposed plant as well as our community as a whole.

Sincerely,

Don Bodenhamer

P.S. I have noted you served with Roger Williams as deputy secretary of state. I played baseball with Roger at TCU and as such am privy to the real story of his athletic prowess. I look forward to hearing from you.

CC: Daniel Womack, Executive Assistance
M.C. 100, P.O. Box 13087
Austin, Texas 78711-3087

Becky Walker, Assistant
M.C. 100, P.O. Box 13087
Austin, Texas 78711-3087

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
WinSystems Center Building
711 Stadium Drive, Suite 252
Arlington, Texas 76011

September 5, 2008

21420-2008-TA-0344

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

To whom it may concern:

We have received the *Notice of Receipt of Application and Intent to Obtain Air Permit* concerning air quality permit number 82199L002. The permit, if issued, would authorize the change of location of a rock crushing facility to 11209 U.S. Hwy 67 in Somervell County. We have the following comments concerning issuance of the permit.

The Notice did not identify a property for the location of the facility, however, from the address provided we have evaluated the immediate surrounding area north of Hwy 67. It appears that within this area, large patches of habitat for the endangered golden-cheeked warbler (*Dendroica chrysoparia*) may exist. It has also been brought to our attention that several of the surrounding landowners manage their land for wildlife and have documented the presence of the golden-cheeked warbler and endangered black-capped vireo (*Vireo atricapilla*) on their properties. The areas where these species have been located occur within habitat patches that extend to the area located adjacent to the proposed rock crushing facility. Due to the repeated observations of both species in close proximity to the location of the rock crushing facility and the suitable habitat occurring on the limestone hills encompassing the area, it is highly probable that one or both birds occur on the property.

Under section 9 of the Endangered Species Act (ESA), it is unlawful for any person to "take" a Federally-listed threatened or endangered fish or wildlife species without special exemption. The ESA defines "take" as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or to attempt to engage in any such conduct. Harm is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is defined as actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding or sheltering.

Take incidental to an otherwise lawful activity may be authorized through the initiation of formal consultation, if a Federal agency, is involved; or if a Federal agency, Federal funding, or a Federal permit are not involved in the project, an incidental take permit pursuant to section 10 (a)(1)(B) of the ESA may be obtained upon completion of a satisfactory habitat conservation plan for the listed species. However, there is no mechanism for authorizing take "after-the-fact."

The Service is concerned that the associated activities of the rock crushing facility, if permitted, may affect the black-capped vireo and/or golden-cheeked warbler. Such activities include mining rock from the hillsides, noise and truck traffic, and excessive dust. We recommend that presence/absence surveys for the warbler and vireo be conducted in and adjacent to the affected area. The surveys should be conducted by a Federally permitted biologist and the results submitted to this office for evaluation.

Thank you for the opportunity to comment on the permit application. If you have any questions, please contact Omar Bocanegra of my staff at (817) 277-1100.

Sincerely,

Tom Cloud

Thomas J. Cloud, Jr.
Field Supervisor

JSR
64589

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 OCT 13 PM 2:47

CHIEF CLERKS OFFICE

October 10, 2008

OPA

PM

OCT 14 2008

H

BY

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at: 9049 Highway 67W, Glen Rose, Texas 76043.

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

Air Quality in Somervell County. the proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particular Matter less than 10 Microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Endangered Species. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalist from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Environmental Issues. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am, also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

Economic impact. Somervell County is a destination location for thousands of tourists, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

mw

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Sandra Bodenhamer

Sandra Bodenhamer

SB/ec

Cc: file

DON BODENHAMER
ATTORNEY AT LAW
6207 AIRPORT FREEWAY
FORT WORTH, TEXAS 76117

FORT WORTH TX 761

10 OCT 2008 PM 5 L

"LET US DARE TO READ
THINK, SPEAK AND
John Adams, 1765
powerofthelettor

USA FIRST CLASS FOREVER

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

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OCT 13 2008
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78711+3087

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 13 PM 2:47

CHIEF CLERKS OFFICE

TCEA

TARRANT COALITION for ENVIRONMENTAL AWARENESS

P.O. Box 14477, Arlington, Texas 76094

October 10, 2008

NSR
604589

Office of the Clerk
MC-105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

OPA
PM
4
OCT 14 2008
BY

Office of the Clerk

Tarrant Coalition for Environmental Awareness (TCEA) is writing in regard to Air Quality Permit Number 821991L002. Tommy Davis, President of Slick Machines, has applied to TCEQ requesting a change in location for a Rock Crushing Facility to be located at 11209 U.S. Highway 67 (200 yards east thereof) in Somervell County, Texas approximately eleven miles west of Glen Rose, Texas. The facility will emit particulate matter including particulates less than 10 microns in size.

The dust generated by the rock crushing process and by the machinery that transports the crushed material about the premises or to destinations will create the problematic ultra-fine particles and is the reason Mr. Davis must seek an air quality permit. Dust particulates of less than 10 microns can be easily inhaled by any air breathing organism and damage the airways or lungs. The clouds of dust generated by the requested operation could be pulled from the air by intentional misting, using water that is in short supply. Outside the fence surrounding his Coleman County rock crushing facility, the accumulation of dust can be so great that it looks like a fresh snow fall. In these conditions, all vegetation and the ground (everything on-site) and the surrounding area is coated with dust. So that in addition to potential respiratory damage, the wildlife that call this area home are hard pressed to find the foods they need to exist because it is covered with dust. This dust can change the soil properties and thus impact the vegetation through soil nutrition and smothering the roots and leaves. The waterways can also be impacted by rain events carrying dust washed off the property into the streams and rivers or impoundments.

These concerns are particularly important at this site. The area for the requested operation is immediately adjacent to a large "occupied habitat" known to support two endangered species, the Golden-cheeked Warbler (GCW) and the Black-capped Vireo (BCV). These birds nest in the adjacent properties which are undergoing habitat restoration. They have also been sited in the area to be mined. They are both migratory species that return to Summerville County every

MW

spring to nest and rear their young. Our concern is that excessive disturbance of the habitat is equivalent to destroying it. If the birds are present, they are nesting and their survival could be compromised by breathing the dust and by burial of essential food by dust accumulation. If the birds are gone any disturbance of this habitat reduces the likelihood that they will return the following year(s). Since these birds already have a tentative nest production and survival rate, the mining, crushing and the associated dust throughout the area will worsen these rates.

TCEA respectfully requests that a public meeting and hearing to consider these concerns.

Sincerely,

Bonnie Bowman

Bonnie Bowman, President
TCEA

TCEA
P.O. Box 14477
Arlington, TX 76013

FORT WORTH TX 761
10 OCT 2008 PM 8 L

RECEIVED
OCT 13 2008
TCEQ MAIL CENTER
MAIL

Office of the Clerk
MC-105, TCEQ
P.O. Box 13087
Austin, TX 78711-3087

78711+3087

LOUIS COMFORT TIFFANY

NSR
64589

October 25, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

OPA
OCT 31 2008
BY EB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 31 AM 10: 39
CHIEF CLERKS OFFICE

RE: Permit Request No. 82199L002

To Whom It May Concern:

We live in Somervell County at 1539 Black Hawk Trail, Nemo, TX 76070 and are opposed to a rock-crushing facility (Permit Request No. 82199L002) scheduled for construction in the Chalk Mountain area of Somervell County.

Our concern is based on the following issues:

Air Quality in Somervell County: The proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Endangered Species. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Environmental Issues. This includes environmental impacts of excessive noise from the operation of the facility as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents that will result from an large increase in the number of water and hauling trucks needed to run this facility.

Economic Impact. Somervell County is a destination location for thousands of tourists, including location such as Dinosaur State Park, Fossil Rim Wildlife Center and the Creation Evidence Museum that are all within 10 miles of the proposed facility.

We respectfully request a public meeting and hearing be scheduled on this issue.

Sincerely,

Lera and Grady Brittain

L. Brittain
P.O. Box 406
Nemo, TX 76070

FORT WORTH TX 761
29 OCT 2008 PM 7 T

"LET US DARE TO READ, THINK, SPEAK AND WRITE."
John Adams

RECEIVED
OCT 31 2008
TCEQ MAIL CENTER
JH

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 31 AM 10:38
CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087

78711-3087

PM
#

OPA
OCT 22 2008
BY BP

NSR
6415 89

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 OCT 22 AM 9:33

CHIEF CLERKS OFFICE

October , 2008

Office of the Chief clerk
Mail Code 105 TCEQ
Po Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at: 1083 CR 2022

I am opposed to a rock-crushing facility (Permit Number 82199L002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

AIR QUALITY IN SOMERVELL COUNTY. The Proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

ENDANGERED SPECIES. This area provides critical habitat for 2 federally endangered species of birds, the Golden Cheeked Warbler and Black Capped Vireo. These two birds next extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which next only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

ENVIRONMENTAL ISSUES. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

ECONOMIC IMPACT. Somervell County is a destination location for thousands of tourists, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Gloria L Brosseau

mw

B

R. C. & Tootie Brosseau
1083 County Road 2022
Glen Rose, TX 76043

FORT WORTH TX 761

20 OCT 2008 PM 1 T

USA 42

John Adams, 1765

Office of the Clerk
Mail Code 105 J C E Q
P O Box 13087
Austin, TX 78711-3087

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TCEQ MAIL CENTER
RB

78711-3087

The Brown Family
133 Starwood Lane
Holly Springs, NC 27540
(919) 552-6722

OPA
APR 15 2010
BY Ky

AIRNSR
64589

April 12, 2010

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

Dear Ms. Castanuela

We are writing to request a contested case hearing as affected persons. The Permit Number is 82199L002, Tommy Davis, dba Slick Machines Rock Crusher. Our mailing address and phone number are in the letterhead above.

We are "affected persons" because we own 210 acres immediately adjacent to the location of the proposed rock crusher. We also own a home that is within ½ mile of the proposed rock crusher. We are concerned about our health and the health of our two children, our safety, and our ability to use our property for the reason it was originally purchased. Our concerns center on the dust and other particulate matter that will enter our property from the rock crusher. We feel the "Executive Director's Response to Public Comments" inadequately addressed our health and safety concerns and believe a contested case hearing is warranted to fully address these issues.

Sincerely,

Charles S. Brown

Cyd F. Brown

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 APR 14 PM 2:43
CHIEF CLERKS OFFICE

Brown
133 Starwood Lane
Holly Springs, NC 27540

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 APR 14 PM 2:43
CHIEF CLERKS OFFICE

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APR 14 2010
TCEQ MAIL CENTER
JC

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

78711$3087 B012

From: PUBCOMMENT-OCC2
To:
Subject: Re: Fwd: Public comment on Permit Number 82199L002

>>> PUBCOMMENT-OPA 8/31/2009 9:53 AM >>>
H

>>> PUBCOMMENT-OCC 8/31/2009 9:14 AM >>>

AIR NSR
64589

>>> 8/30/2009 7:26 PM >>>

REGULATED ENTY NAMESLICK MACHINES ROCK CRUSHER 1
RN NUMBER:RN105244461
PERMIT NUMBER:82199L002
DOCKET NUMBER: Not Found
COUNTY:SOMERVELL
PRINCIPAL NAME:DAVIS, TOMMY
CN NUMBER:CN602877276
FROM
NAME: Charles & Cyd Brown
E-MAIL:
COMPANY:
ADDRESS:133 STARWOOD LN
HOLLY SPRINGS NC 27540-8345
PHONE:
FAX:
COMMENTS: As the landowner of property adjoining that where Mr. Tommy Davis proposes to place his rock crusher, we have the following questions. 1. Has Mr. Davis submitted a site plan? If not, why? 2. What measures will be taken to control air pollution? 3. What measures will be taken to control water pollution? 4. Since Slick Machines has not followed TCEQ guidelines in submitting its application, why has the original application procedure been allowed to continue? Why has not TCEQ required Mr. Davis to start the whole process over and do it correctly from the beginning? 5. Surveys, completed by a Wildlife Scientist certified by the US Fish & Wildlife Service, on our property this spring and summer document the presence of both Golden-Cheeked Warblers and Black-Capped Vireos. Some of these birds were detected near our fence line with the Parham property. One Golden-Cheeked warbler has been documented across the fence line, on the Parham property. What responsibility does the Texas Commission on Environmental Quality, emphasis on the word "Environmental", have in protecting endangered species known to be an area for which a permit has been requested? 6. Just the dust produced by the rock crusher will alter the habitat for

Golden-Cheeked Warblers and Black-Capped Vireos. How will Slick Machines prevent the disturbance of the habitat of these birds? 7. Why did Hill Country Environmental, Mr. Davis environmental firm, cancel their meeting with the US Fish & Wildlife Service this spring? Since Mr. Davis and Hill Country Environmental were both aware that the Parham property has prime nesting habitat for two endangered species, why did they not conduct surveys this spring and summer? 9. Endangered species have been documented both on the Parham property and adjoining property. We request that TCEQ seek information from both the US Fish and Wildlife Service and Texas Parks & Wildlife on the effects this rock crushing facility may have on the birds before issuing this permit. 10. We request a contested case hearing in regards to this air quality permit. We look forward to receiving your responses to these issues. Sincerely, Charles S. & Cyd F. Brown

The Brown Family
133 Starwood Lane
Holly Springs, NC 27540
(919) 552-6722

PM
H

OPA
FEB 12 2009
BY KY

NISR
641589

February 7, 2009

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 FEB 11 PM 3:06
CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Dear Sir or Madam:

With this letter, we officially request a public meeting, a public hearing and a contested case hearing in regards to Air Quality Permit Number 82199L002 being applied for by Tommy Davis of Slick Machines. We, along with Charles' mother, own approximately 321 acres of land immediately adjacent to the proposed Rock Crushing Facility for which the Air Quality Permit is being requested. Our property is located approximately one mile north of Highway 67 on County Road 196 in Chalk Mountain, TX.

This acreage has been in the Brown family for 43 years. It was bought for outdoor recreational use, the most important of which was, and still is, wildlife viewing and enjoyment. We are both Certified Wildlife Biologists. We have official wildlife management plans for the property filed with the Tax Offices of both Erath and Somervell Counties and we belong to the Chalk Mountain Wildlife Management Association. We primarily manage for Black-Capped Vireos, Golden-Cheeked Warblers, deer and turkey. The Black-Capped Vireos and Golden-Cheeked Warblers are each Federal and State listed Endangered Species and nest on our property. The Audubon Society published a report in 2006 stating that the Golden-Cheeked Warbler was one of the 10 most endangered species in America. Central Texas is the only place in the world where these Warblers nest. We frequently host bird watchers on field trips from the Fort Worth Audubon Society. We have even had birders from Europe visit. They were very excited to add Golden-Cheeked Warblers and Black-Capped Vireos to their "life list". Our property and the property where the rock crushing facility would be located have habitat crucial for both the Golden-Cheeked Warbler and the Black-Capped Vireo. The limestone hills in the area provide the low woody vegetation the Black-Capped Vireos need and the old growth cedar required by the Golden-Cheeked Warblers.

The removal of limestone from the property to be permitted will permanently destroy the wildlife habitat that currently exists there. Not only will deer and turkey be impacted, Black-Capped Vireos will lose their nesting habitat and their populations will decline. It is even worse for the Golden-Cheeked Warbler. Since this Endangered Species is very rare and only nests in limited areas of Central Texas, the loss of their habitat is even more devastating. Responsibility for conservation of the Golden-Cheeked Warblers' habitat cannot be delegated or passed off to any other State or geographical region.

MW

The proposed Air Quality Permit only regulates the quality of the air that leaves the permitted premises. It is reasonable to assume the air quality on the rock crusher's premises will be worse. All wildlife on the facility's grounds will be impacted even more severely than those on adjacent properties. Our Endangered Species populations will be the most vulnerable.

We request that Texas Parks and Wildlife and the U.S. Fish & Wildlife Service be consulted in regards to this permit application. We also request that Mr. Tommy Davis of Slick Machines work with both of those agencies to determine potential negative impacts to these two Endangered Species prior to any work commencing on the property.

The "particulate matter including particulate matter less than 10 microns in diameter" on our property may be harmful to human health. We have a house on the property that we visit often and we hope to retire on our property soon. All members of our family have allergies, two of us to dust. Cyd has asthma and our youngest son has pulmonary and cardiovascular issues. Charles' mother, Florence Brown, is also an adjacent property owner and visits the property often. She is 84 and has respiratory problems and she will be negatively impacted by the particulate matter.

The permit application available to the public in Somervell County during the first public comment period was deficient in many areas. The deficiencies were documented in a letter from the Fort Worth Audubon Society (see attached) and provided to TCEQ during the public meeting held in Glen Rose on October 23, 2008. We have received no response to those or our comments (see attached) provided during the first public notice period. According to the TCEQ Notice of Application and Preliminary Decision for an Air Quality Permit, "The TCEQ Executive Director has made a preliminary decision to issue the permit because it meets all rules and regulations." This is an inaccurate statement and the preliminary decision to issue the permit should never have been made. In addition, the applicant did not publish the second notice (Notice of Application and Preliminary Decision for an Air Quality Permit) within 33 calendar days of issuance of TCEQ's public notice instructional letter to Mr. Davis as required by TCEQ. It was not published until 44 days after the date of his instructions from TCEQ. Also, a "copy of the complete application (including any subsequent revisions) and the TCEQ Executive Director's preliminary decision (including the draft permit)" is required by TCEQ and was announced as being available at the Somervell County Library in the public notice. However, the second notice and accompanying documentation has not been available through at least 2/4/09 for viewing at the library as required. For these and other reasons, we are requesting that the draft permit be cancelled immediately and that the permitting process start over from the beginning with an initial public notice.

Please send us all future public notices for this application. Please also send any and all prepared responses to all public comments received and notices of any public meetings, public hearings or contested case hearings.

Sincerely,

Charles S. Brown Cyd F. Brown Florence R. Brown

✓ Charles S. Brown ✓ Cyd F. Brown ✓ Florence R. Brown

1P 151274 & 152947

FORT WORTH AUDUBON

A Chapter of the National Audubon

October 23, 2008

Chief Clerk
Texas Commission on Environmental Quality
Mail Code MC-105
P.O. Box 13087
Austin, TX 78711-3087

Hand Delivered During Public Meeting October 23, 2008

Subject: Proposed Air Quality Permit Number 82199L002

Attachments:
(1) Permit No. 76402.
(2) Permit No. 82199L001
(3) Permit Application for Permit No. 82199L002
(4) Instructions for Completing Form PI-1
(5) Aerial Photograph of Area
(6) Satellite Photograph of Area
(7) Photograph of Site Clearing Activity

To Whom It May Concern:

Thank you for the opportunity to provide public comment regarding proposed air quality permit number 82199L002, which would authorize the change of location of a Rock Crushing Facility to 11209 U.S. Highway 67 (200 yards east), Glen Rose, Somervell County, Texas. The following comments are organized into 3 categories: (1) permit application concerns; (2) other environmental concerns; and (3) impacts to endangered species habitat.

I. Permit Application Concerns:

Background Information:

Permit Number: 76402 (Attachment No. 1)
A permit was issued, number 76402, to Mr. Thomas M. Davis, owner of Slick Machines on October 7, 2005. According to Mr. Matthew Rosta of the TCEQ Region 3 office on October 6, 2008, the permit was issued for a permanent rock crushing facility located in Valera, Coleman County, Texas. The permit references RN 104458187 and CN 602877276. The permit states that the emission rates are based on and the facilities are

limited by the following maximum operating schedule and production rates: 5 hrs/day; 5 days/week; 30 weeks/year or 750 hrs/year. Although as stated by Mr. Rosta, this was a permanent facility, it appears, based on the special conditions of permit number 76402, the permit that was actually issued was a standard permit for a temporary facility.

Permit Number: 82199L001 (Attachment No. 2)
On August 24, 2007, a new permit was issued, number 82199L001, to Mr. Thomas M. Davis, owner of Slick Machines to relocate the above referenced facility to Desdemona, Eastland County. Also per Mr. Matthew Rosta of the TCEQ Region 3 office, the new facility was to be a portable rock crushing facility. This permit references RN 105244461 (which is different than the RN on permit no. 76402) and CN 602877276. Upon issuance of permit number 82199L001 for the Desdemona location, permit number 76402 (Valera location) was voided. Since permit number 76402 was issued for a permanent facility, it appears that when the owner requested to construct a portable facility at another location, a permit amendment would have been required, rather than a simple request for location change.

Additionally, as with permit number 76402, permit 82199L001 states that the emission rates are based on and the facilities are limited by the following maximum operating schedule and production rates: 5 hrs/day; 5 days/week; 30 weeks/year or 750 hrs/year.

Air Quality Permit Application for the Somervell County Location - Number 82199L002 (Attachment No. 3):

A permit application was submitted to TCEQ for the relocation of the Desdemona, Eastland County facility to Somervell County. Following are questions and comments regarding the permit application:

1. Section I, H: Please confirm the Regulated Entity Number. Is the correct number 105244461 or 104458187? Each number appears on previous permits issued to Mr. Thomas Davis.

2. Section II, C: States that jobs provided by this facility will be permanent, but Section III, B states that this is a portable operation implying that it will be at the referenced location temporarily rather than permanently. Is this permit application for a temporary or permanent facility?

3. Section IV, A: Permit number is listed as 82199L001. Shouldn't this listed as 82199L002?

4. Section IV, C: States that this is a permit amendment. According to the instructions for completing the PI-1 form (Attachment No. 4), a permit amendment is required if changes are proposed to occur to a permitted facility and representations vary from the original application and cause:
   - a change in the method of control of emissions;

- a change in the character of the emissions (new criteria pollutant or new specie); or
- an increase in the emission rate of any air contaminant (any criteria pollutant or any specie on any averaging.

Since this is represented as a permit amendment, please provide information regarding the changes that are proposed to occur to the permitted facility regarding the three (3) points above.

5. Section IV, E.1: Current location is listed as Valera, Texas. That facility is no longer permitted to operate. Shouldn't this be listed as a change of location for the Desdemona, Texas facility?

6. Section VI, C: Per Section IV,C, this is a permit amendment. If indeed it is a permit amendment, shouldn't Section VI, C be marked as "Yes", that it is a permit amendment.

7. Section VI, C: The two previously noted permits (No. 76402 and No. 82199L001) state that the emission rates are based on and the facilities are limited by the following maximum operating schedule and production rates: 5 hrs/day; 5 days/week; 30 weeks/year or 750 hrs/year. The new permit application states in Section IX, D that the maximum operating schedule will be 8 hrs/day; 5 days/week; 30 weeks/year, which equates to 1200 hrs/year. Since this is an increase in the operating schedule, which likely will increase emissions of particulate matter, it appears that Section VI, C.1 through C.3 should be completed. Currently, those sections are blank on permit application No. 82199L002 and no new emission calculations are provided. Since this is noted in Section IV.C as a permit amendment and since the operating schedule has increased, shouldn't sections VI, C.1 through C.3 be completed to reflect increases in annual emissions?

8. Section VII: Entire section was left blank. Since public notice was required, shouldn't this section be completed? Since it was not completed, information was not provided to the public regarding where the permit application and associated documents could be viewed.

9. Section VII, D: A bilingual program is required in the Glen Rose school district. Consequently, isn't public notice (newspaper advertisement) required to be in the language required by the bilingual program? Public notice was only provided in English.

10. Section IX, B: States that a plot plan of the plant property is attached. Neither the TCEQ Region 4 office, nor the TCEQ Region 3 offices have been able to provide a plot plan.

11. Section IX, C: States that a process flow diagram is attached. Neither the TCEQ Region 4 office, nor the TCEQ Region 3 offices have been able to provide a process flow diagram.

12. Section IX, D: Maximum operating schedule is listed as 8 hrs/day; 5 days/week; 30 weeks/year, which equates to 1200 hrs/year. This is an increase in the operating schedule, as compared to the previous permits issued to Mr. Thomas Davis, owner of Slick Machines. With an increase in operating hours, an increase in emissions would be expected. Shouldn't this increase in emissions be accounted for in the permit application?

13. Section IX, E: States that worst-case emissions data and calculations are attached. Neither the TCEQ Region 4 office, nor the TCEQ Region 3 offices have been able to provide worst-case emissions data and calculations.

14. Section IX, E.1 through E.3: Since the operating schedule is proposed to increase in this permit application, shouldn't Sections IX, E.1 through E.3 be completed to reflect changes in emissions. Currently, these sections are blank.

15. Section X.A: States that information on emissions from the proposed facility and how they will comply with all rules and regulations of the TCEQ are attached. Neither the TCEQ Region 4 office, nor the TCEQ Region 3 offices have been able to provide this information.

16. Section X.B: States that information on how the facility will measure emissions of significant air contaminants is attached. Neither the TCEQ Region 4 office, nor the TCEQ Region 3 offices have been able to provide this information.

17. Section X.C: States that a demonstration of BACT is attached. Neither the TCEQ Region 4 office, nor the TCEQ Region 3 offices have been able to provide this information.

18. Section X.D: States that information regarding how the facility will achieve the performance of the permit application and compliance demonstration and record keeping information is attached. Neither the TCEQ Region 4 office, nor the TCEQ Region 3 offices have been able to provide this information.

19. Section X.G.2: States that the site is subject to 30 TAC Chapter 101, Subchapter H, Division 3 (Mass Emissions Cap and Trade). This facility is not located in the Houston/Galveston nonattainment area. Is this facility subject to the referenced citation?

20. Section XII.C: States that a copy of the Core Data Form, the Form PI-1, and all attachments have been sent to the appropriate TCEQ regional office. The Core Data Form is attached to the permit application. Neither the TCEQ Region 4

office, nor the TCEQ Region 3 offices have been able to provide the remaining reference attachments.

II. Other Environmental Concerns:

Storm Water Pollution Prevention

Based on aerial and satellite photographs of the property in question (Attachments No. 5 and 6), it appears that more than five (5) acres will be impacted. On October 8, 2008, site preparation work was observed to be underway at the property consisting of the use of a large piece of heavy equipment (front-end loader) to clear the site (Attachment No. 7). The site preparation work has continued since October 8th. A visual inspection of the property line was conducted on October 4, 2008 to observe Air Quality Permit Application signage. Although the Air Quality Permit Application signage was observed, no Storm Water "Notice of Intent", nor information regarding a site Storm Water Pollution Prevention Plan was visible. Additionally, neither erosion control measures, nor any other storm water Best Management Practices appeared to be employed at the site. TCEQ Region 4 office was contacted on October 10, 2008 to determine if the site had obtained a construction storm water permit. Based on verbal communication with Mr. Jeff Tate on October 17, 2008, TCEQ investigators visited the site on October 16, 2008. Per Mr. Tate, it does not appear that Mr. Thomas Davis has obtained a construction storm water permit for the site, although site preparation work commenced on October 8, 2008. It is requested that TCEQ perform a thorough review and investigation regarding storm water permitting requirements for the proposed location of the rock crushing facility in question prior to issuing the requested air quality permit to ensure Mr. Thomas Davis is in compliance with all applicable environmental regulations.

Particulate Matter

The proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County, in which the facility is located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. One of Mr. Thomas Davis' facilities has already received a complaint of excessive dust. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

III. Impacts to Endangered Species Habitat:

The proposed rock crushing facility will be located in the breeding range of both the Black-capped Vireo and the Golden-cheeked Warbler, two federally endangered species of birds. These two species rely heavily on unique habitats found in Somervell County. The Golden-cheeked Warbler requires Ashe juniper to breed, while the Black-capped Vireo requires Shinnery Oak. Both of these tree species can be found at the proposed rock crushing facility location.

Golden-cheeked Warbler:
According to the National Audubon Society, the Golden-cheeked Warbler is one of the most at-risk species in North America. It breeds exclusively in 34 counties on or near the Edwards Plateau of central Texas, requiring Ashe juniper habitat, much of which has been lost or altered due to urban sprawl and land management practices. Golden-cheeked Warblers have suffered greatly as juniper-oak woodlands have been cleared for fencing material, fuel, grazing, and urban sprawl.

Black-capped Vireo:
This small vireo was formerly widespread from Mexico to Kansas but, due to substantial population declines, is now confined to 40 counties Texas and three counties in Oklahoma and is Federally Endangered. Numerous human activities have contributed in this bird's decline. Human development, fire suppression and agriculture have reduced the range considerably.

Allowing the proposed rock crushing facility to be located in the breeding range of these two endangered species will only add to the already staggering loss of habitat. When habitat is lost, breeding areas become fragmented and predation, cowbird parasitism and habitat degradation pressures may ultimately cause the extirpation of both of these species. Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date, some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres Shinnery Oak and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. We fear that the installation and operation of the proposed rock crushing facility will adversely impact the nesting and occupied habitat of these two endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for habitat restoration may be wasted efforts if this facility is permitted for operation.

In addition to loss of habitat, concerns arise regarding the impacts of noise from the rock crushing facility and its associated operations on the breeding efficacy of the two endangered species. According to the November 2007 Journal of the Acoustical Society of America's article on "Noise impacts on birds: Assessing take of endangered species," "Section 9 of the Endangered Species Act makes it illegal to take (harass, harm, purse, hunt, shoot, wound, kill, trap, capture, or collect) an endangered species. Harass includes any action that would significantly disrupt normal behavioral patterns including breeding, feeding, or sheltering. "Harm" includes any action that actually kills or injures a listed species. To better understand how and to what extent anthropogenic noise can harm or harass birds, we examined the potential for noise effects at three levels: Physiological stress, hearing impairment, and interference with communication through signal masking. Pile driving and blasting ([approximately-equal-to]100 dBA at 15 m) can potentially cause temporary or permanent hearing impairment in birds. Chronic intense noise (e.g., oil field compressor station: 92 dBA at 20 m) may induce physiological stress in some

species if they cannot avoid exposure. Finally, highway noise as low as 45 dBA can potentially mask acoustic communication and modify breeding and other behaviors in many species."

Given these data, not only is habitat loss an obvious impact to these two species, noise impacts also present significant physiological, behavioral, or ecological impacts to birds. As noted above, in the context of the Endangered Species Act, adverse impacts from noise could be interpreted as inflicting "harm" on the two species, which is prohibited by the Act.

Summary of Concerns:

On behalf of the Fort Worth Audubon Society, I am requesting that the TCEQ deny the application for proposed Air Quality Permit Number 82199L002 for the following reasons:

1. As enumerated above, the permit application (Attachment No. 3) appears to be incomplete and inaccurate.
2. Also noted above, the required public notice in an alternate language was not performed.
3. The operating schedule for the proposed facility reflects an increase in operating hours. The changes in emissions due to this increase do not appear to have been accounted for in the application.
4. As noted above, key supporting documents were unavailable for public review. Attempts to obtain the referenced documents were made at both the TCEQ Region 4 office (region for the proposed new location) and the TCEQ Region 3 office (region for the current location) to no avail. Since key documents were unavailable, public notice appears to be incomplete.
5. In addition to concerns expressed regarding the proposed Air Quality Permit, other environmental concerns also exist regarding storm water permitting compliance, impacts of particulate matter on the region's ability to comply with National Ambient Air Quality Standards, and noise pollution.
6. Installation and operation of the proposed facility will adversely impact the breeding habitat of two federally endangered species of birds through loss of critical habitat and through the physiological, behavioral, or ecological impacts of noise on these species.

Thank you again for the opportunity to provide these questions and comments. Please contact me if you require additional information or have questions.

Proposed Air Quality Permit Number 82199L002

Sincerely,

Gail I. Morris

Gail I. Morris
President
Fort Worth Audubon Society
6084 Alta Mira Circle, #1217
Fort Worth, Texas 76132
682-429-2811

cc:

Dirk Kempthorne, Secretary of Interior, Dept. of the Interior, 1849 C Street NW, Washington, D.C. 20240 Phone: 202-208-3100

Dale Hale, Director, U. S. Fish and Wildlife Service FAX: 202-208-6965

Mike Johnson, Chief, U.S. Fish & Wildlife Service, Division of Bird Habitat Conservation via fax: 703-358-2282

Dr. Benjamin Tuggle, Southwest Region, U.S. Fish & Wildlife Service via fax 505-248-6910 or 6287

Division of Endangered Species of US Fish & Wildlife Service via fax 703 358 1735

Division of Bird Habitat Conservation, US Fish & Wildlife Service via fax 703 358 2282

LaDonna Castanuela, Chief Clerk, Texas Commission on Environmental Quality, MC-105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087

Booker Harrison, Environmental Law Division, Texas Commission on Environmental Quality, MC-105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087

Mike Wilson, Permits Division, Texas Commission on Environmental Quality, MC-105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087

State Senator Troy Fraser via email troy.fraser@senate.state.tx.us

State Senator Kip Averitt via email kip.averitt@senate.state.tx.us

Representative Sid Miller via email sid.miller@house.state.tx.us

The Brown Family
133 Starwood Lane
Holly Springs, NC 27540
(919) 552-6722

Presented at the Texas Commission on Environmental Quality (TCEQ) Somervell County Public Meeting, 10/23/08, concerning Air Quality Permit Application 82199L002.

1. Has Mr. Davis done a test for silica in the area where the rock mining will occur? If not is TCEQ going to require this test to safeguard the people and wildlife in the area?
2. What documentation has Mr. Davis provided to TCEQ that particulate matter less than 10 microns in diameter will not harm the Federally Endangered Golden-cheeked Warbler and Black-capped Vireo's known to nest in the area of the proposed rock crusher?
3. As an adjacent landowner and directly affected party, I sent a formal request to TCEQ 8/28/08 asking that biologists from the Texas Parks and Wildlife Department and the U.S. Fish and Wildlife Service be consulted on this permit application. Since the Golden-cheeked Warbler and Black-capped Vireo are listed as both State and Federally Endangered, I felt and still feel it is important that the management Agencies responsible for these birds be consulted. To date my request has been ignored. How does TCEQ justify their failure to consult with these two Agencies on this permit application?
4. The issuance of this permit will facilitate the destruction on potentially occupied habitat for two State and Federally listed Endangered Species, the Golden-cheeked Warbler and Black-capped Vireo. Is there no requirement for TCEQ to consult with the U.S. Fish and Wildlife Service to mitigate damage that may occur from the issuance of this permit?
5. The existence of the Golden-cheeked Warbler and Black-capped Vireo on the property proposed for the rock crusher can be determined in April. Will TCEQ take the environmentally correct route of not issuing an air quality permit until a bird survey is conducted to determine the presence or absence of these birds on the property?
6. The public has not been provided any information on the exact size and scope of this project. If this permit is issued, how many (acres) may be mined for rock/gravel? What is the duration of this permit? Can a map of the area to be licensed to provide?
7. How does TCEQ tract the actual amount of rock/gravel removed from this site?
8. If Mr. Davis does not manage the dust generated by his rock crushing facility, what action will be taken by TCEQ?
9. How does TCEQ monitor hours of operation for rock crushers? If the hours of operation are exceeded, what action is taken by TCEQ?
10. Is Mr. Davis responsible for paying for the modification to Highway 67 to manage the increased truck traffic generated by his facility?
11. Statistics show an increased number of vehicle accidents around rock crushing facilities. What liability do Mr. Davis, Mr. Parham, and TCEQ have regarding this issue?
12. Does Mr. Davis have a waste water management permit to operate a rock crusher on the Parham property?
13. If the answer to # 12 is no, when will the TCEQ public notice be issued concerning the waste water management permit?

14. Exactly what activities may Mr. Davis undertake on the property prior to the issuance of an air quality permit and waste water management permit?
15. How close to my property line may Mr. Davis blast for rock? What action will TCEQ take against Mr. Davis for rock being displaced onto my property as a result of his blasting operation?
16. What action will TCEQ take against Mr. Davis for dust entering my property from Mr. Davis's operation?
17. What liability does TCEQ have for diminished property values I may experience as a result of dust, noise, loss of wildlife habitat, loss of tourism dollars, water well damage, and other damages resulting from the placement of this facility adjacent to my property?
18. Have any complaints been filed against Mr. Davis or Slick Machines and what was the outcome of those complaints?
19. How many air quality and waste water management permits have been issued to Mr. Davis or Slick Machines? How many are still current? Where are the licensed facilities?
20. Has Mr. Davis or Slick Machines ever had a permit revoked? If yes, for what reason?
21. The Rough Creek drainage flows through the center of the property where the rock crusher will be located. Has the U.S. Army Corps of Engineers been contacted concerning this proposed rock crusher and its potential impact on this drainage system?
22. Has the Texas Historical Commission been contacted to determine if there are any ancient burial grounds or other historically significant sites on the property proposed for the rock crushing facility?
23. Somervell County has joined a regional planning group to meet the National Ambient Air Quality Standards for Particulate Matter less than 10 Microns. Issuance of an air quality permit which would facilitate the release of these air pollutants would be counter to this effort. How would the TCEQ justify this action? Has the TCEQ contacted the Somervell County Judge and County Commissioners to get their input on this issue?
24. What requirements do Mr. Parham and Mr. Davis have towards re-vegetating the disturbed areas following rock crushing to prevent erosion and other environmental degradation?
25. How close to the fence line can Mr. Davis extract rock and other materials?
26. How does Mr. Davis plan to control the refuse that will be the result of the rock crushing/digging that will flow onto my property via the Rough Creek drainage?
27. Chalk Mountain has a number of Hispanic residents. The Public Notice posted on Highway 67 and the newspaper notices were in English. Is Mr. Davis non-compliant with Public Notice requirements because the notices were not issued in both English and Spanish? If he was non-compliant, please request that Mr. Davis start the Public Notification process over prior to the issuance of any air quality permit.

We look forward to receiving your responses to these questions.

Sincerely,

Charles S. Brown

Cyd F. Brown

NSR
64584

From: PUBCOMMENT-OPA
To: PUBCOMMENT-OCC2
Date: 2/11/2009 11:04 AM
Subject: Fwd: Public comment on Permit Number 82199L002
Place: PUBCOMMENT-OCC2
Attachments: FWAS Public Meeting Comments1.pdf

PM
H

>>> PUBCOMMENT-OCC 2/9/2009 10:45 AM >>>

>>> [redacted] 2/7/2009 1:15 PM >>>

REGULATED ENTY NAMESLICK MACHINES ROCK CRUSHER 1
RN NUMBER:RN105244461
PERMIT NUMBER:82199L002
DOCKET NUMBER: Not Found
COUNTY:SOMERVELL
PRINCIPAL NAME:DAVIS, TOMMY
CN NUMBER:CN602877276
FROM
NAME: Charles, Cyd & Florence Brown
E-MAIL:[redacted]

COMPANY:
ADDRESS:4904 OVERTON AVE
FORT WORTH TX76133-1328
PHONE:
FAX:
COMMENTS: February 7, 2009 Office of the Chief Clerk Mail Code 105 TCEQ P.O. Box 13087 Austin, TX 78711-3087 Dear Sir or Madam: With this letter, we officially request a public meeting, a public hearing and a contested case hearing in regards to Air Quality Permit Number 82199L002 being applied for by Tommy Davis of Slick Machines. We, along with Charles mother, own approximately 321 acres of land immediately adjacent to the proposed Rock Crushing Facility for which the Air Quality Permit is being requested. Our property is located approximately one mile north of Highway 67 on County Road 196 in Chalk Mountain, TX. This acreage has been in the Brown family for 43 years. It was bought for outdoor recreational use, the most important of which was, and still is, wildlife viewing and enjoyment. We are both Certified Wildlife Biologists. We have official wildlife management plans for the property filed with the Tax Offices of both Erath and Somervell Counties and we belong to the Chalk Mountain Wildlife Management Association. We primarily manage for Black-Capped Vireos, Golden-Cheeked Warblers, deer and turkey. The Black-Capped Vireos and Golden-Cheeked Warblers are each Federal and State listed Endangered Species and nest on our property. The Audubon Society published a report in 2006 stating that the Golden-Cheeked Warbler was one of the 10 most endangered species in America. Central Texas is the only place in the world where these Warblers nest. We frequently host bird watchers on field trips from the Fort Worth Audubon Society. We have even had birders from Europe visit. They were very excited to add Golden-Cheeked Warblers and Black-Capped Vireos to their life list. Our property and the property where the rock crushing facility would be located have habitat crucial for both the Golden-Cheeked Warbler and the Black-Capped Vireo. The limestone hills in the area provide the low woody vegetation the Black-Capped Vireos need and the old growth cedar required by the Golden-Cheeked Warblers. The removal of limestone from the property to be permitted will permanently destroy the wildlife habitat that currently exists there. Not only will deer and turkey be impacted, Black-Capped Vireos will lose their nesting habitat and their populations will decline. It is even worse for the Golden-Cheeked Warbler. Since this Endangered Species is very rare and only nests in limited areas of Central Texas, the loss of their habitat is even more devastating. Responsibility for conservation of the Golden-Cheeked Warblers habitat cannot be delegated or passed off to any other State or geographical region. The proposed Air Quality Permit only regulates the quality of the air that leaves the permitted premises. It is reasonable to assume the air quality on the rock crushers premises will be worse. All wildlife on the facilitys grounds will be impacted even more severely than those on adjacent properties. Our Endangered Species populations will be the most vulnerable. We request that Texas Parks and Wildlife and the U.S. Fish & Wildlife Service be consulted in regards to this permit application. We also request that Mr. Tommy Davis of Slick Machines work with both of those agencies to determine potential negative impacts to these two Endangered Species prior to any work commencing on the property. The particulate matter including particulate matter less than 10 microns in diameter on our property may be harmful to human health. We have a house on the property that we visit often and we hope to retire on our property soon. All members of our family have allergies, two of us to dust. Cyd has asthma and our youngest son has pulmonary and cardiovascular issues. Charles mother, Florence Brown, is also an adjacent property owner and visits the property often. She is 84 and has respiratory problems and she will be negatively impacted by the particulate matter. The permit application available to the public in Somervell County during the first public comment period was deficient in many areas. The deficiencies were documented in a letter from the Fort Worth Audubon Society (see attached) and provided to TCEQ during the public meeting held in Glen Rose on October 23, 2008. We have received no response to those or our comments (see attached) provided during the first public notice period. According to the TCEQ Notice of Application and Preliminary Decision for an Air Quality Permit, The TCEQ Executive Director has made a preliminary decision to

IP 1529965 & 1529966
MW

issue the permit because it meets all rules and regulations. This is an inaccurate statement and the preliminary decision to issue the permit should never have been made. In addition, the applicant did not publish the second notice (Notice of Application and Preliminary Decision for an Air Quality Permit) within 33 calendar days of issuance of TCEQs public notice instructional letter to Mr. Davis as required by TCEQ. It was not published until 44 days after the date of his instructions from TCEQ. Also, a copy of the complete application (including any subsequent revisions) and the TCEQ Executive Directors preliminary decision (including the draft permit) is required by TCEQ and was announced as being available at the Somervell County Library in the public notice. However, the second notice and accompanying documentation has not been available through at least 2/4/09 for viewing at the library as required. For these and other reasons, we are requesting that the draft permit be cancelled immediately and that the permitting process start over from the beginning with an initial public notice. Please send us all future public notices for this application. Please also send any and all prepared responses to all public comments received and notices of any public meetings, public hearings or contested case hearings. Sincerely, Charles S. Brown Cyd F. Brown Florence R. Brown

FORT WORTH AUDUBON

A Chapter of the National Audubon

October 23, 2008

Chief Clerk
Texas Commission on Environmental Quality
Mail Code MC-105
P.O. Box 13087
Austin, TX 78711-3087

Hand Delivered During Public Meeting October 23, 2008

Subject: Proposed Air Quality Permit Number 82199L002

Attachments:
(1) Permit No. 76402.
(2) Permit No. 82199L001
(3) Permit Application for Permit No. 82199L002
(4) Instructions for Completing Form PI-1
(5) Aerial Photograph of Area
(6) Satellite Photograph of Area
(7) Photograph of Site Clearing Activity

To Whom It May Concern:

Thank you for the opportunity to provide public comment regarding proposed air quality permit number 82199L002, which would authorize the change of location of a Rock Crushing Facility to 11209 U.S. Highway 67 (200 yards east), Glen Rose, Somervell County, Texas. The following comments are organized into 3 categories: (1) permit application concerns; (2) other environmental concerns; and (3) impacts to endangered species habitat.

I. Permit Application Concerns:

Background Information:

Permit Number: 76402 (Attachment No. 1)
A permit was issued, number 76402, to Mr. Thomas M. Davis, owner of Slick Machines on October 7, 2005. According to Mr. Matthew Rosta of the TCEQ Region 3 office on October 6, 2008, the permit was issued for a permanent rock crushing facility located in Valera, Coleman County, Texas. The permit references RN 104458187 and CN 602877276. The permit states that the emission rates are based on and the facilities are

limited by the following maximum operating schedule and production rates: 5 hrs/day; 5 days/week; 30 weeks/year or 750 hrs/year. Although as stated by Mr. Rosta, this was a permanent facility, it appears, based on the special conditions of permit number 76402, the permit that was actually issued was a standard permit for a temporary facility.

Permit Number: 82199L001 (Attachment No. 2)
On August 24, 2007, a new permit was issued, number 82199L001, to Mr. Thomas M. Davis, owner of Slick Machines to relocate the above referenced facility to Desdemona, Eastland County. Also per Mr. Matthew Rosta of the TCEQ Region 3 office, the new facility was to be a portable rock crushing facility. This permit references RN 105244461 (which is different than the RN on permit no. 76402) and CN 602877276. Upon issuance of permit number 82199L001 for the Desdemona location, permit number 76402 (Valera location) was voided. Since permit number 76402 was issued for a permanent facility, it appears that when the owner requested to construct a portable facility at another location, a permit amendment would have been required, rather than a simple request for location change.

Additionally, as with permit number 76402, permit 82199L001 states that the emission rates are based on and the facilities are limited by the following maximum operating schedule and production rates: 5 hrs/day; 5 days/week; 30 weeks/year or 750 hrs/year.

Air Quality Permit Application for the Somervell County Location - Number 82199L002 (Attachment No. 3):

A permit application was submitted to TCEQ for the relocation of the Desdemona, Eastland County facility to Somervell County. Following are questions and comments regarding the permit application:

1. Section I, H: Please confirm the Regulated Entity Number. Is the correct number 105244461 or 104458187? Each number appears on previous permits issued to Mr. Thomas Davis.

2. Section II, C: States that jobs provided by this facility will be permanent, but Section III, B states that this is a portable operation implying that it will be at the referenced location temporarily rather than permanently. Is this permit application for a temporary or permanent facility?

3 Section IV, A: Permit number is listed as 82199L001. Shouldn't this listed as 82199L002?

4. Section IV, C: States that this is a permit amendment. According to the instructions for completing the PI-1 form (Attachment No. 4), a permit amendment is required if changes are proposed to occur to a permitted facility and representations vary from the original application and cause:
   - a change in the method of control of emissions;

Proposed Air Quality Permit Number 82199L002

- a change in the character of the emissions (new criteria pollutant or new specie); or
- an increase in the emission rate of any air contaminant (any criteria pollutant or any specie on any averaging.

Since this is represented as a permit amendment, please provide information regarding the changes that are proposed to occur to the permitted facility regarding the three (3) points above.

5. Section IV, E.1: Current location is listed as Valera, Texas. That facility is no longer permitted to operate. Shouldn't this be listed as a change of location for the Desdemona, Texas facility?

6. Section VI, C: Per Section IV,C, this is a permit amendment. If indeed it is a permit amendment, shouldn't Section VI, C be marked as "Yes", that it is a permit amendment.

7. Section VI, C: The two previously noted permits (No. 76402 and No. 82199L001) state that the emission rates are based on and the facilities are limited by the following maximum operating schedule and production rates: 5 hrs/day; 5 days/week; 30 weeks/year or 750 hrs/year. The new permit application states in Section IX, D that the maximum operating schedule will be 8 hrs/day; 5 days/week; 30 weeks/year, which equates to 1200 hrs/year. Since this is an increase in the operating schedule, which likely will increase emissions of particulate matter, it appears that Section VI, C.1 through C.3 should be completed. Currently, those sections are blank on permit application No. 82199L002 and no new emission calculations are provided. Since this is noted in Section IV.C as a permit amendment and since the operating schedule has increased, shouldn't sections VI, C.1 through C.3 be completed to reflect increases in annual emissions?

8. Section VII: Entire section was left blank. Since public notice was required, shouldn't this section be completed? Since it was not completed, information was not provided to the public regarding where the permit application and associated documents could be viewed.

9. Section VII, D: A bilingual program is required in the Glen Rose school district. Consequently, isn't public notice (newspaper advertisement) required to be in the language required by the bilingual program? Public notice was only provided in English.

10. Section IX, B: States that a plot plan of the plant property is attached. Neither the TCEQ Region 4 office, nor the TCEQ Region 3 offices have been able to provide a plot plan.

Proposed Air Quality Permit Number 82199L002

11. Section IX, C: States that a process flow diagram is attached. Neither the TCEQ Region 4 office, nor the TCEQ Region 3 offices have been able to provide a process flow diagram.

12. Section IX, D: Maximum operating schedule is listed as 8 hrs/day; 5 days/week; 30 weeks/year, which equates to 1200 hrs/year. This is an increase in the operating schedule, as compared to the previous permits issued to Mr. Thomas Davis, owner of Slick Machines. With an increase in operating hours, an increase in emissions would be expected. Shouldn't this increase in emissions be accounted for in the permit application?

13. Section IX, E: States that worst-case emissions data and calculations are attached. Neither the TCEQ Region 4 office, nor the TCEQ Region 3 offices have been able to provide worst-case emissions data and calculations.

14. Section IX, E.1 through E.3: Since the operating schedule is proposed to increase in this permit application, shouldn't Sections IX, E.1 through E.3 be completed to reflect changes in emissions. Currently, these sections are blank.

15. Section X.A: States that information on emissions from the proposed facility and how they will comply with all rules and regulations of the TCEQ are attached. Neither the TCEQ Region 4 office, nor the TCEQ Region 3 offices have been able to provide this information.

16. Section X.B: States that information on how the facility will measure emissions of significant air contaminants is attached. Neither the TCEQ Region 4 office, nor the TCEQ Region 3 offices have been able to provide this information.

17. Section X.C: States that a demonstration of BACT is attached. Neither the TCEQ Region 4 office, nor the TCEQ Region 3 offices have been able to provide this information.

18. Section X.D: States that information regarding how the facility will achieve the performance of the permit application and compliance demonstration and record keeping information is attached. Neither the TCEQ Region 4 office, nor the TCEQ Region 3 offices have been able to provide this information.

19. Section X.G.2: States that the site is subject to 30 TAC Chapter 101, Subchapter H, Division 3 (Mass Emissions Cap and Trade). This facility is not located in the Houston/Galveston nonattainment area. Is this facility subject to the referenced citation?

20. Section XII.C: States that a copy of the Core Data Form, the Form PI-1, and all attachments have been sent to the appropriate TCEQ regional office. The Core Data Form is attached to the permit application. Neither the TCEQ Region 4

office, nor the TCEQ Region 3 offices have been able to provide the remaining reference attachments.

II. Other Environmental Concerns:

Storm Water Pollution Prevention
Based on aerial and satellite photographs of the property in question (Attachments No. 5 and 6), it appears that more than five (5) acres will be impacted. On October 8, 2008, site preparation work was observed to be underway at the property consisting of the use of a large piece of heavy equipment (front-end loader) to clear the site (Attachment No. 7). The site preparation work has continued since October 8th. A visual inspection of the property line was conducted on October 4, 2008 to observe Air Quality Permit Application signage. Although the Air Quality Permit Application signage was observed, no Storm Water "Notice of Intent", nor information regarding a site Storm Water Pollution Prevention Plan was visible. Additionally, neither erosion control measures, nor any other storm water Best Management Practices appeared to be employed at the site. TCEQ Region 4 office was contacted on October 10, 2008 to determine if the site had obtained a construction storm water permit. Based on verbal communication with Mr. Jeff Tate on October 17, 2008, TCEQ investigators visited the site on October 16, 2008. Per Mr. Tate, it does not appear that Mr. Thomas Davis has obtained a construction storm water permit for the site, although site preparation work commenced on October 8, 2008. It is requested that TCEQ perform a thorough review and investigation regarding storm water permitting requirements for the proposed location of the rock crushing facility in question prior to issuing the requested air quality permit to ensure Mr. Thomas Davis is in compliance with all applicable environmental regulations.

Particulate Matter
The proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County, in which the facility is located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. One of Mr. Thomas Davis' facilities has already received a complaint of excessive dust. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

III. Impacts to Endangered Species Habitat:

The proposed rock crushing facility will be located in the breeding range of both the Black-capped Vireo and the Golden-cheeked Warbler, two federally endangered species of birds. These two species rely heavily on unique habitats found in Somervell County. The Golden-cheeked Warbler requires Ashe juniper to breed, while the Black-capped Vireo requires Shinnery Oak. Both of these tree species can be found at the proposed rock crushing facility location.

Proposed Air Quality Permit Number 82199L002

Golden-cheeked Warbler:
According to the National Audubon Society, the Golden-cheeked Warbler is one of the most at-risk species in North America. It breeds exclusively in 34 counties on or near the Edwards Plateau of central Texas, requiring Ashe juniper habitat, much of which has been lost or altered due to urban sprawl and land management practices. Golden-cheeked Warblers have suffered greatly as juniper-oak woodlands have been cleared for fencing material, fuel, grazing, and urban sprawl.

Black-capped Vireo:
This small vireo was formerly widespread from Mexico to Kansas but, due to substantial population declines, is now confined to 40 counties Texas and three counties in Oklahoma and is Federally Endangered. Numerous human activities have contributed in this bird's decline. Human development, fire suppression and agriculture have reduced the range considerably.

Allowing the proposed rock crushing facility to be located in the breeding range of these two endangered species will only add to the already staggering loss of habitat. When habitat is lost, breeding areas become fragmented and predation, cowbird parasitism and habitat degradation pressures may ultimately cause the extirpation of both of these species. Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date, some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres Shinnery Oak and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. We fear that the installation and operation of the proposed rock crushing facility will adversely impact the nesting and occupied habitat of these two endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for habitat restoration may be wasted efforts if this facility is permitted for operation.

In addition to loss of habitat, concerns arise regarding the impacts of noise from the rock crushing facility and its associated operations on the breeding efficacy of the two endangered species. According to the November 2007 Journal of the Acoustical Society of America's article on "Noise impacts on birds: Assessing take of endangered species," "Section 9 of the Endangered Species Act makes it illegal to take (harass, harm, purse, hunt, shoot, wound, kill, trap, capture, or collect) an endangered species. Harass includes any action that would significantly disrupt normal behavioral patterns including breeding, feeding, or sheltering. "Harm" includes any action that actually kills or injures a listed species. To better understand how and to what extent anthropogenic noise can harm or harass birds, we examined the potential for noise effects at three levels: Physiological stress, hearing impairment, and interference with communication through signal masking. Pile driving and blasting ([approximately-equal-to]100 dBA at 15 m) can potentially cause temporary or permanent hearing impairment in birds. Chronic intense noise (e.g., oil field compressor station: 92 dBA at 20 m) may induce physiological stress in some

Proposed Air Quality Permit Number 82199L002

species if they cannot avoid exposure. Finally, highway noise as low as 45 dBA can potentially mask acoustic communication and modify breeding and other behaviors in many species."

Given these data, not only is habitat loss an obvious impact to these two species, noise impacts also present significant physiological, behavioral, or ecological impacts to birds. As noted above, in the context of the Endangered Species Act, adverse impacts from noise could be interpreted as inflicting "harm" on the two species, which is prohibited by the Act.

Summary of Concerns:

On behalf of the Fort Worth Audubon Society, I am requesting that the TCEQ deny the application for proposed Air Quality Permit Number 82199L002 for the following reasons:

1. As enumerated above, the permit application (Attachment No. 3) appears to be incomplete and inaccurate.
2. Also noted above, the required public notice in an alternate language was not performed.
3. The operating schedule for the proposed facility reflects an increase in operating hours. The changes in emissions due to this increase do not appear to have been accounted for in the application.
4. As noted above, key supporting documents were unavailable for public review. Attempts to obtain the referenced documents were made at both the TCEQ Region 4 office (region for the proposed new location) and the TCEQ Region 3 office (region for the current location) to no avail. Since key documents were unavailable, public notice appears to be incomplete.
5. In addition to concerns expressed regarding the proposed Air Quality Permit, other environmental concerns also exist regarding storm water permitting compliance, impacts of particulate matter on the region's ability to comply with National Ambient Air Quality Standards, and noise pollution.
6. Installation and operation of the proposed facility will adversely impact the breeding habitat of two federally endangered species of birds through loss of critical habitat and through the physiological, behavioral, or ecological impacts of noise on these species.

Thank you again for the opportunity to provide these questions and comments. Please contact me if you require additional information or have questions.

Proposed Air Quality Permit Number 82199L002

Sincerely,

Gail

Gail I. Morris

troy.fraser@senate.state.tx.us

kip.averitt@senate.state.tx.us

sid.miller@house.state.tx.us

(2)

TCEQ Public Meeting Form

Thursday, September 3, 2009

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 SEP -4 PM 4:26
CHIEF CLERKS OFFICE

Tommy Davis dba Slick Machines
Proposed Air Quality Permit No. 82199L002

PLEASE PRINT:

Name: CHARLES S. BROWN

Mailing Address: 133 STARWOOD LANE

Physical Address (if different):

City/State: HOLLY SPRINGS, NC Zip: 27540

Phone: (919) 602-0660

☑ Please add me to the mailing list.

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

If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☑ I wish to provide formal oral comments.

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

Please give this to the person at the information table. Thank you.

MW

The Brown Family
133 Starwood Lane
Holly Springs, NC 27540
(919) 552-6722

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 SEP -4 PM 4:26
CHIEF CLERKS OFFICE

Presented at the Texas Commission on Environmental Quality (TCEQ) Somervell County Public Meeting, 9/3/09, concerning Air Quality Permit Application 82199L002.

1. Has Mr. Davis submitted a site plan? If not, why?
2. What measures will be taken to control air pollution?
3. What measures will be taken to control water pollution?
4. Since Slick Machines has not followed TCEQ guidelines in submitting its application, why has the original application procedure been allowed to continue? Why has not TCEQ required Mr. Davis to start the whole process over and do it correctly from the beginning?
5. Surveys, completed by a Wildlife Scientist certified by the US Fish & Wildlife Service, on our property this spring and summer document the presence of both Golden-Cheeked Warblers and Black-Capped Vireos. Some of these birds were detected near our fence line with the Parham property. One Golden-Cheeked warbler has been documented across the fence line, on the Parham property. What responsibility does the Texas Commission on **Environmental** Quality, emphasis on the word Environmental, have in protecting endangered species known to be an area for which a permit has been applied?
6. Just the dust produced by the rock crusher will alter the habitat for Golden-Cheeked Warblers and Black-Capped Vireos. How will Slick Machines prevent the disturbance of the habitat of these birds?
7. Why did Hill Country Environmental, Mr. Davis' environmental firm, cancel their meeting with the US Fish & Wildlife Service?
8. Since Mr. Davis and Hill Country Environmental were both aware that the Parham property is prime nesting habitat for two endangered species, why did they not conduct surveys this spring and summer?
9. Endangered species have been documented both on the Parham property and adjoining property. We request that TCEQ seek information from both the US Fish and Wildlife Service and Texas Parks & Wildlife on the effects this rock crushing facility may have on the birds before issuing this permit.
10. We request a contested case hearing in regards to this air quality permit.

We look forward to receiving your responses to these issues.

Sincerely,

Charles S. Brown

Cyd F. Brown

OPA RECEIVED
SEP 03 2009
AT PUBLIC MEETING

(6)

TCEQ Public Meeting Form

Tuesday, March 31, 2009

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 APR -1 PM 2:28
CHIEF CLERKS OFFICE

Tommy Davis dba Slick Machines
Proposed Air Quality Permit No. 82199L002

PLEASE PRINT:

Name: CHARLES BROWN

Mailing Address: 133 STARWOOD LANE

Physical Address (if different):

City/State: HOLLY SPRINGS NC Zip: 27540

Phone: (919) 602-0660

☑ Please add me to the mailing list.

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

If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☑ I wish to provide formal oral comments.

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

Please give this to the person at the information table. Thank you.

MW

The Brown Family
133 Starwood Lane
Holly Springs, NC 27540
(919) 552-6722

OPA RECEIVED
MAR 31 2009
AT PUBLIC MEETING

Presented at the Texas Commission on Environmental Quality (TCEQ) Somervell County Public Meeting, 3/31/09, concerning Air Quality Permit Application 82199L002.

1. Has Mr. Davis done a test for silica in the area where the rock mining will occur? If not is TCEQ going to require this test to safeguard the people and wildlife in the area?
2. What documentation has Mr. Davis provided to TCEQ that particulate matter less than 10 microns in diameter will not harm the Federally Endangered Golden-cheeked Warbler and Black-capped Vireo's known to nest in the area of the proposed rock crusher?
3. As an adjacent landowner and directly affected party, I sent a formal request to TCEQ 8/28/08 asking that biologists from the Texas Parks and Wildlife Department and the U.S. Fish and Wildlife Service be consulted on this permit application. Since the Golden-cheeked Warbler and Black-capped Vireo are listed as both State and Federally Endangered, I felt and still feel it is important that the management Agencies responsible for these birds be consulted. To date my request has been ignored. How does TCEQ justify their failure to consult with these two Agencies on this permit application?
4. The issuance of this permit will facilitate the destruction on potentially occupied habitat for two State and Federally listed Endangered Species, the Golden-cheeked Warbler and Black-capped Vireo. Is there no requirement for TCEQ to consult with the U.S. Fish and Wildlife Service to mitigate damage that may occur from the issuance of this permit?
5. The existence of the Golden-cheeked Warbler and Black-capped Vireo on the property proposed for the rock crusher can be determined in April. Will TCEQ take the environmentally correct route of not issuing an air quality permit until a bird survey is conducted to determine the presence or absence of these birds on the property?
6. The public has not been provided any information on the exact size and scope of this project. If this permit is issued, how many (acres) may be mined for rock/gravel? What is the duration of this permit? Can a map of the area to be licensed to provide?
7. How does TCEQ tract the actual amount of rock/gravel removed from this site?
8. If Mr. Davis does not manage the dust generated by his rock crushing facility, what action will be taken by TCEQ?
9. How does TCEQ monitor hours of operation for rock crushers? If the hours of operation are exceeded, what action is taken by TCEQ?
10. Is Mr. Davis responsible for paying for the modification to Highway 67 to manage the increased truck traffic generated by his facility?
11. Statistics show an increased number of vehicle accidents around rock crushing facilities. What liability do Mr. Davis, Mr. Parham, and TCEQ have regarding this issue?
12. Does Mr. Davis have a waste water management permit to operate a rock crusher on the Parham property?
13. If the answer to # 12 is no, when will the TCEQ public notice be issued concerning the waste water management permit?

14. Exactly what activities may Mr. Davis undertake on the property prior to the issuance of an air quality permit and waste water management permit?
15. How close to my property line may Mr. Davis blast for rock? What action will TCEQ take against Mr. Davis for rock being displaced onto my property as a result of his blasting operation?
16. What action will TCEQ take against Mr. Davis for dust entering my property from Mr. Davis's operation?
17. What liability does TCEQ have for diminished property values I may experience as a result of dust, noise, loss of wildlife habitat, loss of tourism dollars, water well damage, and other damages resulting from the placement of this facility adjacent to my property?
18. Have any complaints been filed against Mr. Davis or Slick Machines and what was the outcome of those complaints?
19. How many air quality and waste water management permits have been issued to Mr. Davis or Slick Machines? How many are still current? Where are the licensed facilities?
20. Has Mr. Davis or Slick Machines ever had a permit revoked? If yes, for what reason?
21. The Rough Creek drainage flows through the center of the property where the rock crusher will be located. Has the U.S. Army Corps of Engineers been contacted concerning this proposed rock crusher and its potential impact on this drainage system?
22. Has the Texas Historical Commission been contacted to determine if there are any ancient burial grounds or other historically significant sites on the property proposed for the rock crushing facility?
23. Somervell County has joined a regional planning group to meet the National Ambient Air Quality Standards for Particulate Matter less than 10 Microns. Issuance of an air quality permit which would facilitate the release of these air pollutants would be counter to this effort. How would the TCEQ justify this action? Has the TCEQ contacted the Somervell County Judge and County Commissioners to get their input on this issue?
24. What requirements do Mr. Parham and Mr. Davis have towards re-vegetating the disturbed areas following rock crushing to prevent erosion and other environmental degradation?
25. How close to the fence line can Mr. Davis extract rock and other materials?
26. How does Mr. Davis plan to control the refuse that will be the result of the rock crushing/digging that will flow onto my property via the Rough Creek drainage?
27. Chalk Mountain has a number of Hispanic residents. The Public Notice posted on Highway 67 and the newspaper notices were in English. Is Mr. Davis non-compliant with Public Notice requirements because the notices were not issued in both English and Spanish? If he was non-compliant, please request that Mr. Davis start the Public Notification process over prior to the issuance of any air quality permit.
28. The proposed Air Quality Permit only regulates the quality of the air that leaves the permitted premises. It is reasonable to assume the air quality on the rock crusher's premises will be worse. All wildlife on the facility's grounds will be impacted even more severely than those on adjacent properties. Our Endangered Species populations will be the most vulnerable. We request that Texas Parks and Wildlife and the U.S. Fish & Wildlife Service be consulted in regards to this permit application. We also request that Mr. Tommy Davis of Slick Machines work with both of those agencies to determine potential negative impacts to these two Endangered Species prior to any work commencing on the property.

29. The "particulate matter including particulate matter less than 10 microns in diameter" on our property may be harmful to human health. We have a house on the property that we visit often and we hope to retire on our property soon. All members of our family have allergies, two of us to dust. Cyd has asthma and our youngest son has pulmonary and cardiovascular issues. Charles' mother, Florence Brown, is also an adjacent property owner and visits the property often. She is 84 and has respiratory problems and she will be negatively impacted by the particulate matter.
30. The permit application available to the public in Somervell County during the first public comment period was deficient in many areas. The deficiencies were documented in a letter from the Fort Worth Audubon Society (see attached) and provided to TCEQ during the public meeting held in Glen Rose on October 23, 2008. We have received no response to those or our comments (see attached) provided during the first public notice period. According to the TCEQ Notice of Application and Preliminary Decision for an Air Quality Permit, "The TCEQ Executive Director has made a preliminary decision to issue the permit because it meets all rules and regulations." This is an inaccurate statement and the preliminary decision to issue the permit should never have been made. In addition, the applicant did not publish the second notice (Notice of Application and Preliminary Decision for an Air Quality Permit) within 33 calendar days of issuance of TCEQ's public notice instructional letter to Mr. Davis as required by TCEQ. It was not published until 44 days after the date of his instructions from TCEQ. Also, a "copy of the complete application (including any subsequent revisions) and the TCEQ Executive Director's preliminary decision (including the draft permit)" is required by TCEQ and was announced as being available at the Somervell County Library in the public notice. However, the second notice and accompanying documentation has not been available through at least 2/4/09 for viewing at the library as required. For these and other reasons, we are requesting that the draft permit be cancelled immediately and that the permitting process start over from the beginning with an initial public notice.

We look forward to receiving your responses to these issues.

Sincerely,

Charles S. Brown

Cyd F. Brown

Golden-cheeked Warbler Survey
on the
Brown Property,
Erath and Somervell Counties, Texas
March 25, 2009

A Golden-cheeked Warbler (*Dendroica chrysoparia*) survey was conducted on March 25, 2009 at the 321 acre Brown Property, owned by the Charles Brown Family. The survey was conducted from 7:15 a.m. until 11:45 a.m. and the survey crew consisted of Environmental Defense Fund staff members Linda Laack, Wildlife Scientist, and Michele Amador Lopez, Wildlife Associate. University of Texas student, Craig Johnson, also participated in the survey. The temperature ranged from 56-62° F, and it was calm and overcast. Tapes of bird recordings were not used during the survey.

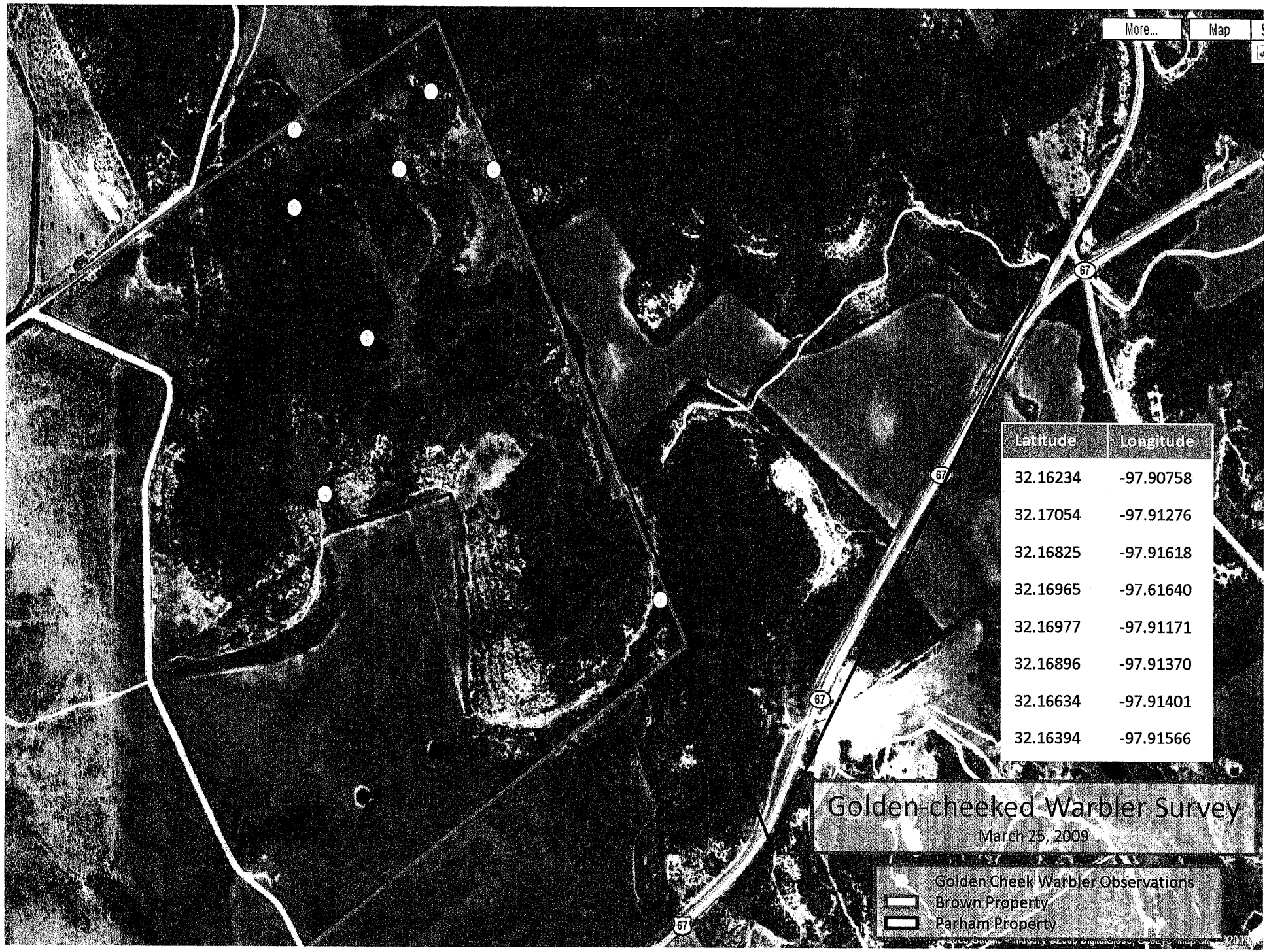
Eight male Golden-cheeked Warblers were heard singing during the survey and one female Golden-cheeked Warbler was observed. The coordinates of each location are provided in Table 1 and displayed in Map 1. The Golden-cheeked Warblers were all located in mature oak/juniper forests with 70-95% canopy cover. Common trees in this forest included Ashe Juniper, Spanish Oak, White Shin Oak, and Live Oak. Due to time constraints, the survey was mainly conducted along or near the ranch roads. It is very likely that additional Golden-cheeked Warblers occur on the ranch, as we did not survey in all of the areas of high quality habitat. High quality warbler habitat was also seen on neighboring properties to the north and east of the Brown Property. One of the male warblers (#5) was heard across the eastern boundary fence on an adjoining property.

Some areas of the ranch had habitat that may be suitable for Black-capped Vireos. We listened for vireos in these areas but none were detected. Black-capped Vireos migrate to their breeding range later than do Golden-cheeked Warblers and it is likely that the vireos have not yet arrived in this area. To determine if Black-capped Vireos occur on the ranch, it would be advisable to conduct an additional survey between April 10 and May 31.

In addition to Golden-cheeked Warblers, the following birds were also seen and/or heard during the survey: Great Blue Heron, Turkey Vulture, Black Vulture, Sharp-shinned Hawk, Wild Turkey, Mourning Dove, Red-bellied Woodpecker, Eastern Phoebe, White-eyed Vireo, American Crow, Tufted Titmouse, Carolina Chickadee, Carolina Wren, Bewick's Wren, Ruby-crowned Kinglet, Blue-gray Gnatcatcher, Northern Mockingbird, Black-and-white Warbler, Rufous-crowned Sparrow, Field Sparrow, Chipping Sparrow, White-throated Sparrow, White-crowned Sparrow, Northern Cardinal, Red-winged Blackbird, Brown-headed Cowbird, House Finch, and Pine Siskin.

Table 1. Location of Golden-cheeked Warblers (GCWA) heard and/or seen at the Brown Property in Erath and Somervell Counties, Texas on March 25, 2009.

Identification Number	Time of Detection	Coordinates of where we heard/saw GCWA (Decimal Degrees)	Survey Results
1	7:46 a.m.	32.16234 -97.90758	Heard one male GCWA singing A song about 15 meters NW of coordinates.
2	8:31 a.m.	32.17054 -97.91276	Heard one male GCWA singing A song downslope about 15 meters S of coordinates.
3	9:04 a.m.	32.16825 -97.91618	Heard one male GCWA singing A song about 3 meters NE of coordinates.
4	9:10 a.m.	32.16965 -97.61640	Heard one male GCWA singing A song about 5 meters SW of coordinates.
5	9:52 a.m.	32.16977 -97.91171	Heard one male GCWA singing A song about 5-15 meters E of coordinates across boundary fence on adjoining property.
6	10:10 a.m.	32.16896 -97.91370	Heard one male GCWA singing A song about 5-12 meters SE of coordinates.
7,8	10:22 a.m.	32.16634 -97.91401	Heard one male GCWA singing A song in a Juniper at the coordinates and saw one female GCWA in the same Juniper .
9	11:15 a.m.	32.16394 -97.91566	Heard one male GCWA singing A song about 15-30 meters NW of coordinates.



Latitude	Longitude
32.16234	-97.90758
32.17054	-97.91276
32.16825	-97.91618
32.16965	-97.61640
32.16977	-97.91171
32.16896	-97.91370
32.16634	-97.91401
32.16394	-97.91566

4

TCEQ Public Meeting Form

Thursday, October 23, 2008

Tommy Davis dba Slick Machines
Proposed Air Quality Permit No. 82199L002

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 24 PM 3:22
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: CHARLES S. BROWN

Address: 133 STARWOOD LN

City/State: HOLLY SPRINGS NC Zip: 27540

Phone: (919) 552-6722

☑ Please add me to the mailing list.

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

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☑ I wish to provide formal oral comments.

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

Please give this to the person at the information table. Thank you.

MW

The Brown Family
133 Starwood Lane
Holly Springs, NC 27540
(919) 552-6722

OPA RECEIVED
OCT 23 2008
AT PUBLIC MEETING

Presented at the Texas Commission on Environmental Quality (TCEQ) Somervell County Public Meeting, 10/23/08, concerning Air Quality Permit Application 82199L002.

1. Has Mr. Davis done a test for silica in the area where the rock mining will occur? If not is TCEQ going to require this test to safeguard the people and wildlife in the area?
2. What documentation has Mr. Davis provided to TCEQ that particulate matter less than 10 microns in diameter will not harm the Federally Endangered Golden-cheeked Warbler and Black-capped Vireo's known to nest in the area of the proposed rock crusher?
3. As an adjacent landowner and directly affected party, I sent a formal request to TCEQ 8/28/08 asking that biologists from the Texas Parks and Wildlife Department and the U.S. Fish and Wildlife Service be consulted on this permit application. Since the Golden-cheeked Warbler and Black-capped Vireo are listed as both State and Federally Endangered, I felt and still feel it is important that the management Agencies responsible for these birds be consulted. To date my request has been ignored. How does TCEQ justify their failure to consult with these two Agencies on this permit application?
4. The issuance of this permit will facilitate the destruction on potentially occupied habitat for two State and Federally listed Endangered Species, the Golden-cheeked Warbler and Black-capped Vireo. Is there no requirement for TCEQ to consult with the U.S. Fish and Wildlife Service to mitigate damage that may occur from the issuance of this permit?
5. The existence of the Golden-cheeked Warbler and Black-capped Vireo on the property proposed for the rock crusher can be determined in April. Will TCEQ take the environmentally correct route of not issuing an air quality permit until a bird survey is conducted to determine the presence or absence of these birds on the property?
6. The public has not been provided any information on the exact size and scope of this project. If this permit is issued, how many (acres) may be mined for rock/gravel? What is the duration of this permit? Can a map of the area to be licensed to provide?
7. How does TCEQ tract the actual amount of rock/gravel removed from this site?
8. If Mr. Davis does not manage the dust generated by his rock crushing facility, what action will be taken by TCEQ?
9. How does TCEQ monitor hours of operation for rock crushers? If the hours of operation are exceeded, what action is taken by TCEQ?
10. Is Mr. Davis responsible for paying for the modification to Highway 67 to manage the increased truck traffic generated by his facility?
11. Statistics show an increased number of vehicle accidents around rock crushing facilities. What liability do Mr. Davis, Mr. Parham, and TCEQ have regarding this issue?
12. Does Mr. Davis have a waste water management permit to operate a rock crusher on the Parham property?
13. If the answer to # 12 is no, when will the TCEQ public notice be issued concerning the waste water management permit?

2008 OCT 24 PM 3:22
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

14. Exactly what activities may Mr. Davis undertake on the property prior to the issuance of an air quality permit and waste water management permit?
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20. Has Mr. Davis or Slick Machines ever had a permit revoked? If yes, for what reason?
21. The Rough Creek drainage flows through the center of the property where the rock crusher will be located. Has the U.S. Army Corps of Engineers been contacted concerning this proposed rock crusher and its potential impact on this drainage system?
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23. Somervell County has joined a regional planning group to meet the National Ambient Air Quality Standards for Particulate Matter less than 10 Microns. Issuance of an air quality permit which would facilitate the release of these air pollutants would be counter to this effort. How would the TCEQ justify this action? Has the TCEQ contacted the Somervell County Judge and County Commissioners to get their input on this issue?
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We look forward to receiving your responses to these questions.

Sincerely,

Charles S. Brown

Cyd F. Brown

The Brown Family
133 Starwood Lane
Holly Springs, NC 27540
(919) 552-6722

Presented at the Texas Commission on Environmental Quality (TCEQ) Somervell County Public Meeting, 10/23/08, concerning Air Quality Permit Application 82199L002.

Attached is a map that was prepared by the Texas Parks and Wildlife Department on habitat quality for the Federally Endangered Golden-Cheeked Warbler (GCW). Habitat quality 1 (yellow) is lower quality habitat. Habitat quality 4 (dark green) is the highest quality habitat. Note on the map the significant amount of habitat rated at quality 4 in the proposed rock crushing area. Also note, this high quality habitat directly corresponds with the limestone hills and old-growth juniper that are proposed to be removed by Mr. Davis (dba Slick Machines). As the adjoining landowners immediately to the west of this property, we share two "mountains" with Mr. Davis and are extremely concerned about this proposed habitat destruction. Destruction of this habitat via direct removal, air contamination, excessive noise, etc. can be considered "take" of an endangered species under Section 9 of the Endangered Species Act. This is a violation of Federal law and should be taken into consideration by TCEQ prior to issuance of an air quality permit.

I have also attached a brief publication from the National Audubon Society on America's ten most endangered birds. The Golden-Cheeked Warbler is in this group due to its declining numbers and world-wide nesting/breeding distribution of 34 counties in Central Texas. Habitat destruction is the leading cause for the birds decline.

What responsibility does TCEQ have to preserve the environmental quality of sensitive habitat for Federally-listed Endangered species? What action will TCEQ take to ensure that this habitat destruction does not occur?

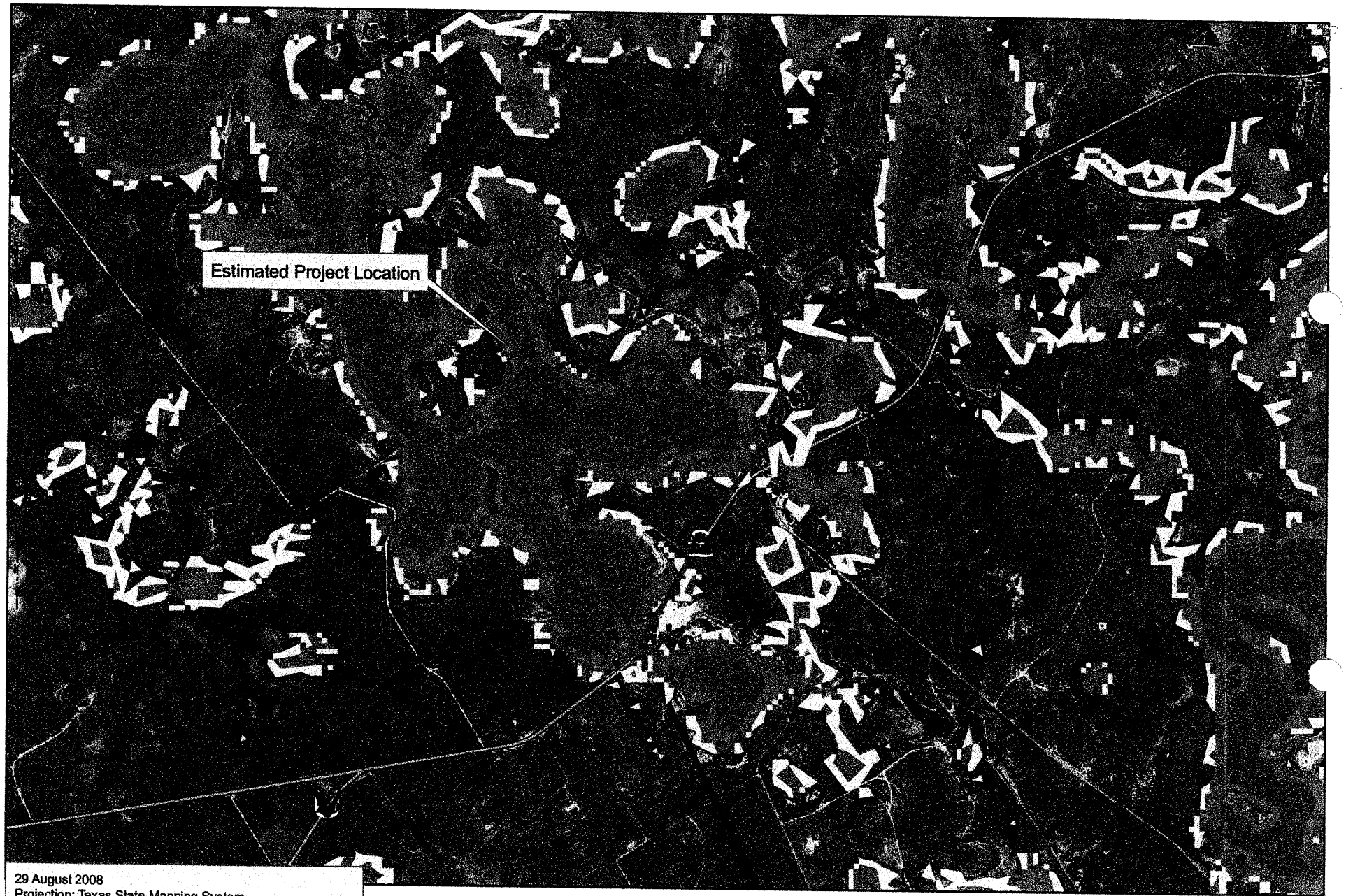
We look forward to your response.

Sincerely,

Charles S. Brown

Cyd F. Brown

GCW Model C - Proposed Rock Crushing Facility (Estimated Location), Somervell County



29 August 2008
Projection: Texas State Mapping System

Map compiled by the Texas Parks and Wildlife Department, Wildlife Habitat Assessment Program. No claims are made to the accuracy of the data or to the suitability of the data to a particular use.

Habitat Quality

County Boundaries

1 2 3 4

0.5 0.25 0 0.5 Miles

TEXAS PARKS & WILDLIFE

TOP TEN MOST ENDANGERED

Audubon

A March 2006 Report from the National Audubon Society

THREATS

Habitat loss and fragmentation represent the clearest threats to the Golden-cheeked Warbler. Suburban sprawl remains the primary danger, but grazing, logging of the Ashe juniper, and mineral extraction activities are also encroaching on habitat. Nearby agriculture has also brought the Brown-headed Cowbird, which lay eggs in warbler nests that reduce the survival rates of warbler chicks.

The Golden-cheeked Warbler

The Golden-cheeked Warbler is a migratory songbird that breeds only in Ashe juniper woodlands. Between 1960 and 1980, the area of this habitat was reduced by development pressures in central Texas by about a quarter. In addition, anticipation that the warbler would be federally listed as an endangered species prompted landowners to deliberately destroy more habitat in 1990. Breeding habitat is now fragmented and limited to the Edwards Plateau in central Texas, and it remains under severe pressure from human activity.

Population and Trends

Based on a 1990 survey cited in a 1999 Birds of North America account by Clifton Ladd and Leila Gass, BirdLife International estimates the 2005 population of the Golden-cheeked Warbler to be as few as 9,600 individuals or a many as 32,000. This bird's population is declining rapidly due to habitat loss.

Conservation

The U.S. Fish and Wildlife Service lists the Golden-cheeked Warbler as endangered. Preserving the little remaining habitat of this bird is essential. Funding for suitable habitat research on its wintering range is needed. More cowbird control projects could also help increase Golden-cheeked Warbler reproduction.

HABITAT
The Golden-cheeked Warbler

Central Texas

The Brown Family
133 Starwood Lane
Holly Springs, NC 27504
(919) 552-6722

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 SEP -2 PM 3:34

CHIEF CLERKS OFFICE

NSR 045869 PM OPA HR

SEP 03 2008

BY PM

8/27/08

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Dear Sir or Madam,

I became aware today of a request to permit a Rock Crushing Facility immediately adjacent to property that is owned by my mother, my wife and myself. Combined we own 321 acres in Erath and Somervell Counties. The permit number is 82199L002. The permit request was submitted by Mr. Tommy Davis (Slick Machines) of Brownwood, TX. As affected parties, my mother, my wife and I, all **strongly object to the issuance of this permit and formally request a public meeting and hearing on this issue.**

As a Certified Wildlife Biologist, I am keenly aware of the sensitivity of environmental changes to some species of wildlife. During my 31 year career as a Wildlife Biologist with the U.S. Fish & Wildlife Service, and currently the U.S. Department of Agriculture, I have dealt with both State listed and Federally listed Threatened and Endangered Species. My property, and the property you are considering permitting, both have breeding populations of Black-capped Vireos and Golden-cheeked Warblers. These two species are listed as Endangered Species by State (Texas Parks & Wildlife Department) and Federal (U.S. Fish & Wildlife Service) officials. To promote their continued existence, the habitat that supports them is considered "critical habitat" and cannot be altered to their detriment. It is my professional opinion that the crushing of up to 100 tons of rock/hour, eight hours/day, five days/week, and the accompanying release of particulate matter less than 10 microns in diameter, will negatively impact air quality and consequently threaten the health and reproductive capacity of these Endangered birds. This permit should not be granted.

I am in the process of contacting the Texas Parks & Wildlife Department, the U.S. Fish & Wildlife Service, the Chalk Mountain Wildlife Management Association, and the Fort Worth Chapter of the Audubon Society to make them aware of this permit request. I feel all of these groups will want to have input on this permit application. The requested public meeting would be the best forum for this discussion.

Thank you in advance for your serious consideration of my request and I look forward to hearing from you soon.

Sincerely,

Charles S. Brown

Charles S. Brown

MW

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Time Accepted 927 ☒ AM ☐ PM	Scheduled Time of Delivery ☒ Noon ☐ 3 PM	COD Fee $ / Insurance Fee $
Flat Rate ☐ or Weight lbs. 2 ozs.	Military ☐ 2nd Day ☐ 3rd Day	Total Postage & Fees $ 16.50
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NO DELIVERY ☐ Weekend ☐ Holiday

Mailer Signature

FROM: (PLEASE PRINT) PHONE (919) 552-6722

Charles Brecon
133 Starwood Lane
Holly Springs NC 27540

TO: (PLEASE PRINT) PHONE ( )

Office of the Chief Clerk
Mail Code 105 TCEQ
PO Box 13087
Austin, TX 78711-3087

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The Brown Family
133 Starwood Lane
Holly Springs, NC 27504
(919) 552-6722

NSR
64589

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

8/29/08

OPA
SEP 03 2008
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP -2 AM 10:5
CHIEF CLERKS OFFICE

Dear Sir or Madam,

This is a follow up to the letter I mailed you earlier concerning permit application 82199L002. I have since contacted the U.S. Fish & Wildlife Service and the Texas Parks and Wildlife Department to consult on this issue. I feel they may have information that is relevant to this situation and am formally requesting that you consult with them prior to the issuance of this permit. Contact information follows:

- U.S. Fish & Wildlife Service – Mr. Omar Bocanegra, Wildlife Biologist, Ecologist Services Field Office, Winsystems Center Building, 711 Stadium Drive, Suite 252, Arlington, TX 76011, office telephone: (817) 277-1100, email: Omar_Bocanegra@fws.gov.
- Texas Parks & Wildlife Department – Ms. Julie Wicker, Program Specialist, Wildlife Habitat Assessment Program, 4200 Old Smith School Road, Austin, TX 78744, office telephone: (512) 389-4579, email: Julie.wicker@tpwd.state.tx.us.

Thank you for your cooperation.

Sincerely,

Charles S. Brown

cc: O. Bocanegra
J. Wicker

MW

The Brown Family
133 Starwood Lane
Holly Springs, NC 27504
(919) 552-6722

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

8/27/08

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Thank you in advance for your serious consideration of my request and I look forward to hearing from you soon.

Sincerely,

Charles S. Brown

Charles S. Brown

The Brown Family
133 Starwood Lane
Holly Springs, NC 27540

RESEARCH TRIANGLE
NC 276 4-1
30 AUG 2008 PM

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 SEP -2 AM 10: 35

CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
PO BOX 13087
Austin, TX 78711-3807

RECEIVED
SEP 0 2 2008
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RB

NSR
U4589

The Brown Family
133 Starwood Lane
Holly Springs, NC 27540
(919) 552-6722

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 NOV -5 AM 10: 44

CHIEF CLERKS OFFICE

November 1, 2008

H OPA
NOV 05 2008
BY KY

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Dear Sir or Madam:

My husband and I own 210 acres of land immediately adjacent to the proposed rock crushing facility for which Air Quality Permit application 82199L002 is being requested. Our house is approximately ½ mile from where the rock crushing equipment is to be placed.

Our family visits the property in the Chalk Mountain area regularly and we intend to move there in the near future. The "particulate matter including particulate matter less than 10 microns in diameter" will have a negative impact on my health and my youngest son's health. My son and I have both been diagnosed as being severely allergic to dust. We use dust mite proof mattress covers and pillow covers with our bedding; we wash and dry sheets and towels in hot cycles to kill the dust mites; we dust our furniture, blinds, draperies, etc. frequently to keep dust levels down. In addition, we both use nasal steroids and antihistamines to help control our symptoms. I also take *two* allergy shots every week.

I have also been diagnosed with mild asthma and have been prescribed Singulair and Advair medications for its treatment. I was prescribed a rescue inhaler to keep with me.

The dust generated by this rock crushing facility will increase both my symptoms and my son's symptoms. Our conditions will be harder to treat with this additional exposure to dust. I request that you deny this Air Quality Permit application as it will negatively affect my health and that of my son's.

As an adjoining landowner to the proposed facility, I also request a contested case hearing in regards to this permit application. Please send me all future public notices for this application. Please also send me any and all prepared responses to the public comments you receive.

Your consideration of the issues I have brought up and my request for a contested case hearing is greatly appreciated.

Sincerely,

Cyd F. Brown

Cyd F. Brown

mw

Cyd Brown
133 Starwood Ln.
Holly Springs, NC 27540

[redacted]
NC 276 4 L
03 NOV 2008 PM

RECEIVED
NOV 05 2008
TCEQ MAIL CENTER

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

78711-3087

The Brown Family
133 Starwood Lane
Holly Springs, NC 27540
(919) 552-6722

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 SEP -5 PM 2:49

CHIEF CLERKS OFFICE

NSR
WL1584

September 3, 2008

OPA

H

SEP 08 2008

BY

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Dear Sir or Madam:

With this letter, I officially request a contested case hearing in regards to Air Quality Permit Number 82199L002 being applied for by Tommy Davis of Slick Machines. My husband and I and my mother-in-law own approximately 321 acres of land immediately adjacent to the proposed Rock Crushing Facility for which the Air Quality Permit is being requested. Our property is located one mile north of Highway 67 on County Road 196 in Chalk Mountain, TX.

This acreage has been in my husband's family for 43 years. It was bought for outdoor recreational use, the most important of which was, and still is, wildlife viewing and enjoyment. Both my husband and I are Certified Wildlife Biologists. We have official wildlife management plans for the property filed with the Tax Offices of both Erath and Somervell Counties and we belong to the Chalk Mountain Wildlife Management Association. We primarily manage for Black-Capped Vireos, Golden-Cheeked Warblers, deer and turkey. The Black-Capped Vireos and Golden-Cheeked Warblers are each Federal and State listed Endangered Species and nest on our property. The Audubon Society published a report in 2006 stating that the Golden-Cheeked Warbler was one of the 10 most endangered species in America. Central Texas is the only place where these Warblers nest. We frequently host bird watchers on field trips from the Fort Worth Audubon Society. We have even had birders from Europe visit. They were very excited to add Golden-Cheeked Warblers and Black-Capped Vireos to their "life list". Our property and the property where the rock crushing facility would be located have habitat crucial for both the Golden-Cheeked Warbler and the Black-Capped Vireo. The limestone hills in the area provide the low woody vegetation the Black-Capped Vireos need and the old growth cedar required by the Golden-Cheeked Warblers.

The "particulate matter including particulate matter less than 10 microns in diameter" on our property may be harmful to all wildlife and human health. Our Endangered Species populations are most vulnerable. While we don't reside on the property at present, we intend to live on the property in a few years when we retire. In addition, since the Air Permit only regulates air quality at the facility's property boundary lines, the air quality on the rock crusher's premises will be much worse. All wildlife on the facility's grounds will be impacted even more severely than those on adjacent properties.

MW

The removal of limestone from the property to be permitted will totally destroy the wonderful wildlife habitat that currently exists there. Not only will deer and turkey leave the area, Black-Capped Vireos will lose their nesting habitat and their populations will decline. It is even worse for the Golden-Cheeked Warbler. Since this Endangered Species is very rare and only nests in limited areas of Central Texas, the loss of their habitat is even more devastating. Responsibility for conservation of the Golden-Cheeked Warblers' habitat cannot be delegated or passed off to any other State or geographical region. Removal of habitat critical to Endangered Species is a violation of Federal law.

In order to mine rock, blasting may be involved and heavy equipment will be required. There will be the rock crusher itself and large truck activity. All this will lead to noise and ground vibrations that will disrupt wildlife behavior and may cause wildlife on the facility's property and adjoining property to leave the area. In turn, our quality of life will be impacted: first by experiencing the noise and vibrations ourselves and, secondly, in the loss of our wildlife viewing and the enjoyment that it brings. Disrupting the nesting behavior of an Endangered species is against the law.

Additionally our property values will decline as a result of having a rock crushing facility adjacent to our property. It is unlikely that we could sell the property without incurring a financial loss.

In addition to requesting a contested case hearing, I also request that Texas Parks and Wildlife and the U.S. Fish & Wildlife Service be consulted in regards to this permit application. I am also requesting that Mr. Tommy Davis of Slick Machines work with both of those agencies to determine potential negative impacts to these two Endangered Species prior to any work commencing on the property.

Please send me all future public notices for this application. Please also send me any and all prepared responses to all public comments received and notice of any public hearings or contested hearings.

Your consideration of my request and the issues I have brought up is greatly appreciated.

Sincerely,

Cyd F. Brown

Cyd F. Brown

The Brown Family
133 Starwood Lane
Holly Springs, NC 27540
(919) 552-6722

NSR
U4589

September 3, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP -5 PM 2:49
CHIEF CLERKS OFFICE

OPA
SEP 08 2008
BY

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Dear Sir or Madam,

My husband, Charles Brown, signed letters to you dated August 27, 2008 and August 29, 2008 in regards to a request for Air Quality Permit Number 82199L002. I just realized that the zip code for our return address in those letters is incorrect. The numbers 4 and 0 were transposed. The correct zip code is 27540. I regret any inconvenience this may have caused.

Please send any response to comments and other correspondence in regards to this permit application to Charles & Cyd Brown, 133 Starwood Lane, Holly Springs, NC 27540.

Your assistance is greatly appreciated.

Sincerely,

Cyd F. Brown

Cyd F. Brown

MW

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Date Accepted: 9 4 08 (Mo. Day Year)	Scheduled Date of Delivery: 9 5 (Month Day)	Return Receipt Fee: $
Time Accepted: 1029 ☐ AM ☐ PM	Scheduled Time of Delivery: ☐ Noon ☐ 3 PM	COD Fee: $ / Insurance Fee: $
Flat Rate ☐ or Weight: 3 lbs. ozs.	Military: ☐ 2nd Day ☐ 3rd Day	Total Postage & Fees: $ 16.50
	Int'l Alpha Country Code	Acceptance Emp. Initials

FROM: (PLEASE PRINT) PHONE (419) 552-6722

C. Brown
133 Starwood Lane
Holly Springs NC 27540

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☐ NO DELIVERY Weekend Holiday ☐

Mailer Signature

TO: (PLEASE PRINT) PHONE ( )

Office of the Chief Clerk
Mail Code 105 TCEQ
PO Box 13087
Austin, TX 78711-3087

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H OPA
APR 15 2010
BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 APR 14 PM 2:18
CHIEF CLERKS OFFICE

April 11, 2010

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

Dear Ms. Castanuela,

My name is Florence R. Brown. My address is 4904 Overton Ave, Fort Worth, TX 76133. My phone is 817-923-4801. I am writing you to request a contested case hearing as an affected person. The permit number is 82199L002 for applicant Tommy Davis, dba Slick Machines Rock Crusher No. 1.
I am an affected person because I own 111 acres immediately adjacent to the Parham property where the proposed rock crusher would operate. I feel the presence of a rock crusher and the associated dust and particulate matter crossing the fence onto my property would threaten my health, safety, and the use of my property. I am 86 years old and have dust allergies. I feel the essentially non-existent monitoring system TCEQ proposes in their "Response to Comments" is woefully inadequate to protect my health and I feel a contested case hearing is needed to further evaluate this and other issues.

Sincerely,

Florence R. Brown

Florence R. Brown

Brown
4904 Overton Ave
Fort Worth, TX 76133

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2010 APR 14 PM 2:17
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JC LaDonna Castanuela
Chief Clerk, TCEQ, MC-105
P.O. Box 13087
Austin, TX 78711

78711$3087 B012

Florence Brown
4904 Overton Avenue
Fort Worth, TX 76133
(817) 923-4801

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 NOV 18 AM 10: 41
CHIEF CLERKS OFFICE

NSR
L04589

November 8, 2008

OPA

H

BY

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Dear Sir or Madam:

I own 111 acres of land immediately adjacent to the proposed rock crushing facility for which Air Quality Permit application 82199L002 is being requested. While visiting the property I stay in my son's house which is approximately ½ mile from where the rock crushing equipment is to be placed.

I am 84 years old and have respiratory problems. The "particulate matter including particulate matter less than 10 microns in diameter" will negatively affect me. I like to drive around my property and also do some walking. The only thing that separates my property from the proposed rock crusher is a barbed-wire fence. The dust generated by this rock crusher will cause me breathing problems. I am requesting that you deny this Air Quality Permit application.

I also request a contested case hearing in regards to this permit application.

Sincerely,

Florence R. Brown

Florence R. Brown

Florence R. Brown
4904 Overton Avenue
Fort Worth, TX 76133

FORT WORTH TX 761

17 NOV 2008 PM 6 T

LET US DARE TO [illegible]
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John Adams, 1765
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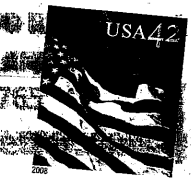

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 NOV 18 AM 10: 41

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Office of the Chief Clerk

Mail Code 105 TCEQ

P.O. Box 13087

Austin, TX 78711-3087

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP -3 PM 3:25
CHIEF CLERKS OFFICE

August 30, 2008

PM OPA HR
SEP 04 2008
BY JM

Office of the Chief Clerk
Mail Code 105 TCEQ
P. O. Box 13087
Austin, TX 78711-3087

To Whom It May Concern:

I own property in Erath County that adjoins property that has a rock crushing permit pending. The permit number is 82199L002. I am opposed to the permit issuance and request a formal public meeting and hearing on this issue. As a directly affected party, I feel public input is needed before a decision is made that will have long-term negative impacts next to my property.

There are two Endangered species in this area, the Golden-Cheeked Warbler and the Black-Capped Vireo. These birds are sensitive to any changes in their environment. I believe the release of dust and other particulate matter from a rock crushing facility would be detrimental to their continued existence and request that this issue be fully discussed in a public forum prior to any permit issuance.

Sincerely,

Florence R. Brown

Florence R. Brown
4904 Overton Avenue
Fort Worth, TX 76133

MW

Florence R. Brown
4904 Overton Avenue
Fort Worth, TX 76133

FORT WORTH TX 761
02 SEP 2008 PM 6 L

TEXAS
COMMISSION
ON ENVIRONMENTAL
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2008 SEP -3 PM 3:25

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Office of the Chief Clerk

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Austin, TX 78711-3087

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OCT 16 2008
BY BP

Office of Chief Clerk
TCEQ
PO Box 13087
Austin Texas 78711-3087

2008 OCT 16 AM 10:41
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Re Air Quality Permit #82199L002

To Whom It May Concern:

The purpose of this letter is to submit public comments, to request a public meeting and to request a contested case hearing to the Office of the Chief Clerk. An application has been made to the TCEQ for a permit which would authorize a rock crushing facility at 11209 US Hwy. 67, Glen Rose, Texas, Somervell County. Tommy Davis, dba Slick Machines, of Brownwood, Texas is the applicant. I am definitely opposed to this permit being issued because of the following reasons.

Air contaminants and loss of habitat will negatively impact the health and well being of Federally and State listed Endangered Species (Black-Capped Vireos and Golden-Cheeked Warblers). They are on the top 10 endangered list. I feel all wild life will be affected.

I am concerned about air and noise pollution negatively affecting the health and quality of life of residents.

This is a heavily populated area. The speed limit is 70 mi. per hour on the highway. There are steep inclines and many curves. Increased truck traffic will create dangerous conditions in this area.

I fear a negative economic impact on Somervell County because of the loss of tourism and lower home values.

Chalk Mountain, an identifiable historical state landmark, would be forever removed from our landscape. A State Road Side Park considered one of the states most beautiful will be overlooking a rock crushing facility if this permit is granted. There are numerous other historical sites in the area including a church.

We recognized the need for rock crushers and gravel. We simply feel, for the reasons stated above, that the proposed site is the wrong location for a facility of this kind, and we request you assistance in ensuring that this facility is not established.

Sincerely,

Scarlett Brown

MW

2402 ARBUCKLE COURT
DALLAS, TX 75229

DALLAS TX 752
14 OCT 2008 PM 3 L

USA 42
John Adams, 1765

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 16 AM 10:41
CHIEF CLERKS OFFICE

OFFICE OF THE CHIEF CLERK
TCEQ, MC-105
P.O. BOX 13087
AUSTIN, TX 78711-3087

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October 9, 2008
Office of the Chief Clerk
Mail Code 105 TCEQ
P. O. Box 13087
Austin, Texas 78711-3087

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BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 13 PM 3:00
CHIEF CLERKS OFFICE

Re. Permit Request: No. 82199L002

To Whom It May Concern:

As a resident of Somervell County I am opposed to the rock-crushing facility proposed by Mr. Tommy Davis of Slick Machines, Brownwood, Texas (permit number 82199L002) for the following reasons:

1. Somervell County, where the facility is proposed to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas Counties tasked with meeting federal clean air standards for the region. Consideration should be given to the impact this facility will have on the county's ability to meet the National Ambient Air Quality Standards for Particle Matter less than 10 microns. Consideration should also be given to the health risks for residents and visitors in the area.

2. The Chalk Mountain range provides critical habitat for 2 federally endangered species of birds-the Golden-cheeked Warbler and Black-capped Vireo who nest extensively in the area. Documentation of the nesting by both endangered species can be provided by property owners in the area. Biologists and Naturalists have come from all over the world to study these birds, which nest only in the Edwards Plateau region of Texas.

3. Environmental issues including increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility, environmental impact from excessive noise from the operation of the rock crusher, and increased accidents on Hwy 67 with the increase of the water and hauling trucks to and from the facility.

4. Somervell County is the destination of thousands of tourists visiting Fossil Rim Wild Life Park and Dinosaur Park which are both within 10 miles of the proposed facility. Many of these tourists stop at the Overlook on Hwy 67 at Chalk Mountain just to enjoy the beautiful view. If the proposed facility is approved that view will be a rock pit with questionable air quality.

Based on the issues stated above I respectfully request the public meeting and hearing on this matter.

Sincerely,

Yvonna Brown
2514 County road 2021
Glen Rose, Texas 76043

2514 Co. Rd 2021
Glen Rose Tx
76043

[redacted]

10 OCT 2008 PM 6 L

[redacted]
THINK, SPEAK A[illegible]
John Adams, 1[illegible]
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USA FIRST CLASS FORE[illegible]

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OCT 13 2008
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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 13 PM 3:00

CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin
Texas
78711-3087

TCEQ Public Meeting Form

Thursday, October 23, 2008

Tommy Davis dba Slick Machines
Proposed Air Quality Permit No. 82199L002

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 24 PM 3:24
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: DAN BROYLES

Address: 4208 B County Road 2008 P.O. Box 3209

City/State: Glen Rose TX Zip: 76043-3209

Phone: (254) 898-8413

☑ Please add me to the mailing list.

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

If yes, which one? Save Chalk Mountain

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☐ I wish to provide formal oral comments.

☑ I wish to provide formal written comments at tonight's public meeting.

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

Please give this to the person at the information table. Thank you.

Oct. 14, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

PM OPA RECEIVED
H OCT 23 2008
AT PUBLIC MEETING

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. I moved my family to this area for the beauty and wildlife. The trucks and industrial activity is already out-of-control.

I am concerned about the following issues:

Air Quality in Somervell County, the proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Endangered Species. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Environmental Issues. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

Economic Impact. Somervell County is a destination location for tourists all over North Texas, including locations such as Dinosaur State Park and Fossil Rim Wildlife Center which are within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 24 PM 3:24
CHIEF CLERKS OFFICE

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64589

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

OPA

PM
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OCT 14 2008

BY dc

CHIEF CLERKS OFFICE

2008 OCT 13 PM 2:59

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

October 9, 2008

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at 4208B County Road 2008.

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

Air Quality in Somervell County, the proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Endangered Species. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Safety of Residents and Tourists. The gas well industry has already had an extremely destructive impact on our county. Our roads were not designed for the huge number of water trucks, big rigs, gravel trucks, etc. that are using our highways and county roads. The number of accidents and fatalities that are a direct result of this influx of large vehicles has increased significantly. Our roads are vital to our visiting tourists and they are being destroyed by the weight and number of these vehicles. Tourism is vital to this area and the scenery, roads, air quality, wildlife, noise factors, traffic, are essential parts of the equation.

Environmental Issues. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

mw

Economic Impact. Somervell County is a destination location for tourists all over North Texas, including locations such as Dinosaur State Park and Fossil Rim Wildlife Center which are within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Iris Broyles

Iris Broyles

Broyles
PO Box 3209
Glen Rose, TX 76043

FORT WORTH TX 761

10 OCT 2008 PM 8 T

John Adams, 1765
powerofthelett

USA First-Class

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OCT 13 2008
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ON ENVIRONMENTAL
QUALITY

2008 OCT 13 PM 2:59

CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
PO Box 13087
Austin, TX 78711-3087

78711-3087

(4)

TCEQ Public Meeting Form

Thursday, September 3, 2009

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 SEP -4 PM 4:27
CHIEF CLERKS OFFICE

Tommy Davis dba Slick Machines
Proposed Air Quality Permit No. 82199L002

PLEASE PRINT:

Name: Iris Broyles

Mailing Address: PO Box 3209

Physical Address (if different): 4208-B CR 2008

City/State: Glen Rose TX **Zip:** 76043

Phone: (817) 905-2866

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

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

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☑ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

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

did not provide written comments

Please give this to the person at the information table. Thank you.

MW

NSR
64559

PM
Ipt

OPA

BY EB

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 FEB 13 PM 4:07

CHIEF CLERKS OFFICE

February 11, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a Public Meeting in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility, we live within 9 miles of the proposed location.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Endangered Species in and around the proposed facility due to air quality.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Impact to the roads in Somervell County and the cost associated with upgrading the roads to handle Rock Haulers and the dangers posed by heavy trucks ingress and egress to Hwy 67.
- Decreased property values in the area around the proposed facility and in Somervell County.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park.
- The Nuisance created by the proposed facility preventing the enjoyment of the State Roadside Park and surrounding bird watching areas.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

Concerning the Public Meeting we are requesting be held in Glen Rose, we respectfully request a meeting with the TCEQ to understand why:

- Questions that were raised in the first Public Meeting held in Glen Rose on October 23, 2008 have gone unanswered, yet the Permit process is progressing.
- Why the questions were not reviewed as part of the vetting process to determine if the Permit Application was "Administratively Complete" and complied with TCEQ Rules and Regulations when over 20 flaws were noted in the initial permit.
- Why the Permit Application has been allowed to move forward while the Public has not been provided with information as detailed in the TCEQ Public Notices in the *Glen Rose Reporter*.
- Why the TCEQ has not made sure the Applicant filed information in accordance with the requirements of the Second Notice from the first day that the notice was placed in the *Glen Rose Reporter*.
- Why the TCEQ is allowing the process to move forward when the notice was placed in the paper improperly.
- Why the TCEQ is rushing the application through the approval process without having performed tests to identify whether Silica will be present in the air as the result of Rock Crushing operation or if any other known Carcinogens will be released into the atmosphere as a result of Rock Crushing operations.

Please include our name on the permanent mailing list for this permit application 82199L002.

Sincerely,

Liz Brooglen
4208-B CR 2008
Glen Rose, TX 76043

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us
Representative Harvey Hildebran
David Frederick, Attorney

NSR
64589

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 FEB -4 AM 10: 15

CHIEF CLERKS OFFICE

PM OPA

BY Ky

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

February 1, 2009

Reference: Air Quality Permit Number 82199L002

I am writing to request that another meeting be held in Glen Rose to discuss the permit and permit process. At the last meeting a multitude of questions were asked for which answers were promised. These answers have not been forthcoming. In addition, there were violations involved with the permit that have not been addressed. This permit would grant a company outside of our area permission to do something that violates many rights of neighboring landowners. It also allows for the destruction of a recognized landmark and the habitat of endangered bird species. Rubberstamping this permit should not be allowed without adequate discussion. Thank you.

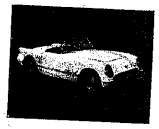
Sincerely,

Iris Broyles

Iris Broyles

Dan & Iris Broyles
PO Box 3209
Glen Rose, TX 76043
254-898-8413

mw



Iris Broyles
PO Box 3209
Glen Rose, TX 76043-3209

FORT WORTH TX 761
02 FEB 2009 PM 1 T

USA First-Class

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB -4 AM 10: 15

CHIEF CLERKS OFFICE

RECEIVED
FEB 04 2009
TCEQ MAIL CENTER
AJ

Texas Commission on Environmental Quality
office of the Chief Clerk, MC-105
PO Box 13087
Austin, TX 78711-3087

78711+3087

October 14, 2008

PM
H

OPA
OCT 16 2008
BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 OCT 16 AM 10: 37

CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

NSR
64539

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at 1183 County Road 2022

I am opposed to a rock-crushing facility (Permit Request No. 82199L002) scheduled for construction in the Chalk Mountain area of Somervell County.

My concern is based on the following issues:

Air Quality in Somervell County: The proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Endangered Species. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Environmental Issues. This includes environmental impacts of excessive noise from the operation of the facility as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents that will result from an large increase in the number of water and hauling trucks needed to run this facility.

Economic Impact. Somervell County is a destination location for thousands of tourists, including location such as Dinosaur State Park, Fossil Rim Wildlife Center and the Creation Evidence Museum which are all within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing be scheduled on this issue.

Sincerely,

Lavone M. Carlson

Lavone M. Carlson

mw

Loome Carlson
1183 CR 2022
Glen Rose, TX 76043

FORT WORTH TX 761

14 OCT 2008 PM 7 T

"LET US DARE TO READ,
THINK, SPEAK A
John Adams, 17
powerofthele

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RECEIVED
OCT 16 2008
TCEQ MAIL CENTER
RB

RE: Permit Request No. 82199L002

78711+3087

4

OPA

FEB 20 2009

BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 20 AM 10: 33

CHIEF CLERKS OFFICE

February 13, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

NSR
64589

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a **Public Hearing** in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

As a member of Fort Worth Audubon Society and/or National Audubon, the opportunities afforded nature lovers at Chalk Mt. are of great importance.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility. Hundreds of tourist, including birdwatchers, come to the Chalk Mt. area to enjoy the native habitat and air quality provided in Somervell County.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Federally Endangered Species in and around the proposed facility due to air quality. We are especially concerned about the effect on the breeding birds of Chalk Mt., specifically the Golden-cheeked warbler and Black-capped vireo.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park. Our enjoyment of this Roadside Park will be effected by dust, debris and noise coming from the proposed facility.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

We feel we are affect parties, because:

- The Nuisance created by the proposed facility and its impact on our enjoyment of the State Roadside Park and the impact to our enjoyment of bird watching in the area in and around the proposed facility. For many years, Fort Worth Audubon Society has enjoyed the gracious hospitality of private landowners, specifically, the adjacent property landowner. We have been allowed access to survey and study the birds, including the Federally Endangered Birds named above.

- Dust and debri in the area will not only affect the health of birdwatchers in the area, it will cover the native habitat which is essential for the breeding population of Chalk Mt. Golden-cheeked warbler and Blck-capped vireos, both listed on Federally Endangered Species.

- Please include Fort Worth Audubon Society on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature Jane Choun

Name JANE CHOUN

Address 818 CLOVER PARK DRIVE
ARLINGTON, TX 76013

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 13 AM 10: 26

CHIEF CLERKS OFFICE

October 9, 2008

NSR
10/15/08
PM
4

OPA
OCT 13 2008
BY

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres of oak shinnery and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. I fear that the installation and operation of the proposed rock-crushing facility will adversely impact the nesting and occupied habitat of these 2 endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for habitat restoration may be wasted efforts if this facility is permitted for operation.

In addition to potential impacts to 2 federally endangered species of birds, the proposed rock crushing facility will also potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and occupied habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Jane Choen
818 Clover Park Dr
Arlington TX 76013

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Mike Wilson, Permits Division, TCEQ
Booker Harrison, Environmental Law Division, TCEQ
Dirk Kempthorne, Secretary of Interior
Dale Hall, Director of US Fish & Wildlife Service
Benjamin Tuggle, Southwest Region, US Fish & Wildlife Service
Division of Endangered Species, US Fish & Wildlife Service
Division of Bird Habitat Conservation, US Fish & Wildlife Service
State Senator Troy Fraser via email troy.fraser@senate.state.tx.us
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

NSR
64589

From: PUBCOMMENT-OPA
To: PUBCOMMENT-OCC2
Date: 2/17/2009 10:27 AM
Subject: Fwd: Public comment on Permit Number 82199L002
Place: PUBCOMMENT-OCC2

PM
H

>>> PUBCOMMENT-OCC 2/16/2009 10:03 AM >>>

>>> On 02/13/2009 at 3:52 PM, [redacted] wrote:

REGULATED ENTY NAME SLICK MACHINES ROCK CRUSHER 1
RN NUMBER: RN105244461
PERMIT NUMBER: 82199L002
DOCKET NUMBER: Not Found
COUNTY: SOMERVELL
PRINCIPAL NAME: DAVIS, TOMMY
CN NUMBER: CN602877276
FROM
NAME: Lee & Beverly Clauser
E-MAIL: [redacted]

COMPANY:
ADDRESS: 818 COUNTY ROAD 104
BLUFF DALE TX76433-4927
PHONE:
FAX:
COMMENTS: I am requesting a 2nd. Public hearing in Glen Rose as it appears that the questions asked at the first meeting have not been answered as stated during that meeting that we would receive answers at a later date before any decisions would be made. There were many questions about the permit app. which have never been answered yet things seem to be getting approved with no explantion. as to how the permit was filed correctly, which it seem that it was not. It seems we will need additional HEARINGS to clarify the process. I would also request a CONTESTED HEARING if this permit app. is not denied prior to that step being necessary. In a letter written to you , and handed in at the public meeting I expressed my reasons for asking you to deny this permit . I assume I do not need to repeat myself?, if so let me know. As stated at the public meeting I look forward to receiving answers to our many questions

mw

NSR
064584

Lee and Beverly Clauser
818 CR 104
Bluff Dale, TX 76433

Aug. 29, 08

PM OPA HR
SEP 05 2008
BY PM

Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP -4 PM 2:
CHIEF CLERKS OFFICE

In regards to Permit Request Number: 82199L002

We are opposed to a rock-crushing facility being built in the Chalk Mt. area. Many members of the Chalk Mt. Wildlife Association have received federal grants, along with private funds, to enhance the entire area for wildlife and human health. The air contaminants created by this facility would endanger the lungs of the people living here, along with the cattle and other livestock. The dust coating all of the vegetation would cause extreme problems for the two endangered species birds, the Golden-Cheeked Warbler and Black-capped Vireo, that nest extensively throughout the Chalk Mt. range. Biologists and naturalists from all over the world have come to this area to study these birds, only found in the Edwards Plateau.

Those of us who have done extensive habitat restoration on our lands would like to request a public meeting and hearing on this issue.

Sincerely,
Lee and Beverly Clauser

Attch: Ft. Worth Audubon Society
Member E-mail

mw

Lee and Beverly Clauser
818 CR 104
Bluff Dale, TX 76433

FORT WORTH TX 761

RECEIVED
SEP 04 2008
TCEQ MAIL CENTER
MM

LET US RAISE YOUR VOICE, THINK, SPEAK AND ACT
John Adams, 1765
power of the letter form

USA FIRST-CLASS FOREVER

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP -4 PM 2:48
CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

78711-3087

(6)

TCEQ Public Meeting Form

Thursday, September 3, 2009

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 SEP -4 PM 4:27
CHIEF CLERKS OFFICE

Tommy Davis dba Slick Machines
Proposed Air Quality Permit No. 82199L002

PLEASE PRINT:

Name: R. Lee CLAUSER

Mailing Address: 818 CR 104

Physical Address (if different):

City/State: BLUFF DALE Zip: 76433

Phone: (254) 823-6937

☐ Please add me to the mailing list.

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

If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☑ I wish to provide formal oral comments.

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

Please give this to the person at the information table. Thank you.

MW

TCEQ Public Meeting Form

Thursday, October 23, 2008

Tommy Davis dba Slick Machines
Proposed Air Quality Permit No. 82199L002

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 24 PM 3: 21
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Lee Clauser

Address: 818 CR 104

City/State: Bluff Dale Zip: 76433

Phone: 254) 823-6937

☒ Please add me to the mailing list.

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

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☑ I wish to provide formal oral comments.

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

Please give this to the person at the information table. Thank you.

mw

OPA RECEIVED
OCT 23 2008
AT PUBLIC MEETING

1. Will Larry Parham lose his Ag Property Exemption now that the property is totally leased for rock crushing?

2. Do you have a signed lease to take this rock? How many acres are involved in the lease?

3. You have stated that we could purchase the value of the rock. What is that price or value?

2008 OCT 24 PM 3:21
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

4. Where were your previous facilities located?
   a. Why is one closing and moving to Chalk Mt.?
   b. Was it ever sited for any type of non-compliance? If so, what?
   c. Have any other facilities run by Slick or Mr. Davis been sited? If so, why?

5. Why Chalk Mt.? Has the rock been tested for suitability and , if so, what grades of rock will be produced? Who are the potential customers?

6. Are there other partners in this facility besides Slick, Mr. Davis and Larry Parham?

7. Mr. Davis has stated that there are no homes in the area. When did he do his survey? On the east end of 104, 196 and 1014, which are down wind from the proposed site , I counted 24 homes and 10 Bed and Breakfast cabins. What about all of the other roads surrounding the site?

8. Mr. Davis indicates there is a need for an additional gravel pit and rock crushing facility in Somervell County. We already have several on the east side and several on the west side of Somervell County. Would Mr. Davis please produce his finding that supports the need?

9. Has Mr. Davis received any water permits to date?

10. I note that he is already destroying occupied territory of the Black-capped Vireo. What, if any, mitigation steps have he and Mr. Parham taken?

11. How do Mr. Davis and Mr. Parham intend to contain the dust and run-off from the pit?

12. Does TCEQ, who is the watchdog of our Texas environment, take into consideration the effects the site's created dust and other pollution have only on humans or does it consider the effects on all life?

13. What does TCEQ consider in cases like this? What are the determining factors?

14. What percentage of similar cases have the permits not been approved?

15. Does Mr. Davis and Slick Machines intend to operate the site during the period when the two endangered species are present?

a. If so, what precautions will they take to not disturb the birds?

b. How do they intend to not impact other surrounding properties which also have occupied territory?

16. I read in the Star Telegram Sept. 25, 2008 about a rock quarry explosion in Vermont causing several hundred thousand dollars damage. What type of insurance does TCEQ require for sites like the one asking for a permit? How does TCEQ follow up to be sure the permitee carries the proper insurance?

Lee and Bev Clauser
818 CR 104
254-823-6937
Oct. 23 2008

JSR
L04589

H
PM

OPA
OCT 16 2008
BY BP

Office of Chief Clerk
TCEQ
PO Box 13087
Austin Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 16 AM 10:46
CHIEF CLERKS OFFICE

Re Air Quality Permit #82199L002

To Whom It May Concern:

The purpose of this letter is to submit public comments, to request a public meeting and to request a contested case hearing to the Office of the Chief Clerk. An application has been made to the TCEQ for a permit which would authorize a rock crushing facility at 11209 US Hwy. 67, Glen Rose, Texas, Somervell County. Tommy Davis, dba Slick Machines, of Brownwood, Texas is the applicant. I am definitely opposed to this permit being issued because of the following reasons.

Air contaminants and loss of habitat will negatively impact the health and well being of Federally and State listed Endangered Species (Black-Capped Vireos and Golden-Cheeked Warblers). They are on the top 10 endangered list. I feel all wild life will be affected.

I am concerned about air and noise pollution negatively affecting the health and quality of life of residents.

This is a heavily populated area. The speed limit is 70 mi. per hour on the highway. There are steep inclines and many curves. Increased truck traffic will create dangerous conditions in this area.

I fear a negative economic impact on Somervell County because of the loss of tourism and lower home values.

Chalk Mountain, an identifiable historical state landmark, would be forever removed from our landscape. A State Road Side Park considered one of the states most beautiful will be overlooking a rock crushing facility if this permit is granted. There are numerous other historical sites in the area including a church.

We recognized the need for rock crushers and gravel. We simply feel, for the reasons stated above, that the proposed site is the wrong location for a facility of this kind, and we request you assistance in ensuring that this facility is not established.

Sincerely,

ALEXANDRA COCKERHAM

MW

300 HEREFORD STREET
GLEN ROSE, TX 76043

DALLAS TX 752
14 OCT 2008 PM 6 L

"[illegible] DARE TO READ,
THINK, SPEAK AND [illegible]"
John Adams, 176[illegible]
powerofthelet[illegible]

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 16 AM 10:46

CHIEF CLERKS OFFICE

OFFICE OF THE CHIEF CLERK
TCEQ-MC-105
P.O. BOX 13087
AUSTIN, TX 7811-3087

RECEIVED
OCT 16 2008
TCEQ MAIL CENTER
RB

78711+3087

NOR
64589

PM
H

Office of Chief Clerk
TCEQ
PO Box 13087
Austin Texas 78711-3087

BY BP
OCT 16 2008
OPA

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 16 AM 10:46
CHIEF CLERKS OFFICE

Re Air Quality Permit #82199L002

To Whom It May Concern:

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I am concerned about air and noise pollution negatively affecting the health and quality of life of residents.

This is a heavily populated area. The speed limit is 70 mi. per hour on the highway. There are steep inclines and many curves. Increased truck traffic will create dangerous conditions in this area.

I fear a negative economic impact on Somervell County because of the loss of tourism and lower home values.

Chalk Mountain, an identifiable historical state landmark, would be forever removed from our landscape. A State Road Side Park considered one of the states most beautiful will be overlooking a rock crushing facility if this permit is granted. There are numerous other historical sites in the area including a church.

We recognized the need for rock crushers and gravel. We simply feel, for the reasons stated above, that the proposed site is the wrong location for a facility of this kind, and we request you assistance in ensuring that this facility is not established.

Sincerely,

BRANNAN COCKERHAM

300 HEREFORD STREET
GLEN ROSE, TX 76043

DALLAS TX 752

14 OCT 2008 PM 6 T

"LET US DARE TO
WORK, SPEAK A
John Adams, 176
powerofthele

USA42

COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 16 AM 10:46

CHIEF CLERKS OFFICE

OFFICE OF THE CHIEF CLERK
TCEQ, MC-105
P.O. BOX 13087
AUSTIN, TX 78711-3087

RECEIVED
OCT 16 2008
TCEQ MAIL CENTER
RB

78711+3087

PM OPA
H OCT 16 2008
BY BP

Office of the Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087
512-239-1000

October 8, 2008

NSR
161582

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 16 AM 10:47
CHIEF CLERKS OFFICE

RE: Permit Application # 82199L002

To Whom It May Concern:

I am apposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. It is my concern this area provides a critical habitat for two federally endangered species of birds; the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range.

In addition, it is my concern the proposed rock crushing facility will also impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns in Somervell County, which presents the greatest health risks to humans due to its ease of respiration, including serious lung disease.

What type of rock crusher is proposed for this operation?

What are the diesel engine emissions for this rock crusher?

What are the permitted limits for the emissions of the operation and that of the diesel engine?

Is this rock crusher equipped with a water spray system for the emission control of particulate matter during the following? Crushing, Loading, and Conveying?

This method of dust suppression for the crushing operation will achieve what percentage of control efficiency?

Furthermore, will the rock crusher promote the element Silica, the pollutants NOx, SOx, CO, TOC, TSP (uncontrolled), TSP (controlled), and HAP?

Opacity limits shall not exceed what percentage from crushing operations, transfer points, conveyors, screens, feedbins, and stockpiles?

What process rate will this rock crusher perform per hour?

Operation hours to consist of how many hours per day, how many days a week, and how many hours permitted per year?

mw

Is there a waste water abatement plan and what is that plan specifically? If this plan fails, what are the ramifications of contaminating the soil and well water?

What affect will this operation have on crops/farming in the area?

What affect will this have on livestock?

I am also concerned of the impact of the 18 wheelers the facility will utilize to the rural area, highway and county roads and not to mention the noise levels created by the operation. What decibel level will this rock crusher emit under operation in an eight hour period and what maximum level may it reach under normal rock crushing operation?

I respectfully request a public meeting and hearing on this issue, not to mention a timely response to my letter.

Sincerely,

Michael Cockerham

300 HEREFORD STREET
GLEN ROSE, TX 76043

DALLAS TX 752

14 OCT 2008 PM 6 T

"LET US DARE TO READ,
THINK, SPEAK AND
John Adams, 1765
powerofthelette

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 OCT 16 AM 10:47

CHIEF CLERKS OFFICE

OFFICE OF THE CHIEF CLERK
TCEQ, MC-105
P.O. BOX 13087
AUSTIN, TX 78711-3087

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OCT 16 2008
BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 16 AM 10: 39
CHIEF CLERKS OFFICE

Office of Chief Clerk
TCEQ
PO Box 13087
Austin Texas 78711-3087

Re Air Quality Permit #82199L002

To Whom It May Concern:

The purpose of this letter is to submit public comments, to request a public meeting and to request a contested case hearing to the Office of the Chief Clerk. An application has been made to the TCEQ for a permit which would authorize a rock crushing facility at 11209 US Hwy. 67, Glen Rose, Texas, Somervell County. Tommy Davis, dba Slick Machines, of Brownwood, Texas is the applicant. I am definitely opposed to this permit being issued because of the following reasons.

Air contaminants and loss of habitat will negatively impact the health and well being of Federally and State listed Endangered Species (Black-Capped Vireos and Golden-Cheeked Warblers). They are on the top 10 endangered list. I feel all wild life will be affected.

I am concerned about air and noise pollution negatively affecting the health and quality of life of residents.

This is a heavily populated area. The speed limit is 70 mi. per hour on the highway. There are steep inclines and many curves. Increased truck traffic will create dangerous conditions in this area.

I fear a negative economic impact on Somervell County because of the loss of tourism and lower home values.

Chalk Mountain, an identifiable historical state landmark, would be forever removed from our landscape. A State Road Side Park considered one of the states most beautiful will be overlooking a rock crushing facility if this permit is granted. There are numerous other historical sites in the area including a church.

We recognized the need for rock crushers and gravel. We simply feel, for the reasons stated above, that the proposed site is the wrong location for a facility of this kind, and we request you assistance in ensuring that this facility is not established.

Sincerely,

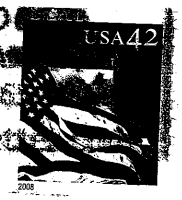
Richard B Powell cc

MW

2402 ARBUCKLE COURT
DALLAS, TX 75229

DALLAS TX 752
14 OCT 2008 PM 3 L

"LET US DARE TO [redacted]
[redacted], [redacted]
John Adams, 176[redacted]
powerofthelet[redacted]



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 16 AM 10:39
CHIEF CLERKS OFFICE

OFFICE OF THE CHIEF CLERK
TCEQ, MC-105
P.O. BOX 13087
AUSTIN, TX 78711-3087

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OCT 16 2008

BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 OCT 16 AM 10:44

CHIEF CLERKS OFFICE

Office of Chief Clerk
TCEQ
PO Box 13087
Austin Texas 78711-3087

Re Air Quality Permit #82199L002

To Whom It May Concern:

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Sincerely,

MD Davis

cc

mw

2402 ARBUCKLE COURT
Dallas, TX 75229

DALLAS TX 752

14 OCT 2008 PM 3 L

"LET US DARE TO READ, THINK, SPEAK AND WRITE"
John Adams, 1765

COMMISSION ON ENVIRONMENTAL QUALITY

2008 OCT 16 AM 10:44

CHIEF CLERKS OFFICE

OFFICE OF THE CHIEF CLERK
TCEQ, MC-105
P.O. BOX 13087
AUSTIN, TX 78711-3087

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OCT 16 2008

BY BP

Office of the Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087
512-239-1000

October 8, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 16 AM 10: 41
CHIEF CLERKS OFFICE

NSR
L41589

RE: Permit Application # 82199L002

To Whom It May Concern:

I am apposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. It is my concern this area provides a critical habitat for two federally endangered species of birds; the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range.

In addition, it is my concern the proposed rock crushing facility will also impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns in Somervell County, which presents the greatest health risks to humans due to its ease of respiration, including serious lung disease.

What type of rock crusher is proposed for this operation?

What are the diesel engine emissions for this rock crusher?

What are the permitted limits for the emissions of the operation and that of the diesel engine?

Is this rock crusher equipped with a water spray system for the emission control of particulate matter during the following? Crushing, Loading, and Conveying?

This method of dust suppression for the crushing operation will achieve what percentage of control efficiency?

Furthermore, will the rock crusher promote the element Silica, the pollutants NOx, SOx, CO, TOC, TSP (uncontrolled), TSP (controlled), and HAP?

Opacity limits shall not exceed what percentage from crushing operations, transfer points, conveyors, screens, feedbins, and stockpiles?

What process rate will this rock crusher perform per hour?

Operation hours to consist of how many hours per day, how many days a week, and how many hours permitted per year?

MW

Is there a waste water abatement plan and what is that plan specifically? If this plan fails, what are the ramifications of contaminating the soil and well water?

What affect will this operation have on crops/farming in the area?

What affect will this have on livestock?

I am also concerned of the impact of the 18 wheelers the facility will utilize to the rural area, highway and county roads and not to mention the noise levels created by the operation. What decibel level will this rock crusher emit under operation in an eight hour period and what maximum level may it reach under normal rock crushing operation?

I respectfully request a public meeting and hearing on this issue, not to mention a timely response to my letter.

Sincerely,

Denise Cochran

cc

101 EAST ELM ST.
GLEN ROSE, TX 76043

DALLAS TX [illegible]

14 OCT 2008 PM 6 L

"[illegible] TO READ
[illegible]
John Adams, 176[illegible]
powerofthelet[illegible]

USA42

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 16 AM 10:41

CHIEF CLERKS OFFICE

OFFICE OF THE CHIEF CLERK
TCEQ, MC-105
P.O. BOX 13087
AUSTIN, TX 78711-3087

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OPA

OCT 14 2008

SAVE CHALK MOUNTAIN PLEASE!

2008 OCT 14 AM 10:1
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

To whom it may concern,

I am attaching my personal letter and thoughts on the above matter to you sir, in hopes that there are still some caring and intelligent people in the State of Texas. I sometimes wonder if anyone in Austin hears us or if they listen with the same ears as Washington D.C.

I am so opposed to this Rock Mining Company dba "Slick Machines" coming in to the Chalk Mountain area that I have called everyone I can to let them know how horrible this idea is and to get help. Greed is all its about and the thing I don't understand the most is how just any old Joe blow can get an Air Permit and start up where ever they want with absolutely no concern for the people of the area let alone the natural habitat. Haven't we all had enough of tearing down Mother Nature in the name of profit and progress? Since none of the profits would come back to Somervel County, how can this be for our good? The tax revenue would go back to Brownwood where his company is located.

Yes this is one of the very few natural nesting grounds for at least two endangered species of bird but it is also home to deer, fox, snakes, bobcats, mountain lions, all kinds of other birds, and native plants only indigenous to this region of Texas. The Comanche Indians and other tribes used this plateau to signal to Comanche Peak on raids to the White Settlers. History alone is good enough reason to not let this guy come in here and clog up our roads, cause even more dangerous driving conditions than we already have on Hwy 67 and ruin our air and water supply. Every time he sets off a charge of TNT my Church, Cottonwood Baptist Church, will be lifted off the ground from the impact.

Not only will the charges disturb the surrounding people but it will affect the animals on a level you can't comprehend at Fossil Rim Wildlife Park and the surrounding dairies and ranches. If you think I don't understand what I am talking about then you are sadly mistaken. I trust that you understand enough to know that all animals hear and sense and feel things on a level you and I will never understand. I can give you this for an example. The next time the weather blows in a cold front with Thunderstorms ahead of it, go find some animals to just sit and watch. They act differently and start to prepare to look for shelter. They get real uneasy and by their natural instincts know to take shelter. If we continue to strip out counties of the natural way God planned our planet then one day very soon we will all pay a price for not taking care of it. I am afraid this is already happening.

Sirs and Madams I implore you to STOP THIS BEFORE THE GREED OF THIS COMPANY TAKES AWAY OUR PEACE AND BEAUTY OF OUR CHALK MOUNTAIN. This year the States Roadside Park overlook will be 50 years old. This is just a very short distance from where this man wants to bring his "Slick Machines". From his own mouth he has said "I'm going to take down that mountain". Please for the sake of the people on Chalk Mountain both in Erath County and Somervel County please stop this man in his tracks.

MW

Print Page | Close Window

Chalk Mt. Sample Letter

Printed From: Fort Worth Audubon
Forum Name: Texas Conservation
Forum Discription: Texas conservation news and alerts
URL: http://www.fwas.info//forum//forum_posts.asp?TID=93
Printed Date: 07 October 2008 at 12:32pm

Topic: Chalk Mt. Sample Letter

Posted By: gail
Subject: Chalk Mt. Sample Letter
Date Posted: 05 October 2008 at 4:20am

October ___, 2008

Office of the Chief Clerk

Mail Code 105 TCEQ

P.O. Box 13087

Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres of oak shinnery and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. I fear that the installation and operation of the proposed rock-crushing facility will adversely impact the nesting and occupied habitat of these 2 endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for

habitat restoration may be wasted efforts if this facility is permitted for operation.

In addition to potential impacts to 2 federally endangered species of birds, the proposed rock crushing facility will also potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

cc

cc:

LaDonna Castanuela, Chief Clerk, TCEQ

Mike Wilson, Permits Division, TCEQ

Booker Harrison, Environmental Law Division, TCEQ

Dirk Kempthorne, Secretary of Interior

Dale Hall, Director of US Fish & Wildlife Service

Benjamin Tuggle, Southwest Region, US Fish & Wildlife Service

Division of Endangered Species, US Fish & Wildlife Service

Division of Bird Habitat Conservation, US Fish & Wildlife Service

State Senator Troy Fraser via email mailto:troy.fraser@senate.state.tx.us - troy.fraser@senate.state.tx.us

State Senator Kip Averitt via email mailto:kip.averitt@senate.state.tx.us - kip.averitt@senate.state.tx.us

Representative Sid Miller via email mailto:sid.miller@house.state.tx.us - sid.miller@house.state.tx.us

Casady
2473 CR 199
Iredell, 2176049

AUSTIN TX 787

11 OCT 2008 PM 6 T

Office of the Chief Clerk
TCEQ MC-105
PO Box 13087
Austin, Tx 78711-3087

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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 13 AM 10: 26

CHIEF CLERKS OFFICE

October 10, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

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H

OPA
OCT 13 2008
BY

RE: Permit Request No. 82199L002

To Whom It May Concern:

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mw

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I respectfully request a public meeting and hearing on this issue.

Sincerely,

Robert C. Burkhart
past - President
Fort Worth Audubon Society
2912 Riverplace Dr, #2102
Arlington, TX 76006

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Mike Wilson, Permits Division, TCEQ
Booker Harrison, Environmental Law Division, TCEQ
Dirk Kempthorne, Secretary of Interior
Dale Hall, Director of US Fish & Wildlife Service
Benjamin Tuggle, Southwest Region, US Fish & Wildlife Service
Division of Endangered Species, US Fish & Wildlife Service
Division of Bird Habitat Conservation, US Fish & Wildlife Service
State Senator Troy Fraser via email troy.fraser@senate.state.tx.us
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

NSR
64589

Office of Chief Clerk
TCEQQ
PO Box 13087
Austin Texas 78711-3087

OPA
OCT 14 2008
BY

PM
H

2008 OCT 13 PM 2:18
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Re Air Quality Permit #82199L002

To Whom It May Concern:

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Chalk Mountain, an identifiable historical state landmark, would be forever removed from our landscape. A State Road Side Park considered one of the states most beautiful will be overlooking a rock crushing facility if this permit is granted. There are numerous other historical sites in the area including a church.

We recognized the need for rock crushers and gravel. We simply feel, for the reasons stated above, that the proposed site is the wrong location for a facility of this kind, and we request you assistance in ensuring that this facility is not established.

Sincerely,

cc

mw

ROUGH CREEK LODGE, INC.
P.O. BOX 2400
GLEN ROSE, TEXAS 76043

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 13 PM 2:58
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Office of Chief Clerk
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Austin, TX 78711-3087

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Office of Chief Clerk
TCEQQ
PO Box 13087
Austin Texas 78711-3087

HR OPA PM
OCT 09 2008
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT -9 AM 10: 12
CHIEF CLERKS OFFICE

Re Air Quality Permit #82199L002

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Sincerely,

ec

10/06/08
1267 PR 1263
Iredell TX, 76649

mw

ROUGH CREEK LODGE, INC.
P.O. BOX 2400
GLEN ROSE, TEXAS 76043

$0.42⁰
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT -9 AM 10: 12
CHIEF CLERKS OFFICE

Office of Chief Clerk
TCEQ
P.O. BOX 13087
Austin, TX 78711-3087

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H OCT 21 2008
BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 20 PM 3:59
CHIEF CLERKS OFFICE

October 18, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

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I respectfully request a public meeting and hearing on this issue.

Sincerely,

SGT MAJ. C.K. Wiese-Perillo
USMC (Ret)

cc

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Mike Wilson, Permits Division, TCEQ
Booker Harrison, Environmental Law Division, TCEQ
Dirk Kempthorne, Secretary of Interior
Dale Hall, Director of US Fish & Wildlife Service
Benjamin Tuggle, Southwest Region, US Fish & Wildlife Service
Division of Endangered Species, US Fish & Wildlife Service
Division of Bird Habitat Conservation, US Fish & Wildlife Service
State Senator Troy Fraser via email troy.fraser@senate.state.tx.us
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

SGTMAJ C.K. Wiese Perisho USMC (Ret)
TOP Star Ranch
1595 CR 1006
Walnut Springs, TX 76690

AUSTIN TX 787

18 OCT 2008 PM 6 T

USA FIRST-CLASS FOREVER

OCT 20 2008

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TEXAS
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ON ENVIRONMENTAL
QUALITY

2008 OCT 20 PM 3:59

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Office of the Chief Clerk
mail code 105 TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

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www.fossilrim.org

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February 12, 2009

OPA
FEB 20 2009
BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 FEB 19 PM 3:27
CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a **Public Hearing** in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

Fossil Rim Wildlife Center (FRWC) is situated approximately 4.5 miles at its nearest point from the proposed facility. Its public entrance is situated 5.9 miles from the proposed facility. It is visited by ~200,000 day and overnighting visitors (tourists) annually, who are attracted to Somervell County and Glen Rose not simply by the presence of this entity, but also by the presence of other local in-County attractions (e.g. Dinosaur Valley State Park, Dinosaur World, Somervell County Expo Center and Amphitheater, Squaw Valley Golf Course, etc.), by the scenic beauty of this County, and by the presence from March through July of two endangered songbirds listed under the federal Endangered Species Act. Primary access to FRWC and many of above listed attractions is by Hwy 67. The above stated visitors to this entity arrive by way of some 40,000 to 45,000 vehicles annually.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Negative impact to the Tourism industry of the local region as the result of: (i) the air quality impact from the rock crushing operation; (ii) the scarring of the scenic beauty of the local region from rock

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mining and crushing; and (iii) the additional heavy truck traffic on Hwy 67 carrying/fetching crushed rock from the facility.

- Air Quality in the vicinity of the proposed facility. We understand some 75 families live within 2 miles of the facility. Fossil Rim's breeding pens for the endangered Attwater's Prairie Chicken, Texas' most endangered bird species, are situated 4.6 miles from the proposed facility.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Endangered Songbird Species in and around the proposed facility due to air quality and noise.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Impact to the roads in Somervell County and the cost associated with upgrading the roads to handle Rock Haulers and the dangers posed by heavy trucks ingress and egress to Hwy 67.
- Decreased property values in the area around the proposed facility and in Somervell County.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park.
- The Nuisance created by the proposed facility preventing the enjoyment of the State Roadside Park and surrounding bird watching areas.

We believe we are an affected party, because of:

1. the suite of negative impacts this rock crushing facility will have on tourism to and the mass public perception of Somervell County; and
2. the proximity of the proposed facility to Fossil Rim.

Fossil Rim is heavily dependent on tourism for its financial survival, which in turn enables it to be a major player, in close partnership with the federal Fish & Wildlife Service (USFWS) and the Texas Parks & Wildlife Department (TPWD), in endangered species recovery programs for numerous north American and Texan wildlife species, including abovementioned songbirds which reside on our 1,700 acre property, as

COPY

well as internationally with endangered species from Africa – for example, this entity has bred the 4th most cheetahs in the world and last year, in association with other American facilities and the European Union, sent Addax antelope and Scimitar-horned oryx to Tunisia (Africa) where both had become extinct. Fossil Rim enjoys a high reputation for the conservation of endangered wildlife, world-wide. Anything that negatively impacts on Fossil Rim's ability to undertake this work, could well bring about statewide and national, even international, negative attention.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

Please include our name on the permanent mailing list for this permit application 82199L002.

Sincerely,

Dr. Patrick R. Condy
Executive Director

cc.
LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt
State Representative Sid Miller
State Representative Harvey Hildebran
David Frederick, Attorney

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Glen Rose, Texas 76043

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2009 FEB 19 PM 3:20

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Fossil Rim Wildlife Center

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Dallas, TX

John Strange
Cleburne, TX

EXECUTIVE DIRECTOR

Patrick R. Condy, D.Sc.
Glen Rose, TX

DIRECTOR EMERITUS

David Thompson

February 12, 2009

OPA
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FEB 1 6
BY aB

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a **Public Hearing** in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

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MW

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Sincerely,

Dr. Patrick R. Condy
Executive Director

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LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt
State Representative Sid Miller
State Representative Harvey Hildebran
David Frederick, Attorney

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TEXAS
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2008 SEP 22 AM 11: 00

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Cleburne, TX

EXECUTIVE DIRECTOR

Patrick R. Condy, D.Sc.
Glen Rose, TX

DIRECTOR EMERITUS

David Thompson

18 September, 2008

OPA
SEP 23 2008
BY EB

Office of the Chief Clerk
MC-105, TCEQ
PO Box 13087
Austin
Texas 78711-3087

Dear Sirs

NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN AIR PERMIT
AIR QUALITY PERMIT NUMBER 82199L002

This comment pertains to the abovementioned re Mr. Tommy Davis dba Slick Machines concerning a rock crushing facility at 11209 US Highway 67 in Somervell County, Texas. It is our understanding that a public meeting and a contested case hearing on the abovementioned application, have been called for, thereby extending the period for public comment. Therefore, below follows our comment.

Fossil Rim Wildlife Center (FRWC) is a world-renowned endangered species conservation center. For example, in close partnership with the Fish and Wildlife Service (USFWS) of the US Department of the Interior and the Texas Parks and Wildlife Department, we are the major producers of Attwater's prairie chicken for release in the wild, this being Texas' most endangered bird species. About half of the world population of this species is held on our property, under scientifically managed breeding conditions. FRWC is also a major attraction for tourism to Somervell County and Glen Rose City. Some 180,000 tourists visited our center in 2007, of which ~11,000 were children on our educational programs and camps. This tourism delivers significant economic benefit directly to said city and county. You can obtain more information about this institution from its web site at www.fossilrim.org.

FRWC respectfully objects to the abovementioned application, for the following reasons:

1. There exist two endangered species of songbirds which breed in summer, scattered all over Somervell County. These songbirds – the Black-capped vireo and the Golden-cheeked warbler – are listed as endangered by the USFWS under the federal Endangered Species Act (ESA).

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2. One or both of these songbirds are known to nest on land adjacent to the proposed rock crushing site, and might even breed on the rock crushing site. Their presence on the land surrounding the rock crushing location, has in itself created a tourism industry.
3. Unless so sanctioned by the USFWS under the terms of the ESA, it is illegal to interfere with ESA-listed species, including destruction of the specific habitat they require for their breeding cycle. The rock crushing activity will destroy such habitat at the site, and will interfere with the birds themselves and their habitat on land around said site through noise, dust, vibrations, exhaust fumes, night lighting, vehicle movement, increased heavy traffic, etc. Under the terms of the ESA, we oppose this application.
4. The tourism industry has a very wide footprint of economic beneficiation in and around it's destination point(s) – lodgings, food, gas and other supplies, clothing, footwear, equipment (binoculars, cameras, telescopes, camping, etc.) and so on - such that it brings employment and economic enrichment to many parts of the local community. Furthermore, the tourism industry is a renewable one – here today, and also tomorrow, indefinitely.
5. By contrast, the rock crushing industry is not renewable – there will come a tomorrow when it will be finished – when the resource is used up. A select few by comparison with the tourism industry will have been economically advantaged, it will leave behind an environmental 'dead zone', and during and after its operations there will be 'victims' – those living around the active site and subsequently the discontinued 'dead zone'. For these reasons we oppose the application.
6. The abovementioned ~180,000 visitors to our facility arrive and depart in their private vehicles – some 40,000 of these annually. And this is done using US Highway 67 through Somervell County. In reality, this represents 40,000 vehicles incoming to, and 40,000 vehicles outgoing from our facility, all on Hwy 67 from the north and south – a volume of 80,000 vehicles annually at present, growing by ~10-15% annually over the past 3 years. This is a considerable recreational traffic load on Hwy 67. Rock crushing activities at the proposed site will inject significant heavy truck traffic into this already busy highway – with but a single lane each way. For this reason we oppose the application.

For the abovementioned reasons this institution opposes the granting of the application at this point in time, and requests that you facilitate at minimum a public meeting on this matter. We reserve our right to request a contested case hearing.

Yours faithfully

Dr. Patrick R. Condy
Executive Director

FOSSIL RIM
WILDLIFE CENTER

P.O. Box 2189 • 2155 County Road 2008
Glen Rose, Texas 76043

TEXAS
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TCEQ Public Meeting Form

Thursday, September 3, 2009

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 SEP -4 PM 4:27
CHIEF CLERKS OFFICE

Tommy Davis dba Slick Machines
Proposed Air Quality Permit No. 82199L002

PLEASE PRINT:

Name: Patrick Condy

Mailing Address: 2155 CR 2008, Glen Rose, TX 76043

Physical Address (if different): as above

City/State: Glen Rose TX Zip: 76043

Phone: (254) 898-4202

☐ Please add me to the mailing list.

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

If yes, which one? Fossil Rim Wildlife Center
speaks on behalf of FRWC

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☑ I wish to provide formal oral comments.

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

Please give this to the person at the information table. Thank you.

MW

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WILDLIFE CENTER
www.fossilrim.org

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 SEP -4 PM 4:27
CHIEF CLERKS OFFICE

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Fossil Rim Wildlife Center

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Dallas, TX

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Tampa, FL

W. Joseph King, Ph.D.
Fort Worth, TX

Steve Moiles
Fort Worth, TX

Joel Thierstein, J.D., Ph.D.
Houston, TX

EXECUTIVE DIRECTOR

Patrick R. Condy, D.Sc.
Glen Rose, TX

DIRECTOR EMERITUS

David Thompson

OPA RECEIVED
SEP 03 2009
AT PUBLIC MEETING BP

September 1, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

This is to place on record the following situation with regard to the Slick Machines/Tommy Davis application for a permit.

Fossil Rim Wildlife Center has an involvement in many wildlife species conservation programs. Among these is the Attwater's Prairie Chicken (APC). This is Texas' most threatened bird species, and one of the USA's most threatened. Its natural habitat is the coastal prairie along parts of the Texas Gulf Coast.

Fossil Rim is a formal member of the US Fish & Wildlife Service's (USFWS) species recovery program for the APC. Also very closely involved in this program is the Texas Parks and Wildlife Department (TPWD).

The APC breeding center at Fossil Rim occupies about 5 acres. In the bird flights live about half the surviving world population of APC. Every year, as many chicks as possible are bred at this center, then turned over to the USFWS for release into the wild at various sites determined by the USFWS, TPWD, and private landowners. One of these sites is the USFWS's Attwater Prairie Chicken National Wildlife Refuge near Eagle Lake about 60 miles west of Houston.

The USFWS officer in charge of the APC species recovery program and Refuge Manager of the abovementioned refuge made the following statement in April of this year (2009): *"The Attwater's prairie chicken is a*

bird that is on the brink of extinction with fewer than 100 individuals in the wild. The establishment of a captive breeding program for this imperiled grouse 17 years ago at Fossil Rim Wildlife Center marked the beginning of a new era in Attwater's prairie chicken recovery. Establishment of this captive breeding program quite literally saved the Attwater's from becoming another passenger pigeon or dodo bird."
This is to place on record that the APC held in captivity on our property are absolutely vital to the survival of this species, as independently confirmed above by a USFWS spokesperson.

Keeping the APC alive and breeding them in captivity at the Fossil Rim breeding center takes significant resources and enormous dedication by a handful of employees, who oversee these birds on a 24/7 basis. Every storm and every cold snap - let alone tornadoes and hurricanes – are a serious threat to their survival and, therefore, also to the survival of the species. The APC is a very sensitive, fragile bird, very easily stressed and prone to many kinds of illnesses and infections brought about by disease agents, environmental pollutants, and nutritional factors.

This is also to place on record that the site pursuant to the Slick Machines application is located **only 4.9 miles** distant in direct line of site from Fossil Rim's APC breeding center. This is not much of a distance, especially in respect of disturbances to the APC in the form of dust and noise especially explosions from blasting.

By this submission, we place on record that you have been fully informed of the Attwater's Prairie Chicken critical predicament, its presence at the Fossil Rim Wildlife Center's APC Breeding Center, and the proximity of this center to the site under consideration pursuant to the abovementioned permit request to your agency.

Dr. Patrick R. Condy
Executive Director

FOSSIL RIM
WILDLIFE CENTER
www.fossilrim.org
2155 CR 2008
GLEN ROSE, TEXAS 76043

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

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OPA

FEB 20 2009

BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 20 AM 10: 34

CHIEF CLERKS OFFICE

NSR

L04589

February 13, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a **Public Hearing** in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

As a member of Fort Worth Audubon Society and/or National Audubon, the opportunities afforded nature lovers at Chalk Mt. are of great importance.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility. Hundreds of tourist, including birdwatchers, come to the Chalk Mt. area to enjoy the native habitat and air quality provided in Somervell County.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Federally Endangered Species in and around the proposed facility due to air quality. We are especially concerned about the effect on the breeding birds of Chalk Mt., specifically the Golden-cheeked warbler and Black-capped vireo.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park. Our enjoyment of this Roadside Park will be effected by dust, debris and noise coming from the proposed facility.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

mw

We feel we are affect parties, because:

- The Nuisance created by the proposed facility and its impact on our enjoyment of the State Roadside Park and the impact to our enjoyment of bird watching in the area in and around the proposed facility. For many years, Fort Worth Audubon Society has enjoyed the gracious hospitality of private landowners, specifically, the adjacent property landowner. We have been allowed access to survey and study the birds, including the Federally Endangered Birds named above.

- Dust and debri in the area will not only affect the health of birdwatchers in the area, it will cover the native habitat which is essential for the breeding population of Chalk Mt. Golden-cheeked warbler and Blck-capped vireos, both listed on Federally Endangered Species.

- Please include Fort Worth Audubon Society on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature

Name GREGORY COOK

Address 701 RIVERPLACE
ARLINGTON, TX 76006

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 13 AM 10: 26

CHIEF CLERKS OFFICE

October 9, 2008

NSR
64589

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

PM
H

OPA
OCT 13 2008
BY

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres of oak shinnery and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. I fear that the installation and operation of the proposed rock-crushing facility will adversely impact the nesting and occupied habitat of these 2 endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for habitat restoration may be wasted efforts if this facility is permitted for operation.

In addition to potential impacts to 2 federally endangered species of birds, the proposed rock crushing facility will also potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

mw

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and occupied habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

GREG COOK
701 RIVERPLACE
ARLINGTON, TX 76006

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Mike Wilson, Permits Division, TCEQ
Booker Harrison, Environmental Law Division, TCEQ
Dirk Kempthorne, Secretary of Interior
Dale Hall, Director of US Fish & Wildlife Service
Benjamin Tuggle, Southwest Region, US Fish & Wildlife Service
Division of Endangered Species, US Fish & Wildlife Service
Division of Bird Habitat Conservation, US Fish & Wildlife Service
State Senator Troy Fraser via email troy.fraser@senate.state.tx.us
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

NSR
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Office of the Chief Clerk

Mail Code 105 TCEQ

P.O. Box 13087

Austin, TX 78711-3087

PM
H

OPA
OCT 14 2008
BY ol

2008 OCT 13 PM 3:05
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Permit Request No. 82199L002

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In addition to potential impacts to 2 federally endangered species of birds, the proposed rock crushing facility will also potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

mw

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Mark J Cooney

cc:

LaDonna Castanuela, Chief Clerk, TCEQ

Mike Wilson, Permits Division, TCEQ

Booker Harrison, Environmental Law Division, TCEQ

Dirk Kempthorne, Secretary of Interior

Dale Hall, Director of US Fish & Wildlife Service

Benjamin Tuggle, Southwest Region, <ST1:COUNTRY-REGIoN w:st="on">US</ST1:COUNTRY-REGIoN> Fish & Wildlife Service

Division of Endangered Species, <ST1:COUNTRY-REGIoN w:st="on">US</ST1:COUNTRY-REGIoN> Fish & Wildlife Service

Division of Bird Habitat Conservation, US Fish & Wildlife Service

State Senator Troy Fraser via email troy.fraser@senate.state.tx.us

State Senator Kip Averitt via email kip.averitt@senate.state.tx.us

Representative Sid Miller via email sid.miller@house.state.tx.us

Mr. Nick F. Cooney
4273 County Road 2230
Caddo Mills, TX 75135

NORTH TEXAS P&DC
TX 750 4 T
10 OCT 2008 PM

USA FIRST-CLASS FOREVER

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 OCT 13 PM 3:05

RECEIVED
OCT 13 2008
TCEQ MAIL CENTER
AJ

CHIEF CLERK'S OFFICE

Office Chief Clerk
P.O. Box 13087
Austin Tx 78711-3087

78711-3087

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 13 AM 10: 26

CHIEF CLERKS OFFICE

October 9, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

NSR
W4150
PM
H

OPA
OCT 13 2008
BY

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

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Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and occupied habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Carol Cullin
1004 Edgecliff
Bedford, TX

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Mike Wilson, Permits Division, TCEQ
Booker Harrison, Environmental Law Division, TCEQ
Dirk Kempthorne, Secretary of Interior
Dale Hall, Director of US Fish & Wildlife Service
Benjamin Tuggle, Southwest Region, US Fish & Wildlife Service
Division of Endangered Species, US Fish & Wildlife Service
Division of Bird Habitat Conservation, US Fish & Wildlife Service
State Senator Troy Fraser via email troy.fraser@senate.state.tx.us
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

N SR
164589

OPA HR
OCT 07 2008
BY DM

STATE OF TEXAS
COUNTY OF SOMERVELL

ZACH CUMMINGS
Commissioner Precinct 1

MIKE FORD
Commissioner Precinct 2

LLOYD WIRT
Commissioner Precinct 3

JAMES BARNARD
Commissioner Precinct 4

September 9, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT -6 PM 3:41
CHIEF CLERKS OFFICE

Chief Clerk MC105
TCEQ
P O Box 13087
Austin, TX 78711

Re: Request for a public hearing regarding the issuance of an Air Quality Permit #82199L002 at 11209 Hwy 67 West, Glen Rose, TX

Area resident's concerns are the following:

- **Air Quality**
- **Preservation of wildlife**
- **Noise**
- **Impact on property values in the surrounding areas**
- **Safety**

Air Quality

The residents of the Chalk Mountain area have important concerns regarding the breathing of the particulate matter generated by a rock crushing plant. Many of the residents are retired and have moved to this area because of the good air quality. Some residents have respiratory health problems and feel this would surely impact their lives. We feel that granting this permit would greatly affect the health of the residents in the area of this proposed operation.

Preservation of wildlife

The area surrounding this property is mainly residential acreage (two to fifty acres). Wildlife is in abundance in this area. This is the home to white tail deer, coyote, wild turkeys, hawks, and many migratory birds including the endangered Golden-Cheeked Warbler and Black-Capped vireos. Residents in this area leave their acreage in natural growth to minimize the impact of human habitation.

P.O. Box 28 Glen Rose, Texas 76043
Phone: 254-897-2206 *Fax*: 254-897-7703

MW

Noise

Noise from such an operation impacts both wildlife and people living in this area. Experiencing the drilling of gas wells and pipelines, I am well acquainted with the level of noise in this otherwise quiet and peaceful area. The difference is that the wells are noisy for a limited period of time.

Impact on properties

Located on the top of Chalk Mountain is a subdivision of the Erwin Ranch land. This is a restricted development with property ranging from 4 – 50 acres. Nearby are ranches and lodges with birding and wildlife management mixed with ranching operations. This is definitely not a commercial operation area.

The proposed crushing plant site is within 1 ½ miles of Gibbs Park, one of the most scenic overlooks in Texas.

Safety

Safety is a major concern. Truck traffic from this location would pose a serious impact on an already stressed US Hwy 67. There are no acceleration or turn lanes at this location.

We request the opportunity to address the above issues at a public hearing.

Respectfully,

Zach Cummings
Commissioner, Precinct 1
Somervell County, TX

Somervell County
State of Texas
PO BOX 28
Glen Rose, TX 7604 3

CERTIFIED MAIL™

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UNITED STATES POSTAL SERVICE

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT -6 PM 3:41
CHIEF CLERKS OFFICE

Office of the Chief Clerk

Mail Code 105 TCEQ

P.O. Box 13087

Austin, TX 78711-3087

RECEIVED
OCT 06 2008
TCEQ MAIL CENTER
RB

78711 3087 B012

NSR
L041589

STATE OF TEXAS
COUNTY OF
SOMERVELL

2008 SEP 12 PM 2:15
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

ZACH CUMMINGS *Commissioner Precinct 1*
MIKE FORD *Commissioner Precinct 2*
LLOYD WIRT *Commissioner Precinct 3*
JAMES BARNARD *Commissioner Precinct 4*

September 9, 2008

H OPA
SEP 15 2008
BY BP

Chief Clerk MC105
TCEQ
P O Box 13087
Austin, TX 78711

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- **Air Quality**
- **Preservation of wildlife**
- **Noise**
- **Impact on property values in the surrounding areas**
- **Safety**

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Phone: 254-897-2206 *Fax*: 254-897-7703

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Respectfully,

Zach Cummings
Commissioner, Precinct 1
Somervell County, TX

Somervell County
P. O. Box 28
Glen Rose, TX 76043

FORT WORTH TX 761

10 SEP 2008 PM 6 L

"LET US DARE TO
THINK, SPEAK AND
John Adams, 1765
powerofthelettercard

Purple Heart USA 42

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

SEP 12 PM 2:39

CHIEF CLERKS OFFICE

RECEIVED
SEP 12 2008
TCEQ MAIL CENTER

Chief Clerk MC105
TCEQ
P O Box 13087
Austin, TX 78711

78711+3087

October 4, 2008

NSR
641589

1322 FM 205

Glen Rose, TX 76043

HR OPA PM

OCT 0 8 2008

BY DM

CHIEF CLERKS OFFICE

2008 OCT -8 AM 10:26

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Office of the Chief Clerk

Mail Code 105 TCEQ

P.O. Box 13087

Austin, TX 78711

RE: Permit Request No. 82199L002

To Whom It May Concern:

As a concerned private resident of Somervell County, I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the on Edwards Plateau of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

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mw

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Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Judith A. D'Amico

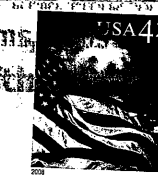
Judith A. D'Amico

Thomas X. D'amico
1322 Fm 205
Glen Rose, TX 76043-5637

FORT WORTH TX 761

06 OCT 2008 PM 8 L

John Adams,
powerofth



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT -8 AM 10: 24

CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin TX 78711

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OPA

BY GB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 13 PM 4:07

CHIEF CLERKS OFFICE

February 11, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a Public Meeting in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility, we live within 7 miles of the proposed location.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Endangered Species in and around the proposed facility due to air quality.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Impact to the roads in Somervell County and the cost associated with upgrading the roads to handle Rock Haulers and the dangers posed by heavy trucks ingress and egress to Hwy 67.
- Decreased property values in the area around the proposed facility and in Somervell County.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park.
- The Nuisance created by the proposed facility preventing the enjoyment of the State Roadside Park and surrounding bird watching areas.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

Concerning the Public Meeting we are requesting be held in Glen Rose, we respectfully request a meeting with the TCEQ to understand why:

- Questions that were raised in the first Public Meeting held in Glen Rose on October 23, 2008 have gone unanswered, yet the Permit process is progressing.
- Why the questions were not reviewed as part of the vetting process to determine if the Permit Application was "Administratively Complete" and complied with TCEQ Rules and Regulations when over 20 flaws were noted in the initial permit.
- Why the Permit Application has been allowed to move forward while the Public has not been provided with information as detailed in the TCEQ Public Notices in the *Glen Rose Reporter*.
- Why the TCEQ has not made sure the Applicant filed information in accordance with the requirements of the Second Notice from the first day that the notice was placed in the *Glen Rose Reporter*.
- Why the TCEQ is allowing the process to move forward when the notice was placed in the paper improperly.
- Why the TCEQ is rushing the application through the approval process without having performed tests to identify whether Silica will be present in the air as the result of Rock Crushing operation or if any other known Carcinogens will be released into the atmosphere as a result of Rock Crushing operations.

We have a clear view of Chalk Mountain from our home.

Please include our name on the permanent mailing list for this permit application 82199L002.

Sincerely,

Judith A. D'Amico
Red Oak Ridge
1322 FM 205
Glen Rose, TX 76043

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us
Representative Harvey Hildebran
David Frederick, Attorney

October 4, 2008

NSR
141589

1322 FM 205

Glen Rose, TX 76043

HR/OPA PM
OCT 08 2008
BY DM

2008 OCT -8 AM 10:28
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Office of the Chief Clerk

Mail Code 105 TCEQ

P.O. Box 13087

Austin, TX 78711

RE: Permit Request No. 82199L002

To Whom It May Concern:

As a concerned private resident of Somervell County and novice bird watcher, I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the on Edwards Plateau of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

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I respectfully request a public meeting and hearing on this issue.

Sincerely,

Thomas X. D'Amico

Thomas X. D'Amico

Thomas X. D'amico
1322 Fm 205
Glen Rose, TX 76043-5637

FORT WORTH TX 761

06 OCT 2008 PM 2 T

"LET US DARE TO DEAR
DONK, SPEAK
John Adams,
powerofthe

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT -8 AM 10: 26

CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin TX 78711

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78711+3087

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OPA

PM
Ipt FEB

BY EB

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 FEB 13 PM 4:07

CHIEF CLERKS OFFICE

February 11, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

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- Why the TCEQ is rushing the application through the approval process without having performed tests to identify whether Silica will be present in the air as the result of Rock Crushing operation or if any other known Carcinogens will be released into the atmosphere as a result of Rock Crushing operations.
- Why the TCEQ is inconsistent in not following its own rules and regulations

Please include our name on the permanent mailing list for this permit application 82199L002.

Sincerely,

Thomas X. D'Amico

1322 FM 205

Glen Rose, TX 76043

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us
Representative Harvey Hildebran
David Frederick, Attorney

Office of the Chief Clerk

Mail Code 105 TCEQ

P.O. Box 13087

Austin, TX 78711-3087

OPA

OCT 20 2008

BY

2008 OCT 17 PM 3:18

CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Permit Request No. 82199L002

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Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Walter C. Bell Jr.

cc:

LaDonna Castanuela, Chief Clerk, TCEQ

Mike Wilson, Permits Division, TCEQ

Booker Harrison, Environmental Law Division, TCEQ

Dirk Kempthorne, Secretary of Interior

Dale Hall, Director of US Fish & Wildlife Service

Benjamin Tuggle, Southwest Region, <ST1:COUNTRY-REGIoN w:st="on">US</ST1:COUNTRY-REGIoN> Fish & Wildlife Service

Division of Endangered Species, <ST1:COUNTRY-REGIoN w:st="on">US</ST1:COUNTRY-REGIoN> Fish & Wildlife Service

Division of Bird Habitat Conservation, US Fish & Wildlife Service

State Senator Troy Fraser via email troy.fraser@senate.state.tx.us

State Senator Kip Averitt via email kip.averitt@senate.state.tx.us

Representative Sid Miller via email sid.miller@house.state.tx.us

Walt DeBill
9102 San Diego Rd.
Austin, TX 78737-1261
USA

AUSTIN TX 787

16 OCT 2008 PM 6 T

USA FIRST-CLASS FOREVER

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

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OCT 17 2008
TCEQ MAIL CENTER
RB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 17 PM 3:18
CHIEF CLERKS OFFICE

78711+3087

NSR
64559

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

October 8, 2008

PM
H

OPA
OCT 13 2008
BY [illegible]

2008 OCT 10 PM 2:43
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at: 2862 County Road 413, Glen Rose, Tx 76043

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

Air Quality in Somervell County, the proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Endangered Species. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Environmental Issues. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

Economic Impact. Somervell County is a destination location for tourists all over North Texas, including locations such as Dinosaur State Park and Fossil Rim Wildlife Center which are within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Joyce Doss NREMT-Paramedic

Joyce Doss
Safety Director
Fossil Rim Wildlife Center

MW

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Mike Wilson, Permits Division, TCEQ
Booker Harrison, Environmental Law Division, TCEQ
Dirk Kempthorne, Secretary of Interior
Dale Hall, Director of US Fish & Wildlife Service
Benjamin Tuggle, Southwest Region, US Fish & Wildlife Service
Division of Endangered Species, US Fish & Wildlife Service
Division of Bird Habitat Conservation, US Fish & Wildlife Service
State Senator Troy Fraser via email troy.fraser@senate.state.tx.us
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

FOSSIL RIM
WILDLIFE CENTER

P.O. Box 2189 • 2155 County Road 2008
Glen Rose, Texas 76043

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 10 PM 2:45

CHIEF CLERKS OFFICE

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 000.42⁰
0002539587 OCT 08 2008
MAILED FROM ZIP CODE 76043

RECEIVED

OCT 10 2008

TCEQ MAIL CENTER

Office of the Chief Clerk
Mail Code 105 TCEQ
PO Box 13087
Austin, Tx 78711-3087

78711-3087

NSR
64589

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 13 PM 4:09

CHIEF CLERKS OFFICE

February 11, 2009

pm
IP+ OPA

BY EB

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a Public Meeting in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility, we live within 10-12 miles of the proposed location.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Endangered Species in and around the proposed facility due to air quality.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Impact to the roads in Somervell County and the cost associated with upgrading the roads to handle Rock Haulers and the dangers posed by heavy trucks ingress and egress to Hwy 67.
- Decreased property values in the area around the proposed facility and in Somervell County.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park.
- The Nuisance created by the proposed facility preventing the enjoyment of the State Roadside Park and surrounding bird watching areas.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

mw

Concerning the Public Meeting we are requesting be held in Glen Rose, we respectfully request a meeting with the TCEQ to understand why:

- Questions that were raised in the first Public Meeting held in Glen Rose on October 23, 2008 have gone unanswered, yet the Permit process is progressing.
- Why the questions were not reviewed as part of the vetting process to determine if the Permit Application was "Administratively Complete" and complied with TCEQ Rules and Regulations when over 20 flaws were noted in the initial permit.
- Why the Permit Application has been allowed to move forward while the Public has not been provided with information as detailed in the TCEQ Public Notices in the *Glen Rose Reporter*.
- Why the TCEQ has not made sure the Applicant filed information in accordance with the requirements of the Second Notice from the first day that the notice was placed in the *Glen Rose Reporter*.
- Why the TCEQ is allowing the process to move forward when the notice was placed in the paper improperly.
- Why the TCEQ is rushing the application through the approval process without having performed tests to identify whether Silica will be present in the air as the result of Rock Crushing operation or if any other known Carcinogens will be released into the atmosphere as a result of Rock Crushing operations.

Please include our name on the permanent mailing list for this permit application 82199L002.

Sincerely,

Joyce Doss Joyce Doss
2862 CR 413
Glen Rose, TX 76043

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us
Representative Harvey Hildebran
David Frederick, Attorney

NSR
64589 PM
H

OPA
OCT 15 2008
BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 15 AM 11:03
CHIEF CLERKS OFFICE

Office of Chief Clerk
TCEQ
PO Box 13087
Austin Texas 78711-3087

Re Air Quality Permit #82199L002

To Whom It May Concern:

The purpose of this letter is to submit public comments, to request a public meeting and to request a contested case hearing to the Office of the Chief Clerk. An application has been made to the TCEQ for a permit which would authorize a rock crushing facility at 11209 US Hwy. 67, Glen Rose, Texas, Somervell County. Tommy Davis, dba Slick Machines, of Brownwood, Texas is the applicant. I am definitely opposed to this permit being issued because of the following reasons.

Air contaminants and loss of habitat will negatively impact the health and well being of Federally and State listed Endangered Species (Black-Capped Vireos and Golden-Cheeked Warblers). They are on the top 10 endangered list. I feel all wild life will be affected.

I am concerned about air and noise pollution negatively affecting the health and quality of life of residents.

This is a heavily populated area. The speed limit is 70 mi. per hour on the highway. There are steep inclines and many curves. Increased truck traffic will create dangerous conditions in this area.

I fear a negative economic impact on Somervell County because of the loss of tourism and lower home values.

Chalk Mountain, an identifiable historical state landmark, would be forever removed from our landscape. A State Road Side Park considered one of the states most beautiful will be overlooking a rock crushing facility if this permit is granted. There are numerous other historical sites in the area including a church.

We recognized the need for rock crushers and gravel. We simply feel, for the reasons stated above, that the proposed site is the wrong location for a facility of this kind, and we request you assistance in ensuring that this facility is not established.

Sincerely,

Rene Duff

mw

3702 FRANKFORD #15103
DALLAS, TX 75287

DALLAS TX 752
14 OCT 2008 PM 3 T

USA 42

OFFICE OF THE CHIEF CLERK
TCEQ, MC-105
P.O. BOX 13087
AUSTIN, TX 78711-3087

RECEIVED
OCT 15 2008
TCEQ MAIL CENTER
RB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 15 AM 11:03
CHIEF CLERKS OFFICE

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641589

October 14, 2008

OPA
OCT 20 2008
BY

2008 OCT 20 AM 11:04
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Office of the Chief Clerk

Mail Code 105 TCEQ

P.O. Box 13087

Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres of oak shinnery and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. I fear that the installation and operation of the proposed rock-crushing facility will adversely impact the nesting and occupied habitat of these 2 endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for habitat restoration may be wasted efforts if this facility is permitted for operation.

In addition to potential impacts to 2 federally endangered species of birds, the proposed rock crushing facility will also potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue. Please add me to the list to receive future notices about this matter ,

Sincerely,

JoAnn Duman

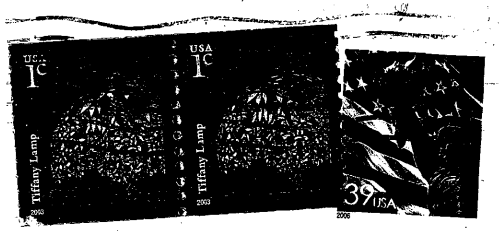
Jo Ann Duman
4109 Shamrock Drive
Arlington, Texas 76016

jduman@juno.com

mc

EXES
Jo Ann Duman
4109 Shamrock Dr
Arlington TX 76016-4430

FORT WORTH TX 761
PM
OCT 16
2008



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 20 AM 11:04

CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
PO Box 13087
Austin TX 78711-3087

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OCT 20 2008
TCEQ MAIL CENTER

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FEB 20 2009
BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 FEB 20 AM 10: 34
CHIEF CLERKS OFFICE

February 13, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a **Public Hearing** in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

As a member of Fort Worth Audubon Society and/or National Audubon, the opportunities afforded nature lovers at Chalk Mt. are of great importance.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility. Hundreds of tourist, including birdwatchers, come to the Chalk Mt. area to enjoy the native habitat and air quality provided in Somervell County.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Federally Endangered Species in and around the proposed facility due to air quality. We are especially concerned about the effect on the breeding birds of Chalk Mt., specifically the Golden-cheeked warbler and Black-capped vireo.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park. Our enjoyment of this Roadside Park will be effected by dust, debris and noise coming from the proposed facility.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

mw

We feel we are affect parties, because:

- The Nuisance created by the proposed facility and its impact on our enjoyment of the State Roadside Park and the impact to our enjoyment of bird watching in the area in and around the proposed facility. For many years, Fort Worth Audubon Society has enjoyed the gracious hospitality of private landowners, specifically, the adjacent property landowner. We have been allowed access to survey and study the birds, including the Federally Endangered Birds named above.

- Dust and debri in the area will not only affect the health of birdwatchers in the area, it will cover the native habitat which is essential for the breeding population of Chalk Mt. Golden-cheeked warbler and Blck-capped vireos, both listed on Federally Endangered Species.

- Please include Fort Worth Audubon Society on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature

Name JOHN A EASTMAN

Address 2700 AMBERTON PL
EULESS, TX 76040

BEEN THERE TO
BIRDWATCH AND SEE
GOLDEN-cheeked WARBLER
BLACK CAPPED VIREO

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

ASR
604589

Office of Chief Clerk
TCEQQ
PO Box 13087
Austin Texas 78711-3087

PM
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OPA
OCT 14 2008
BY dc

2008 OCT 13 PM 2:58
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Re Air Quality Permit #82199L002

To Whom It May Concern:

The purpose of this letter is to submit public comments, to request a public meeting and to request a contested case hearing to the Office of the Chief Clerk. An application has been made to the TCEQ for a permit which would authorize a rock crushing facility at 11209 US Hwy. 67, Glen Rose, Texas, Somervell County. Tommy Davis, dba Slick Machines, of Brownwood, Texas is the applicant. I am definitely opposed to this permit being issued because of the following reasons.

Air contaminants and loss of habitat will negatively impact the health and well being of Federally and State listed Endangered Species (Black-Capped Vireos and Golden-Cheeked Warblers). They are on the top 10 endangered list. I feel all wild life will be affected.

I am concerned about air and noise pollution negatively affecting the health and quality of life of residents.

This is a heavily populated area. The speed limit is 70 mi. per hour on the highway. There are steep inclines and many curves. Increased truck traffic will create dangerous conditions in this area.

I fear a negative economic impact on Somervell County because of the loss of tourism and lower home values.

Chalk Mountain, an identifiable historical state landmark, would be forever removed from our landscape. A State Road Side Park considered one of the states most beautiful will be overlooking a rock crushing facility if this permit is granted. There are numerous other historical sites in the area including a church.

We recognized the need for rock crushers and gravel. We simply feel, for the reasons stated above, that the proposed site is the wrong location for a facility of this kind, and we request you assistance in ensuring that this facility is not established.

Sincerely, 10/08/2008

Donna Edwards

D Edwards

MW

JGH CREEK LODGE, INC.
P.O. BOX 2400
GLEN ROSE, TEXAS 76043

RECEIVED
OCT 13 2008
TCEQ MAIL CENTER
MM

$0.59⁰
US POSTAGE
FIRST CLASS
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Office of Chief Clerk
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

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COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 13 PM 2:58
CHIEF CLERKS OFFICE

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PM H OPA DEC 29 2008 BY BP

NSK 64589

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 DEC 29 AM 10: 47

CHIEF CLERKS OFFICE

Office of the Chief Clerk

Mail Code 105 TCEQ

P.O. Box 13087

Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres of oak shinnery and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. I fear that the installation and operation of the proposed rock-crushing facility will adversely impact the nesting and occupied habitat of these 2 endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for habitat restoration may be wasted efforts if this facility is permitted for operation.

In addition to potential impacts to 2 federally endangered species of birds, the proposed rock crushing facility will also potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Lyn E. Edwards
resident of Somervell County

MW

JBK TRUCKING LLC
J.B. KIRCHENSCHLAGER
26351 WCR 44
KERSEY CO 80644

MIACO TX 767
24 DEC 2008

3c USA

Re: Permit Request No. 82199L002

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RECEIVED
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TCEQ MAIL CENTER
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 NOV -5 AM 10: 43

CHIEF CLERKS OFFICE

October 28, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

PM
H

OPA
NOV 05 2008
BY KY

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. My families' health will be adversely affected by the emissions from a rock crushing facility. A member of my family has glaucoma and is extremely sensitive to air-borne dust. She uses several types of prescription eye drops each day during good conditions, and cannot tolerate dusty conditions at all. This will cause my family member to be unable to continue with ranch activities. I live within one mile of the proposed site for the rock crusher – immediately northeast of the proposed rock crusher site. The prevailing winds place us downwind of the site, and downhill from it as well. The physical address of our property is: 2018 County Road 1012, Somervell Co. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Additional environmental impacts of concern include excessive noise from operation of the facility. Blasting safety is a major concern with the many pipelines recently installed in the area, and the many deep water wells or nearby residents could certainly be damaged by blasting. I am also concerned regarding the use of ground water, which is barely adequate for residential use. There are dozens, if not hundreds of residences in the impacted area which are on individual water wells which have been drilled at each resident's expense. Will the operator of the rock crusher be drilling a water well or will he haul water? Is the operator required to keep caliche roads near the crusher wet to minimize dust? What hazards will be in the drainage from the used water? I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue. Please use the following address for any correspondence.

Name: William A. and Patricia K. Edwards

Patricia K Edwards

Address: 2018 County Road 1012, Bluffdale, TX 76433

mw

Bill & Rae Edwards
2018 County Road
Somervell County 012

FORT WORTH TX 761

03 NOV 2008 PM 2 T

"LET US DARE T
THINK, SPEAK
John Adams, 1
powerwith

USA FIRST-CLASS FOREVER

Office of Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RECEIVED
NOV 05 2008
TCEQ MAIL CENTER

78711+3087

NSR
6/15/09

pm OPA
14 OCT 16 2008
BY BP

Office of Chief Clerk
TCEQ
PO Box 13087
Austin Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 16 AM 10:45
CHIEF CLERKS OFFICE

Re Air Quality Permit #82199L002

To Whom It May Concern:

The purpose of this letter is to submit public comments, to request a public meeting and to request a contested case hearing to the Office of the Chief Clerk. An application has been made to the TCEQ for a permit which would authorize a rock crushing facility at 11209 US Hwy. 67, Glen Rose, Texas, Somervell County. Tommy Davis, dba Slick Machines, of Brownwood, Texas is the applicant. I am definitely opposed to this permit being issued because of the following reasons.

Air contaminants and loss of habitat will negatively impact the health and well being of Federally and State listed Endangered Species (Black-Capped Vireos and Golden-Cheeked Warblers). They are on the top 10 endangered list. I feel all wild life will be affected.

I am concerned about air and noise pollution negatively affecting the health and quality of life of residents.

This is a heavily populated area. The speed limit is 70 mi. per hour on the highway. There are steep inclines and many curves. Increased truck traffic will create dangerous conditions in this area.

I fear a negative economic impact on Somervell County because of the loss of tourism and lower home values.

Chalk Mountain, an identifiable historical state landmark, would be forever removed from our landscape. A State Road Side Park considered one of the states most beautiful will be overlooking a rock crushing facility if this permit is granted. There are numerous other historical sites in the area including a church.

We recognized the need for rock crushers and gravel. We simply feel, for the reasons stated above, that the proposed site is the wrong location for a facility of this kind, and we request you assistance in ensuring that this facility is not established.

Sincerely,

Kelly Eldridge

mw

2402 ARBUCKLE COURT
DALLAS, TX 75229

DALLAS TX 75

14 OCT 2008 PM 4 L

USA 42

OFFICE OF THE CHIEF CLERK
TCEQ, MC-105
P.O. BOX 13087
AUSTIN, TX 78711-3087

RECEIVED
OCT 16 2008
TCEQ MAIL CENTER
RB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 OCT 16 AM 10:45

CHIEF CLERKS OFFICE

78711+3087

JSR
64558

pm
H

OPA
OCT 16 2008
BY BP

Office of Chief Clerk
TCEQ
PO Box 13087
Austin Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 16 AM 11:01
CHIEF CLERKS OFFICE

Re Air Quality Permit #82199L002

To Whom It May Concern:

The purpose of this letter is to submit public comments, to request a public meeting and to request a contested case hearing to the Office of the Chief Clerk. An application has been made to the TCEQ for a permit which would authorize a rock crushing facility at 11209 US Hwy. 67, Glen Rose, Texas, Somervell County. Tommy Davis, dba Slick Machines, of Brownwood, Texas is the applicant. I am definitely opposed to this permit being issued because of the following reasons.

Air contaminants and loss of habitat will negatively impact the health and well being of Federally and State listed Endangered Species (Black-Capped Vireos and Golden-Cheeked Warblers). They are on the top 10 endangered list. I feel all wild life will be affected.

I am concerned about air and noise pollution negatively affecting the health and quality of life of residents.

This is a heavily populated area. The speed limit is 70 mi. per hour on the highway. There are steep inclines and many curves. Increased truck traffic will create dangerous conditions in this area.

I fear a negative economic impact on Somervell County because of the loss of tourism and lower home values.

Chalk Mountain, an identifiable historical state landmark, would be forever removed from our landscape. A State Road Side Park considered one of the states most beautiful will be overlooking a rock crushing facility if this permit is granted. There are numerous other historical sites in the area including a church.

We recognized the need for rock crushers and gravel. We simply feel, for the reasons stated above, that the proposed site is the wrong location for a facility of this kind, and we request you assistance in ensuring that this facility is not established.

Sincerely,

Nathan Eldridge

Nathan Eldridge

mw

2402 ARBUCKLE COURT
DALLAS, TX 75229

DALLAS TX 752
14 OCT 2008 PM 1 T

"LET US DARE TO
THINK, SPEAK AN
John Adams, 176
powerofthele

USA 42
2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 16 AM 11:01
CHIEF CLERKS OFFICE

OFFICE OF THE CHIEF CLERK
TCEQ, MC-105
P.O. BOX 13087
AUSTIN, TX 78711-3087

RECEIVED
OCT 16 2008
TCEQ MAIL CENTER
RB

78711+3087

NSR
104584

Office of Chief Clerk
TCEQQ
PO Box 13087
Austin Texas 78711-3087

PM
H

OPA
OCT 14 2008
BY

CHIEF CLERKS OFFICE
2008 OCT 13 PM 3:00
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Re Air Quality Permit #82199L002

To Whom It May Concern:

The purpose of this letter is to submit public comments, to request a public meeting and to request a contested case hearing to the Office of the Chief Clerk. An application has been made to the TCEQ for a permit which would authorize a rock crushing facility at 11209 US Hwy. 67, Glen Rose, Texas, Somervell County. Tommy Davis, dba Slick Machines, of Brownwood, Texas is the applicant. I am definitely opposed to this permit being issued because of the following reasons.

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Chalk Mountain, an identifiable historical state landmark, would be forever removed from our landscape. A State Road Side Park considered one of the states most beautiful will be overlooking a rock crushing facility if this permit is granted. There are numerous other historical sites in the area including a church.

We recognized the need for rock crushers and gravel. We simply feel, for the reasons stated above, that the proposed site is the wrong location for a facility of this kind, and we request you assistance in ensuring that this facility is not established.

Sincerely,

Jo Evans
4216 CR 1007
Glen Rose, Texas 76043

Jo Evans
4216 CR1007
Glen Rose, Texas
76043

FORT WORTH TX 761
10 OCT 2008 PM 1 T

"LET [redacted]E TO READ
[redacted]AK AND [redacted]
John Adams, 1765
powerofthelet[redacted]

RECEIVED
OCT 13 2008
TCEQ MAIL CENTER

ON ENVIRONMENTAL QUALITY
2008 OCT 13 PM 2:59
CHIEF CLERKS OFFICE

Office of Chief Clerk
TCEQQ
P.O. Box 13087
Austin, Texas 78711-3087

H

February 13, 2009

OPA

FEB 20 2009

BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 20 AM 10: 34

CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

NSR
64559

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a **Public Hearing** in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

As a member of Fort Worth Audubon Society and/or National Audubon, the opportunities afforded nature lovers at Chalk Mt. are of great importance.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility. Hundreds of tourist, including birdwatchers, come to the Chalk Mt. area to enjoy the native habitat and air quality provided in Somervell County.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Federally Endangered Species in and around the proposed facility due to air quality. We are especially concerned about the effect on the breeding birds of Chalk Mt., specifically the Golden-cheeked warbler and Black-capped vireo.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park. Our enjoyment of this Roadside Park will be effected by dust, debris and noise coming from the proposed facility.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

mw

We feel we are affect parties, because:

- The Nuisance created by the proposed facility and its impact on our enjoyment of the State Roadside Park and the impact to our enjoyment of bird watching in the area in and around the proposed facility. For many years, Fort Worth Audubon Society has enjoyed the gracious hospitality of private landowners, specifically, the adjacent property landowner. We have been allowed access to survey and study the birds, including the Federally Endangered Birds named above.

- Dust and debris in the area will not only affect the health of birdwatchers in the area, it will cover the native habitat which is essential for the breeding population of Chalk Mt. Golden-cheeked warbler and Blck-capped vireos, both listed on Federally Endangered Species.

- Please include Fort Worth Audubon Society on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature Patrick Fager & Amber Fager

Name Patrick Fager & Amber Fager

Address 4904 Trentman
Fort Worth, TX 76119

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

PM OPA
H OCT 22 2008
BY BP

NSR
64589

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 OCT 22 AM 9:34

CHIEF CLERKS OFFICE

October , 2008

Office of the Chief clerk
Mail Code 105 TCEQ
Po Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at: 102 CAMELOT DRIVE, GLEN ROSE

I am opposed to a rock-crushing facility (Permit Number 82199L002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

AIR QUALITY IN SOMERVELL COUNTY. The Proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

ENDANGERED SPECIES. This area provides critical habitat for 2 federally endangered species of birds, the Golden Cheeked Warbler and Black Capped Vireo. These two birds next extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which next only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

ENVIRONMENTAL ISSUES. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

ECONOMIC IMPACT. Somervell County is a destination location for thousands of tourists, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

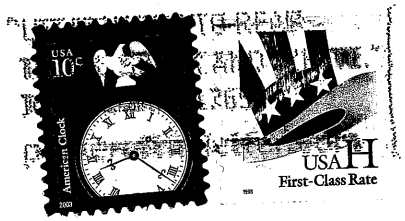
Susan A. Fidler

Susan A. Fidler

MW

SUSAN FIDLER
102 CAMELOT DRIVE
GLEN ROSE, TX. 76043

FORT WORTH TX 761
21 OCT 2008 PM 2 T



OFFICE OF THE CHIEF CLERK
MAIL CODE 105 TCEQ
P.O BOX 13087
AUSTIN, TX 78711-3087

RECEIVED
OCT 22 2008
TCEQ MAIL CENTER
RB

7871133087 B012

TEXAS
COMMISSION
ON ENVIRONME
QUALITY

2008 OCT 24 PM

CHIEF CLERKS OFFICE

PM OPA RECEIVED

OCT 23 2008

H AT PUBLIC MEETING BP

October 23, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at: Circle F Ranch - 1953B FM 51 South

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

Air Quality in Somervell County. the proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Endangered Species. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Environmental Issues. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

Economic Impact. Somervell County is a destination location for thousands of tourists, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

David C Fisher

mw

PM **OPA RECEIVED**

H OCT 2 3 2008

AT PUBLIC MEETING BP

October 23, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at: Circle F Ranch - 1953 FM 51 South

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

Air Quality in Somervell County. the proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

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Environmental Issues. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

Economic Impact. Somervell County is a destination location for thousands of tourists, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Hunter C. Fohn

MW

David & Michelle Fisher
1953 B Fm 51
P.O. Box 745
Glen Rose, TX 76043

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. BOX 13087
Austin, Tex 78711-3087

TCEQ Public Meeting Form

Thursday, October 23, 2008

Tommy Davis dba Slick Machines
Proposed Air Quality Permit No. 82199L002

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 24 PM 3:25
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Michelle Fisher

Address: PO Box 745

City/State: Glen Rose, TX Zip: 76043

Phone: 254-897-3124

☑ Please add me to the mailing list.

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

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☐ I wish to provide formal oral comments.

☑ I wish to provide formal written comments at tonight's public meeting.

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

Please give this to the person at the information table. Thank you.

pm
H

OPA RECEIVED

OCT 23 2008

AT PUBLIC MEETING

October 23, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at: Circle F Ranch - 1953 B FM 51 South

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

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Environmental Issues. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

Economic Impact. Somervell County is a destination location for thousands of tourists, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Michelle Fisher

mw

pm OPA RECEIVED
H OCT 23 2008
AT PUBLIC MEETING BP

October 23, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at: Circle F Ranch ~ 1953B FM51 South

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

Air Quality in Somervell County. the proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

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Economic Impact. Somervell County is a destination location for thousands of tourists, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Tiffany Fisher

mw

NSR
64589

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 16 AM 11:00
CHIEF CLERKS OFFICE

PM
4
OPA
OCT 16 2008
BY BP

October 13, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P. O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

As a citizen of Somervell County, I am opposed to the rock-crushing facility scheduled for construction in the Chalk Mountain area. (Permit Request No. 82199L002)

I am concerned about the following issues: air quality in Somervell County, removal of habitat for endangered species of birds, environmental issues including noise and road and highway destruction, and economic impact due to disruption of tourism in the immediate area.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Modenia Fite

Modenia Fite
3142 County Road 304
Rainbow, TX 76077

NSR
64589

The Fosslers
12016 Carmel Park Lane
Austin, Texas 78727

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP -3 PM 3:26
CHIEF CLERKS OFFICE

August 30, 2008

HR/OPA
SEP 04 2008
BY DM

Office of the Chief Clerk
MC-105, TCEQ
PO BOX 13087
Austin, TX 78711-3087

Dear Sir or Madam:

We are writing in regards to an Air Quality Permit Request (Permit Number 82199L002) in Somervell County. Tommy Davis has requested a permit to allow a rock crushing facility to operate eight hours/day, five days/week, and to crush 100 tons of rock/hour for a total of 75,000 tons/year. The permit seeks approval to allow air contaminants "including particulate matter less than 10 microns in diameter."

We have visited property that adjoins the area to be permitted. One of the unique things about the property is the presence of two species of Federally and State listed Endangered birds, the Golden-Cheeked Warbler and the Black-Capped Vireo. The property to be permitted is likely to also have populations of these birds. If approved, the entire area's population of these protected birds will be negatively impacted by the air contaminants released by the rock crushing facility.

While we understand the permit request is in regards to air quality, we also think that other factors need to be considered. The rock removed from the property will definitely destroy critical habitat required by these two species of birds. If their habitat is destroyed that will be in violation of federal endangered species laws. The noise produced from the activities of this facility will also disturb the birds' nesting behavior, again in violation of federal laws protecting endangered species.

We are requesting that a formal public hearing be held in regards to this permit request. This will allow for a thorough discussion of the issues involved before any decision is made.

Sincerely,

Ken & Gloria Fossler

KEN FOSSLER
12016 Carmel Park Lane
Austin, Texas 78727

02 SEP 2008 PM 3 L

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 SEP -3 PM 3:25

CHIEF CLERKS OFFICE

Office of the Chief Clerk
MC-105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RECEIVED
SEP 03 2008
TCEQ MAIL CENTER
RB

78711+3087

NSR
64539 H

OPA
FEB 20 2009
BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 FEB 20 AM 10: 35
CHIEF CLERKS OFFICE

February 13, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a **Public Hearing** in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

As a member of Fort Worth Audubon Society and/or National Audubon, the opportunities afforded nature lovers at Chalk Mt. are of great importance.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility. Hundreds of tourist, including birdwatchers, come to the Chalk Mt. area to enjoy the native habitat and air quality provided in Somervell County.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Federally Endangered Species in and around the proposed facility due to air quality. We are especially concerned about the effect on the breeding birds of Chalk Mt., specifically the Golden-cheeked warbler and Black-capped vireo.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park. Our enjoyment of this Roadside Park will be effected by dust, debris and noise coming from the proposed facility.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

mw

We feel we are affect parties, because:

- The Nuisance created by the proposed facility and its impact on our enjoyment of the State Roadside Park and the impact to our enjoyment of bird watching in the area in and around the proposed facility. For many years, Fort Worth Audubon Society has enjoyed the gracious hospitality of private landowners, specifically, the adjacent property landowner. We have been allowed access to survey and study the birds, including the Federally Endangered Birds named above.

- Dust and debri in the area will not only affect the health of birdwatchers in the area, it will cover the native habitat which is essential for the breeding population of Chalk Mt. Golden-cheeked warbler and Blck-capped vireos, both listed on Federally Endangered Species.

- Please include Fort Worth Audubon Society on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature Michael K. Francis

Name Michael K. Francis

Address 508 Candlewood Rd.
Fort Worth TX 76103-1146

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

NSR
64589

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 13 AM 10: 27

CHIEF CLERKS OFFICE

October 10, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

OPA
PM
OCT 13 2008
M BY

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres of oak shinnery and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. I fear that the installation and operation of the proposed rock-crushing facility will adversely impact the nesting and occupied habitat of these 2 endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for habitat restoration may be wasted efforts if this facility is permitted for operation.

In addition to potential impacts to 2 federally endangered species of birds, the proposed rock crushing facility will also potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

mw

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and occupied habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Michael Francis

Michael H. Francis
508 Candlewood Rd.
Fort Worth TX 76103

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Mike Wilson, Permits Division, TCEQ
Booker Harrison, Environmental Law Division, TCEQ
Dirk Kempthorne, Secretary of Interior
Dale Hall, Director of US Fish & Wildlife Service
Benjamin Tuggle, Southwest Region, US Fish & Wildlife Service
Division of Endangered Species, US Fish & Wildlife Service
Division of Bird Habitat Conservation, US Fish & Wildlife Service
State Senator Troy Fraser via email troy.fraser@senate.state.tx.us
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

PM OPA
OCT 16 2008
BY BP

2008 OCT 16 AM 10: 39
CHIEF CLERKS OFFICE

NSR
64589

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3097

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County, my address is: P.O. BOX 846 , 205 HEREFORD ST.
GLEN ROSE, TX 76043

I am opposed to a rock-crushing facility (permit number 82199 l002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

Air Quality in Somervell County, the proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Endangered Species. This area provides critical habitat for 2 federally endangered species of birds - the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologist and naturalist from all over the world have come to this area to study these birds, which nest only in the Edward Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Environmental Issues. Including environmental impacts of excess noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

Economic Impact. Somervell County is a destination location for thousands of tourists, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

NELDA FRAZEE

Nelda Frazee

NELDA FRAZEE
P.O. BOX 846
GLEN ROSE, TX 76043

FORT WORTH TX 761

14 OCT 2008 PM 6 L

USA 42

LET US DARE TO
THINK, SPEAK &
John Adams, 17
powerofthelettel.com

OFFICE OF THE CHIEF CLERK
MAIL CODE 105 TCEQ
P.O. BOX 13087
Austin, TX 78711-3097

RECEIVED
OCT 16 2008
TCEQ MAIL CENTER
RB

78711+3087

From: PUBCOMMENT-OPA
To: PUBCOMMENT-OCC2
Date: 4/28/2010 12:00 PM
Subject: Fwd: Public comment on Permit Number 82199L002
Place: PUBCOMMENT-OCC2
Attachments: s Hearing Request1.pdf

AIRNSR
64589

HR

>>> PUBCOMMENT-OCC 4/22/2010 1:56 PM >>>

>>> <dof@lf-lawfirm.com> 4/22/2010 1:48 PM >>>

REGULATED ENTY NAMESLICK MACHINES ROCK CRUSHER 1
RN NUMBER:RN105244461
PERMIT NUMBER:82199L002
DOCKET NUMBER:
COUNTY:SOMERVELL
PRINCIPAL NAME:DAVIS, TOMMY
CN NUMBER:CN602877276
FROM
NAME: David Frederick
E-MAIL:dof@lf-lawfirm.com
COMPANY: Lowerre, Frederick, Perales, Allmon & Rockwell
ADDRESS:707 RIO GRANDE ST 200
AUSTIN TX 78701-2719
PHONE:5124696000
FAX:5124829346
COMMENTS: Attached.

mw

Draft TCEQ Air Quality Permit No. 82199L002

Application by Tommy Davis, DBA Slick Machines, Rock Crusher No. 1, Glen Rose, Somervell County, for TCEQ Air Quality Permit No. 82199L002	§ § § §	BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Contested Case Hearing Request

TO THE HONORABLE COMMISSIONERS:

My firm represents the Chalk Mountain Foundation, Inc. ("Foundation"), and two of its more active members, Mr. Charles Brown and Mr. George Darrell Best. This pleading is filed on their behalves.

The Foundation is a Texas not-for-profit organization of homeowners and landowners in Somervell County. The Foundation holds among its objectives the preservation of the natural beauty and habitat of Chalk Mountain and its environs. Chalk Mountain is the locale of the proposed Slick Machines quarry and rock crushing facility for which the above-referenced change-of-location draft permit has been noticed.

Many the Foundation's supporters own and occupy land within a mile of the proposed Slick Machines facility. In particular, one supporter, Mr. Charles Brown, owns an interest the land that adjoins the Slick Machines property and often recreates on that land. Another supporter, Mr. George Darrell Best, has a special interest in this permitting question, inasmuch as his land is less than a mile east of the Slick Machines property and he, too, recreates on his land. These the Foundation members and other the Foundation members, because of the proximities of their properties to the Slick Machines site, regularly travel the roadways bordering and down-wind of the proposed Slick Machines

facility. The activities of these supporters of the Foundation on their lands and the lands of their neighbors and the travel of these supporters on roadways nearby to the Slick Machines site place these individuals at greater risk than are members of the general public of health and aesthetic harms arising from air contaminants emitted by the proposed facility.

The Foundation, Mr. Brown and Mr. Best may be contacted through me, and my contact information is below the signature block of this document.

The Foundation, Mr. Brown and Mr. Best request a contested case hearing on this application.

The Foundation, Mr. Brown and Mr. Best believe there are disputed issues of fact that are relevant and material to the Commission's decision on this application, and that those issues extend to, at least:

1. the manners by which the application emission factors for the air contaminants were determined and the values accorded the emission factors, themselves;

2. particulate emissions from haul roads and blasting, in addition to the emissions from the rock crushing operations;

3. whether all emission points at the facility have, in fact, been identified;

4. how the Best Available Control Technology levels of emissions were determined for particulate emissions and whether the permit actually would ensure that no more than BACT-level emissions are to be expected;

5. the absence of PM limitations for any species of PM (e.g., respirable silica) and the absence of $PM_{2.5}$ limits;

6. the proper background concentrations of $PM_{2.5}$ and PM_{10} for the NAAQS analyses and whether all sources at the site have been included in the NAAQS analyses;

7. apparent errors in the determination of proposed annual emission rates for the facility;

8. how the various production weights will be measured and the records of these measures be maintained and reported;

9. the impacts of increased particle emissions on surface water solids loadings in the area;

10. the experience, if any, of the Slick Machines principals with rock quarrying and crushing, which experience bears on the monitoring requirements and the internal-road construction and maintenance requirements that should be included in the permit;

11. the enforceability of the proposed permit, particularly, in light of apparent absence of a requirement for any PM CEMS and the permit language (Para. 3) undermining the credible evidence rule;

12. whether notice of the preliminary decision and the decision, itself, were properly posted to the public;

13. the endangered species and antiquities impacts of the proposed facility (this issue, depending on the TCEQ's current position on minor NSR BACT analysis requirements, might be characterized as subsumed in Issue 3, above);

14. the probable response times of TCEQ investigators, in the event the Foundation members complain regarding the proposed operation;

15. whether the draft permit will allow Slick Machines operations in violation of 30 TAC § 101.4 (the nuisance prohibition);

16. whether, in determining that emissions from the facility will not contravene the intent of the state's Clean Air Act that abatement of air pollution be consistent with the protection of the general welfare and physical property, the agency may give no consideration to the impact of its abatement decisions on property values, tourism, tax base, archeological artifacts or antiquities, endangered species protection, surface or subsurface water quality, noise levels, traffic threats or other aspects of the general welfare or physical property of the public that the Executive Director's response to comments indicates may not be considered by the agency in its decision-making on this application; and

17. whether the response to public comments in this permitting proceeding meets the standards of § 5.555, Tex. Water Code, and § 382.056(l), Tex. Health & Safety Code, and their implementing regulations.

Respectfully,

Lowerre, Frederick, Perales,
Allmon & Rockwell
David Frederick
SBT No. 07412300
707 Rio Grande Street, Ste. 200
Austin, Texas 78701
(512) 469-6000

COUNSEL FOR THE CHALK MOUNTAIN FOUNDATION, INC., and for CHARLES BROWN and for GEORGE DARRELL BEST

April 22, 2010

Xc: Congressman Chet Edwards
Sen. Kip Averitt
Rep. Sid Miller
Rep. Beverley Woolley
Mr. Thomas J. Cloud
Commissioner Zach Cummings
Commissioner Mike Ford
Commissioner Lloyd Wirt
Commissioner James Barnard

LOWERRE, FREDERICK, PERALES, ALLMON & ROCKWELL
ATTORNEYS AT LAW
707 Rio Grande, Suite 200
Austin, Texas 78701
(512) 469-6000 • (512) 482-9346 (facsimile)
Mail@LF-LawFirm.com

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 FEB 23 AM 10: 46
CHIEF CLERKS OFFICE

NSR
641589

February 13, 2009

Ms. LaDonna Castañuela
Chief Clerk
Texas Commission on Environmental Quality
Building F, Room 4301
12015 Park 35 Circle
Austin, Texas 78753
P.O. Box 13087
Austin, Texas 78711-3087

OPA
H FEB 23 2009
BY

Regarding: Application of Slick Machines, Inc., for Air Quality Permit No. 82199L002

Dear Ms. Castañuela:

My firm represents the Chalk Mountain Foundation ("Foundation"). The Foundation is a Texas not-for-profit membership organization of homeowners and landowners in Somervell County. The Foundation holds among its objectives the protection of the environment and the maintaining of the quality of life in and around Chalk Mountain – the locale of the proposed Slick Machines quarry and rock crushing facility for which the above-referenced draft permit has been noticed. Many the Foundation members own and occupy land within a mile of the proposed Slick Machines facility. These the Foundation members and other the Foundation members regularly travel the roadways bordering the proposed Slick Machines facility and, thus, are also at risk of health and aesthetic harms arising from air contaminants emitted by the proposed facility.

The Foundation requests a contested case hearing on this permit application, unless the Executive Director determines not to issue Permit No. 82199L002 and that decision goes unchallenged by Slick Machines, Inc..

The Foundation's concerns with the proposed facility include, but are not limited to:

1. the manners by which the application emission factors for the air contaminants were determined;

2. particulate emissions from haul roads and blasting, in addition to the emissions from the rock crushing operations;

3. how the Best Available Control Technology levels of emissions were determined for particulate emissions and whether the permit actually would ensure that no more than BACT-level emissions are to be expected;

4. the absence of PM limitations for any species of PM (e.g., respirable silica) and the absence of $PM_{2.5}$ limits;

5. the proper background concentrations of PM for the NAAQS analysis;

6. apparent errors in the determination of proposed annual emission rates for the facility;

7. how the various production weights will be measured and the records of these measures be maintained and reported;

8. the impacts of increased particle emissions on surface water solids loadings in the area;

9. the experience, if any, of the Slick Machines principals with (1) rock quarrying and crushing ;

10. the enforceability of the proposed permit, particularly, in light of apparent absence of a requirement for any PM CEMS and the permit language (Para. 3) undermining the credible evidence rule;

11. whether notice of this preliminary decision and the decision, itself, were properly posted to the public;

12. the permit's failure to clearly require meaningful public notice of crusher relocation;

13. the endangered species and antiquities impacts of the proposed facility (this issue, depending on the TCEQ's current position on its state BACT analysis requirements, might be characterized as subsumed in Issue 3, above); and

14. the probable response times of TCEQ investigators, in the event the Foundation members complain regarding the proposed operation.

The Foundation anticipates additional concerns will surface, as the Foundation and its members become more informed of the risks posed by the proposed facility. The Foundation also anticipates that additional issues of concern will arise as a result of the public meeting on the preliminary decision the Foundation understands TCEQ is planning to convene.

Please add my firm, on behalf of the Foundation, to the mailing list for actions related to this possible permit and/or the Slick Machines operation. The firm's address is on its letterhead. I may also be contacted by email at: dof@lf-lawfirm.com

Thank you for your help.

Sincerely,

David Frederick

Xc: Darrell Best, for the Foundation

NSR
6415881

LOWERRE, FREDERICK, PERALES,
ALLMON & ROCKWELL
ATTORNEYS AT LAW
707 Rio Grande, Suite 200
Austin, Texas 78701
(512) 469-6000 • (512) 482-9346 (facsimile)
Mail@LF-LawFirm.com

Ms. LaDonna Castañuela
Chief Clerk
Texas Commission on Environmental Quality
Building F, Room 4301
12015 Park 35 Circle
Austin, Texas 78753
P.O. Box 13087
Austin, Texas 78711-3087

February 13, 2009

OPA
FEB 13 2009
BY EB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 FEB 13 PM 4:48
CHIEF CLERKS OFFICE

Regarding: Application of Slick Machines, Inc., for Air Quality Permit No. 82199L002

Dear Ms. Castañuela:

My firm represents the Chalk Mountain Foundation ("Foundation"). The Foundation is a Texas not-for-profit membership organization of homeowners and landowners in Somervell County. The Foundation holds among its objectives the protection of the environment and the maintaining of the quality of life in and around Chalk Mountain – the locale of the proposed Slick Machines quarry and rock crushing facility for which the above-referenced draft permit has been noticed. Many the Foundation members own and occupy land within a mile of the proposed Slick Machines facility. These the Foundation members and other the Foundation members regularly travel the roadways bordering the proposed Slick Machines facility and, thus, are also at risk of health and aesthetic harms arising from air contaminants emitted by the proposed facility.

The Foundation requests a contested case hearing on this permit application, unless the Executive Director determines not to issue Permit No. 82199L002 and that decision goes unchallenged by Slick Machines, Inc..

The Foundation's concerns with the proposed facility include, but are not limited to:

1. the manners by which the application emission factors for the air contaminants were determined;

2. particulate emissions from haul roads and blasting, in addition to the emissions from the rock crushing operations;

3. how the Best Available Control Technology levels of emissions were determined for particulate emissions and whether the permit actually would ensure that no more than BACT-level emissions are to be expected;

4. the absence of PM limitations for any species of PM (e.g., respirable silica) and the absence of $PM_{2.5}$ limits;

5. the proper background concentrations of PM for the NAAQS analysis;

6. apparent errors in the determination of proposed annual emission rates for the facility;

7. how the various production weights will be measured and the records of these measures be maintained and reported;

8. the impacts of increased particle emissions on surface water solids loadings in the area;

9. the experience, if any, of the Slick Machines principals with (1) rock quarrying and crushing ;

10. the enforceability of the proposed permit, particularly, in light of apparent absence of a requirement for any PM CEMS and the permit language (Para. 3) undermining the credible evidence rule;

11. whether notice of this preliminary decision and the decision, itself, were properly posted to the public;

12. the permit's failure to clearly require meaningful public notice of crusher relocation;

13. the endangered species and antiquities impacts of the proposed facility (this issue, depending on the TCEQ's current position on its state BACT analysis requirements, might be characterized as subsumed in Issue 3, above); and

14. the probable response times of TCEQ investigators, in the event the Foundation members complain regarding the proposed operation.

The Foundation anticipates additional concerns will surface, as the Foundation and its members become more informed of the risks posed by the proposed facility. The Foundation also anticipates that additional issues of concern will arise as a result of the public meeting on the preliminary decision the Foundation understands TCEQ is planning to convene.

Please add my firm, on behalf of the Foundation, to the mailing list for actions related to this possible permit and/or the Slick Machines operation. The firm's address is on its letterhead. I may also be contacted by email at: dof@lf-lawfirm.com

Thank you for your help.

Sincerely,

David Frederick

Xc: Darrell George, for the Foundation

707 Rio Grande
Austin, Texas 78701
512-469-600
512-482-9346
mail@lfpawfirm.com

LOWERRE, FREDERICK, PERALES, ALLMON & ROCKWELL

Fax

To:	TCEQ Clerk	**From:**	David Frederick
Fax:	239-3311	**Pages:**	3
Phone:		**Date:**	
Re:	Draft Permit No. 82199L002	**cc:**	

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 FEB 13 PM 4:48
CHIEF CLERKS OFFICE

CONFIDENTIALITY NOTICE: This message is intended for the use of the individual or entity to which it is addressed. This message consists of information from Lowerre, Frederick, Perales, Allmon & Rockwell and may be privileged, confidential and exempt from disclosure by law. Unauthorized distribution or copying of this information is prohibited. If you have received this communication in error, please notify us immediately at our telephone number listed above. We will promptly arrange for the return of the message to us.

PLEASE CALL 512-469-6000 AS SOON AS POSSIBLE IF ALL PAGES ARE NOT RECEIVED OR IF THERE ARE ANY OTHER PROBLEMS WITH THE TRANSMITTAL OF THIS FAX.

NSR
64589

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

October 8, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

PM
H

OPA
OCT 13 2008
BY

2008 OCT 13 AM 10: 19
CHIEF CLERKS OFFICE

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres of oak shinnery and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. I fear that the installation and operation of the proposed rock-crushing facility will adversely impact the nesting habitat and nesting habits of these 2 endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for habitat restoration may be wasted efforts if this facility is permitted for operation.

In addition to potential impacts to 2 federally endangered species of birds, the proposed rock crushing facility will also potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Kelly Freeman

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Mike Wilson, Permits Division, TCEQ
Booker Harrison, Environmental Law Division, TCEQ
Dirk Kempthorne, Secretary of Interior
Dale Hall, Director of US Fish & Wildlife Service
Benjamin Tuggle, Southwest Region, US Fish & Wildlife Service
Division of Endangered Species, US Fish & Wildlife Service
Division of Bird Habitat Conservation, US Fish & Wildlife Service
State Senator Troy Fraser via email troy.fraser@senate.state.tx.us
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

Kelly Freeman
1521 Sunflower Ln.
Granbury, TX 76048

FORT WORTH TX 761
09 OCT 2008 PM 6 L

"LET US DARE TO
THINK, SPEAK AND
John Adams, 1765
powerofthepledge.com

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OCT 13 2008
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MM

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

78711+3087

Kelly Freeman
1521 Sunflower Ln.
Granbury, TX 76048

FORT WORTH TX 761

09 OCT 2008 PM 6 L

"LET US DARE TO
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John Adams, 1765
powerofthelett

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Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

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cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Mike Wilson, Permits Division, TCEQ
Booker Harrison, Environmental Law Division, TCEQ
Dirk Kempthorne, Secretary of Interior
Dale Hall, Director of US Fish & Wildlife Service
Benjamin Tuggle, Southwest Region, US Fish & Wildlife Service
Division of Endangered Species, US Fish & Wildlife Service
Division of Bird Habitat Conservation, US Fish & Wildlife Service
State Senator Troy Fraser via email troy.fraser@senate.state.tx.us
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

NSR
64589

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

October 9, 2008

PM OPA
H OCT 13 2008
BY

2008 OCT 13 AM 10: 19
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at: 1216 County Road 318

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

Air Quality in Somervell County, the proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.
MY WIFE HAS ASTHMA. THIS FACILITY COULD KILL HER!

Endangered Species. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Environmental Issues. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

Economic Impact. Somervell County is a destination location for tourists all over North Texas, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Stephen Gattis

MW

STEPHEN GATTIS
P.O. Box 1889
Glen Rose, TX 76043-1889

FORT WORTH TX 761

OCT 2008 PM 6 L

USA

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OCT 13 2008
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OFFICE OF THE CHIEF CLERK
MAIL CODE 105 TCEQ
P.O. BOX 13087
AUSTIN, TX 78711-3087

78711+3087

NSR
64589

Office of the Chief Clerk

Mail Code 105 TCEQ

P.O. Box 13087

Austin, TX 78711-3087

OPA

PM
4

OCT 13 2008

BY pc

2008 OCT 10 PM 2:45

CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Permit Request No. 82199L002

To Whom It May Concern:

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mw

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Susan Gechter

Susan Gechter

cc:

LaDonna Castanuela, Chief Clerk, TCEQ

Mike Wilson, Permits Division, TCEQ

Booker Harrison, Environmental Law Division, TCEQ

Dirk Kempthorne, Secretary of Interior

Dale Hall, Director of US Fish & Wildlife Service

Benjamin Tuggle, Southwest Region, <ST1:COUNTRY-REGIoN w:st="on">US</ST1:COUNTRY-REGIoN> Fish & Wildlife Service

Division of Endangered Species, <ST1:COUNTRY-REGIoN w:st="on">US</ST1:COUNTRY-REGIoN> Fish & Wildlife Service

Division of Bird Habitat Conservation, US Fish & Wildlife Service

State Senator Troy Fraser via email troy.fraser@senate.state.tx.us

State Senator Kip Averitt via email kip.averitt@senate.state.tx.us

Representative Sid Miller via email sid.miller@house.state.tx.us

Gechter
3609 Windsong Ln
Bedford, TX 76021

FORT WORTH TX 761
08 OCT 2008 PM 6 T

RECEIVED
OCT 10 2008
TCEQ MAIL CENTE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 10 PM 2:45
CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
PO Box 13087
Austin, TX 78711-3087

78711+3087

OPA

FEB 20 2009

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 20 AM 10: 34

CHIEF CLERKS OFFICE

NSR 64589

February 13, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a **Public Hearing** in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

As a member of Fort Worth Audubon Society and/or National Audubon, the opportunities afforded nature lovers at Chalk Mt. are of great importance.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility. Hundreds of tourist, including birdwatchers, come to the Chalk Mt. area to enjoy the native habitat and air quality provided in Somervell County.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Federally Endangered Species in and around the proposed facility due to air quality. We are especially concerned about the effect on the breeding birds of Chalk Mt., specifically the Golden-cheeked warbler and Black-capped vireo.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park. Our enjoyment of this Roadside Park will be effected by dust, debris and noise coming from the proposed facility.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

We feel we are affect parties, because:

- The Nuisance created by the proposed facility and its impact on our enjoyment of the State Roadside Park and the impact to our enjoyment of bird watching in the area in and around the proposed facility. For many years, Fort Worth Audubon Society has enjoyed the gracious hospitality of private landowners, specifically, the adjacent property landowner. We have been allowed access to survey and study the birds, including the Federally Endangered Birds named above.

- Dust and debri in the area will not only affect the health of birdwatchers in the area, it will cover the native habitat which is essential for the breeding population of Chalk Mt. Golden-cheeked warbler and Blck-capped vireos, both listed on Federally Endangered Species.

- Please include Fort Worth Audubon Society on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature Patricia Gerard

Name PATRICIA GERARD.

Address 304 DALE HOLLOW ROAD.
FORT WORTH. 76103.

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

NSR
U4539 H

OPA

FEB 20 2009

BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 20 AM 10: 34

CHIEF CLERKS OFFICE

February 13, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a **Public Hearing** in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

As a member of Fort Worth Audubon Society and/or National Audubon, the opportunities afforded nature lovers at Chalk Mt. are of great importance.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility. Hundreds of tourist, including birdwatchers, come to the Chalk Mt. area to enjoy the native habitat and air quality provided in Somervell County.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Federally Endangered Species in and around the proposed facility due to air quality. We are especially concerned about the effect on the breeding birds of Chalk Mt., specifically the Golden-cheeked warbler and Black-capped vireo.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park. Our enjoyment of this Roadside Park will be effected by dust, debris and noise coming from the proposed facility.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

MW

We feel we are affect parties, because:

- The Nuisance created by the proposed facility and its impact on our enjoyment of the State Roadside Park and the impact to our enjoyment of bird watching in the area in and around the proposed facility. For many years, Fort Worth Audubon Society has enjoyed the gracious hospitality of private landowners, specifically, the adjacent property landowner. We have been allowed access to survey and study the birds, including the Federally Endangered Birds named above.

- Dust and debri in the area will not only affect the health of birdwatchers in the area, it will cover the native habitat which is essential for the breeding population of Chalk Mt. Golden-cheeked warbler and Blck-capped vireos, both listed on Federally Endangered Species.

- Please include Fort Worth Audubon Society on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature Marvin Goff Barbara J. Goff

Name MARVIN GOFF ✓ BARBARA GOFF ✓

Address 8309 Winter Falls Trl

Hurst TX 76053

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

NSR
U4589

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 22 AM 9:33

CHIEF CLERKS OFFICE

October , 2008

Office of the Chief clerk
Mail Code 105 TCEQ
Po Box 13087
Austin, TX 78711-3087

PM
H OPA
OCT 22 2008
BY BP

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at:

I am opposed to a rock-crushing facility (Permit Number 82199L002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

AIR QUALITY IN SOMERVELL COUNTY. The Proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

ENDANGERED SPECIES. This area provides critical habitat for 2 federally endangered species of birds, the Golden Cheeked Warbler and Black Capped Vireo. These two birds next extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which next only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

ENVIRONMENTAL ISSUES. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

ECONOMIC IMPACT. Somervell County is a destination location for thousands of tourists, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

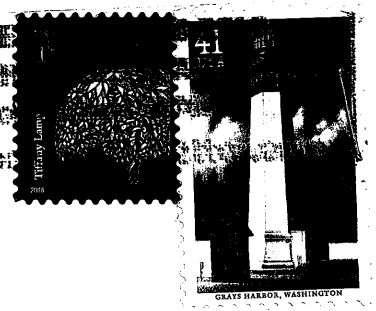
Sincerely,

Molly Golson

Ms Molly Golson
207 Grace St
Glen Rose, TX 76043

FORT WORTH TX 761

20 OCT 2008 PM 7 L



Office of The Chief Clerk
Mail Code 105 TCEQ
PO Box 13087
Austin, TX 78711-3087

RECEIVED
OCT 2 2 2008
TCEQ MAIL CENTER
RB

78711-3087

NSR
64589

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

October 6, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 OCT 13 AM 10: 22

CHIEF CLERKS OFFICE

OPA

PM OCT 13 2008

H BY

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

Air Quality in Somervell County, the proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Endangered Species. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Environmental Issues. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

Economic Impact. Somervell County is a destination location for tourists all over North Texas, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Gray Green

MW

Shay Green
PO box 2113
Glen Rose, TX
76043

FORT WORTH TX 761

09 OCT 2008 PM 8 L

"LET US DARE TO READ,
THINK, SPEAK
John Adams, 17
powerofthepet

USA FIRST-CLASS FOREVER

Office of the Chief Clerk
TCEQ, MC 105
PO box 13087
Austin, TX
78711-3087

RECEIVED
OCT 13 2008
TCEQ MAIL CENTER
MM

78711+3087

OPA

H
Jpt

BY GB

NSR
645389

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 FEB 13 PM 4:07

CHIEF CLERKS OFFICE

February 11, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a **Public Hearing** in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

We live at 8521 W. HWY 67, approximately 3 from the proposed facility.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Endangered Species in and around the proposed facility due to air quality.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Impact to the roads in Somervell County and the cost associated with upgrading the roads to handle Rock Haulers and the dangers posed by heavy trucks ingress and egress to Hwy 67.
- Decreased property values in the area around the proposed facility and in Somervell County.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park.
- The Nuisance created by the proposed facility preventing the enjoyment of the State Roadside Park and surrounding bird watching areas.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

We feel we are affect parties, because:

☐ The Nuisance created by the proposed facility and its impact on our enjoyment of the State Roadside Park and the impact to our enjoyment of bird watching in the area in and around the proposed facility.

☒ Health Issues Asthma

☒ Property Value, we live within 3 of the proposed facility and the Rock Crushing facility will have a negative impact on our property values and will prevent us from the enjoyment of our property.

☒ Other: We own property less than ½ mile from the proposed facility.

Please include our name on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature Lynda Greer

Name Lynda Greer

Address PO BOX 1429 Glen Rose, TX 76043
8521 W. HWY 67

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us
Representative Harvey Hildebran
David Frederick, Attorney

Did not speak

TCEQ Public Meeting Form

Thursday, October 23, 2008

Tommy Davis dba Slick Machines
Proposed Air Quality Permit No. 82199L002

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 24 PM 3: 24
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Lynda Greer

Address: PO Box 1429

City/State: Glen Rose, TX Zip: 76043

Phone: (254) 897-7595

☐ Please add me to the mailing list.

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

If yes, which one? SAVE CHALK MTN

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☑ I wish to provide formal oral comments.

☑ I wish to provide formal written comments at tonight's public meeting.

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

Please give this to the person at the information table. Thank you.

David and Lynda Greer
PO Box 1429
Glen Rose, TX 76043
254.897.7595

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 24 PM 3: 24

CHIEF CLERKS OFFICE

October 23, 2008

OPA RECEIVED

OCT 23 2008

AT PUBLIC MEETING

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: **Public Hearing/Permit Request No. 82199L002**

To Whom It May Concern:

I live in Somervell County at 8521 West Highway 67, and own 42 acres of land on County Road 2015, Somervell County. The 42 acres is approximately ½ mile from the proposed rock-crushing facility (**permit number 82199L002**), and our current residence is 2 miles from the proposed facility. I am opposed to a rock-crushing facility (**permit number 82199L002**) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

Air Quality in Somervell County, and its effects on my family. My daughter and I suffer from asthma and severe allergies. If this permit is issued, and the rock crushing facility goes into operation, we will not be able to sell our home, located at 8521 West Hwy 67 and build on our property located on County Road 2015, which was our intention when we purchased the 42 acres 2 years ago. The property located on County Road 2015 will be too close in proximity of the rock crushing quarry for my daughter or I to live there, due to our health issues. The property located on County Road 2015 will also be difficult to sell, due to the air pollution, noise pollution, increased truck traffic, and the potential water pollution from the efforts to control the amount of Particulate Matter less than 10 microns.

Environmental Issues, including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. The Golden Cheeked Warbler and the Black Capped Vireo, both which are Federally Protected Endangered Species reside on my land on County Road 2015. I am concerned that the above stated concerns will cause them to cease their use of my land as a nesting habitat. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a Public Hearing on this issue. **A written response to my request can be sent to: Lynda Greer, PO Box 1429, Glen Rose, TX 76043, and my phone number is 254.897.7595.**

Sincerely,

Lynda Greer

~~(5) Lynda~~
(6) David

TCEQ Public Meeting Form

Thursday, September 3, 2009

Tommy Davis dba Slick Machines
Proposed Air Quality Permit No. 82199L002

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 SEP -4 PM 4:27
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: David & Lynda Greer

Mailing Address: PO Box 1429

Physical Address (if different): Cafe 8521 W Hwy 67

City/State: Glen Rose **Zip:** Tx

Phone: (817) 239 0434

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

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

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☑ **I wish to provide formal oral comments.**

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

Please give this to the person at the information table. Thank you.

MW

I have been licensed by the TCEQ as a Texas Irrigator for 16 years. My State License # is 5143. The TCEQ has set standards and rules to be able to qualify and keep an Irrigator's license. If those guidelines or rules are not met, I will lose my license.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 SEP -4 PM 2:
CHIEF CLERK'S OFFICE

There seems to be a double standard by the TCEQ, as to who has to follow rules and guidelines. A license to be an Irrigator holds one standard, and the permit, licensing or rules to operate a Rock Crusher holds another. Slick Machines has repeatedly ignored or not followed guidelines set forth by the TCEQ for obtaining a permit to operate a Rock Crusher in the State of Texas. Slick Machines has received at least two citations for not following the guidelines set forth by the State of Texas, yet the permitting process continues, with no consequences.

I, as a licensed Irrigator cannot overspray any water, which is considered to be one of our most precious resources, onto masonry or concrete surfaces, but you have stated that the use of water to contain dust and pollution created by Slick Machines Rock Crushing operation is acceptable. DOUBLE STANDARD. Slick Machines has received citations for not following the guidelines set forth for storm water drainage, and the Rock Crushing operation has not even been permitted or allowed to begin. If Slick Machines is refusing to abide by the guidelines and rules during the permitting process, what will they do, after a permit has been issued?

The permitting process for Slick Machines to operate a Rock Crushing operation has been flawed from the start and should have been stopped or denied long before now. At our last town hall meeting, Mary Best asked the TCEQ's representatives, "Who does the TCEQ represent"? After looking to one another for an answer, someone finally spoke up and stated, "The State of Texas". We are the State of Texas. We are the taxpayers that pay your salaries. Basically, you are employed by us, to protect our environment, and the effects of pollution on our health, water and air. You are not doing your job.

Do the right thing and follow your own guidelines.

OPA RECEIVED
SEP 03 2009
AT PUBLIC MEETING

MW

(5)

TCEQ Public Meeting Form

Thursday, September 3, 2009

Tommy Davis dba Slick Machines
Proposed Air Quality Permit No. 82199L002

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 SEP -4 PM 4: 27
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Lynda Green

Mailing Address: PO Box 1429

Physical Address (if different):

City/State: Glen Rose **Zip:** 76043

Phone: (254) 897-7595

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

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

If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☒ **I wish to provide formal oral comments.**

☐ **I wish to provide formal written comments at tonight's public meeting.**

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

Please give this to the person at the information table. Thank you.

MW

NISR
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pm
Ipt

OPA

FEB 13 2009

BY EB

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 FEB 13 PM 4:07

CHIEF CLERKS OFFICE

February 11, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a Public Meeting in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility, we live within 3 miles of the proposed location.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Endangered Species in and around the proposed facility due to air quality.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Impact to the roads in Somervell County and the cost associated with upgrading the roads to handle Rock Haulers and the dangers posed by heavy trucks ingress and egress to Hwy 67.
- Decreased property values in the area around the proposed facility and in Somervell County.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park.
- The Nuisance created by the proposed facility preventing the enjoyment of the State Roadside Park and surrounding bird watching areas.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

MW

Concerning the Public Meeting we are requesting be held in Glen Rose, we respectfully request a meeting with the TCEQ to understand why:

- Questions that were raised in the first Public Meeting held in Glen Rose on October 23, 2008 have gone unanswered, yet the Permit process is progressing.
- Why the questions were not reviewed as part of the vetting process to determine if the Permit Application was "Administratively Complete" and complied with TCEQ Rules and Regulations when over 20 flaws were noted in the initial permit.
- Why the Permit Application has been allowed to move forward while the Public has not been provided with information as detailed in the TCEQ Public Notices in the *Glen Rose Reporter*.
- Why the TCEQ has not made sure the Applicant filed information in accordance with the requirements of the Second Notice from the first day that the notice was placed in the *Glen Rose Reporter*.
- Why the TCEQ is allowing the process to move forward when the notice was placed in the paper improperly.
- Why the TCEQ is rushing the application through the approval process without having performed tests to identify whether Silica will be present in the air as the result of Rock Crushing operation or if any other known Carcinogens will be released into the atmosphere as a result of Rock Crushing operations.

* Why would the TCEQ grant a permit to something that they cannot and will not be able to test the quality of the air, when that is what the permit is for... Air Quality.

Please include our name on the permanent mailing list for this permit application 82199L002.

Sincerely,

Lynda Green

Lynda Green PO Box 1429 GLEN ROSE, TX 76043
8521 W. HWY 67

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us
Representative Harvey Hildebran
David Frederick, Attorney

NSR
041589

David and Lynda Greer
PO Box 1429
8521 West Hwy 67
Glen Rose, TX 76043
254.897.7595

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP 12 PM 2:41
CHIEF CLERKS OFFICE

PM OPA
SEP 15 2008
BY

September 9, 2008

Office of Chief Clerk
TCEQ
PO Box 13087
Austin, TX 78711-3087

RE: Air Quality Permit Number 82199L002

Dear Sirs:

I am writing to request a Formal Public Meeting with the TCEQ, concerning the issuance of Air Quality Permit Number 82199L002, which would authorize the change of location of a rock crushing Facility to 11209 US Hwy 67, Glen Rose, TX, Somervell County. Tommy Davis, dba Slick Machines, of Brownwood, Texas is the applicant.

I have faxed and mailed a letter to you, dated September 8, 2008, stating my concerns regarding the proposed Rock Crushing Facility. And again, I reiterate that this facility will only endanger the health, and safety of the residents of Chalk Mountain, Somervell County, destroy an entire section of one of the most beautiful areas in Texas, pollute the air, drive away two endangered bird species that currently live on the property of the proposed Rock Crushing Facility, drastically reduce the property value of land and homesteads anywhere near this Facility, and reduce tourism to the area. Noise pollution is also a major concern.

Thank you in advance for your concern and assistance in helping the residents of Chalk Mountain, Glen Rose, Somervell County, TX in obtaining a Formal Public Meeting to discuss the proposed Rock Crushing Facility.

Sincerely,

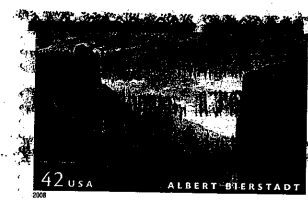
Lynda Greer

Lynda Greer

MW

Greer
PO Box 1429
Glen Rose, TX 76043

FORT WORTH TX 761
10 SEP 2008 PM 6 L



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 SEP 12 PM 2:41

CHIEF CLERKS OFFICE

Office of Chief Clerk
TCEQ
PO Box 13087
Austin, TX 78711-3087

RECEIVED
SEP 12 2008
TCEQ MAIL CENTER

7871113087

NSR
64589

David and Lynda Greer
PO Box 1429
8521 West Hwy 67
Glen Rose, TX 76043
254.897.7595

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP 10 AM 8:06
CHIEF CLERKS OFFICE

September 9, 2008

OPA
PM SEP 10 2008
BY

Office of Chief Clerk
TCEQ
PO Box 13087
Austin, TX 78711-3087

RE: Air Quality Permit Number 82199L002

Dear Sirs:

I am writing to request a Formal Public Meeting with the TCEQ, concerning the issuance of Air Quality Permit Number 82199L002, which would authorize the change of location of a rock crushing Facility to 11209 US Hwy 67, Glen Rose, TX, Somervell County. Tommy Davis, dba Slick Machines, of Brownwood, Texas is the applicant.

I have faxed and mailed a letter to you, dated September 8, 2008, stating my concerns regarding the proposed Rock Crushing Facility. And again, I reiterate that this facility will only endanger the health, and safety of the residents of Chalk Mountain, Somervell County, destroy an entire section of one of the most beautiful areas in Texas, pollute the air, drive away two endangered bird species that currently live on the property of the proposed Rock Crushing Facility, drastically reduce the property value of land and homesteads anywhere near this Facility, and reduce tourism to the area. Noise pollution is also a major concern.

Thank you in advance for your concern and assistance in helping the residents of Chalk Mountain, Glen Rose, Somervell County, TX in obtaining a Formal Public Meeting to discuss the proposed Rock Crushing Facility.

Sincerely,

Lynda Greer

MW

N°SR
64589

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 SEP -9 AM 10: 13

CHIEF CLERKS OFFICE

David and Lynda Greer
PO Box 1429
8521 West Hwy 67
Glen Rose, TX 76043
254.897.7595

September 8, 2008

PM

OPA
SEP 10 2008
BY DL

Office of Chief Clerk
TCEQ
PO Box 13087
Austin, TX 78711-3087

RE: Air Quality Permit Number 82199L002

Dear Sirs:

It has just recently come to my attention that an application has been made to the TCEQ for issuance of Air Quality Permit Number 82199L002, which would authorize the change of location of a rock crushing Facility to 11209 US Hwy 67, Glen Rose, TX, Somervell County. Tommy Davis, dba Slick Machines, of Brownwood, Texas is the applicant.

As a resident, and landowner in Somervell County, my husband and I have several major concerns regarding the issuance of the aforementioned permit. Our homestead is approximately 3 miles east of the proposed rock crushing facility, directly on Hwy 67, and we also own protected land, which is occupied by two endangered bird species, approximately 1 mile to the south of the proposed plant.

The following are our concerns:

- The air quality is a major concern. Having lived in the Dallas/Fort Worth area for many years, we are familiar with the pollution and health issues associated with rock quarries. Our entire family suffers from allergies, and my daughter has asthma. I am gravely concerned about her health if this plant is allowed to operate.

- Our entire life savings are tied up into the two properties that we own, that are both within a 3 mile radius of this plant. I foresee that our property values will significantly decrease if this plant is allowed to operate. Somervell county and Glen Rose are known for their pristine beautify, rivers, hills, and nature. A rock quarry would only destroy the land that it inhabits, and will leave it in an unusable and extremely undesirable state, after the rock has been quarried.

- continued -

mw

- Highway 67 is a State Highway, the speed limit currently at the proposed site is 70mph. There is no acceleration or turn lane. The highway in that location is extremely hilly and curvy. We already have a problem with the additional traffic due to the oil and gas business that is going on in this area. Rock haulers, water trucks, and additional employee vehicles have added major destruction to our roads, and caused numerous fatalities due to the additional traffic, negligence and disregard in obeying the speed limits and laws of the road. As I stated before, Somervell county and Glen Rose is a tourist area. With the addition of more trucks, and dangerous conditions, the tourism in this area will slow down. Hwy 67 is a favorite route to San Antonio, taken by many families, because of it's natural beauty, topography and lack of major traffic.

- Chalk Mountain is a quiet, ranching community, with most homesteads having numerous acres between them. There are no city lights, and it is a quiet, and beautiful place to live. The proposed rock quarry will be operating 24 hours per day, and will cause major noise pollution. The people living adjacent to the proposed facility will be most affected and not only will the noise be horrendous, but will cause their property values to be worthless, resulting in potential loss of any revue from the sale of their property in the future. Unless adjacent property is sold before the proposed rock quarry is in operation, with the economy being as it is, the sale of any property in the area will more than likely be futile.

David and I are sickened and disheartened at the thought of the Air Quality Permit Number 82199L002 being issued to Tommy Davis, dba Slick Machines, for the operation of a rock crushing facility in Somervell county. Everything that we have worked so hard to build, sustain and preserve on our properties will have been in vain. Our hard work and money spent will be for nothing. If the permit is issued, we will be forced to sell both properties at an extremely reduced rate, resulting in a major loss of money. We can not and will not live within an area that operates a rock crushing facility, because of the air quality and health concerns, the danger of the trucks and machinery that will be using our highway and roads, and the noise levels.

We ask that a public meeting be allowed, and additional time be given to organize this meeting. The people living on Chalk Mountain, Highway 67, and Somervell county need to be aware of the risk and dangers of the proposed rock crushing facility.

Thank you in advance for your consideration and assistance.

Sincerely,

Lynda Greer

Lynda Greer

Greer
PO Box 1429
Glen Rose, TX
76043

FORT WORTH TX 761
08 SEP 2008 PM 2 T

OFFICE OF CHIEF CLERK
TCEQ
PO BOX 13087
AUSTIN, TX 78711-3087

RECEIVED
SEP 09 2008
TCEQ MAIL CENTER
RB

78711+3087

NSR
64589

David and Lynda Greer
PO Box 1429
8521 West Hwy 67
Glen Rose, TX 76043
254.897.7595

September 8, 2008

OPA
PM
SEP 09 2008
BY

Office of Chief Clerk
TCEQ
PO Box 13087
Austin, TX 78711-3087

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- continued -

mw

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We ask that a public meeting be allowed, and additional time be given to organize this meeting. The people living on Chalk Mountain, Highway 67, and Somervell county need to be aware of the risk and dangers of the proposed rock crushing facility.

Thank you in advance for your consideration and assistance.

Sincerely,

Lynda Greer

Lynda Greer

NSR
44589 H

OPA

FEB 11 2009

BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 11 AM 10: 41

CHIEF CLERKS OFFICE

Office of the Chief Clerk
MC-105, TCEQ
PO BOX 13087
Austin, TX 78711-3087
February 9, 2009

To Whom it May Concern:

I own property at 5575 Somervell Co. Road 2015, Somervell County, Texas. I am planning to live at this site in 2010. The address location coordinates are 39.15277 deg. N / 97.89806 deg. W. or 0.65 miles from the proposed rock crusher operation.

I am **OPPOSED** to the Rock Crushing Facility - Air Quality Permit Request (**Permit Number 82199L002**) on Chalk Mountain, in Somervell County.

Tommy Davis dba Slick Machines, may be granted a permit to allow a rock crushing facility to operate eight hours/day, five days/week, and to crush 100 tons of rock/hour for a total of 100,000 tons/year. The permit seeks approval to allow air contaminants "including particulate matter less than 10 microns in diameter."

This proposed rock crushing facility will potentially impact this region's ability to meet the National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with Federal Clean Air Standards for the region. Consideration should be given regarding the impact of this rock crushing facility on the region's ability to meet the Federal Clean Air Standards for Particulate Matter less than 10 microns, which **presents the greatest health risks to ME due to its ease of respiration.**

I want to stress the issue of the Caliche Material that is to be crushed at the site. Based on the TxDOT Standard Specifications for Construction item #248 – Flexible Base, Caliche can be any of the following: argillaceous limestone (resembling clay), limestone, calcareous or calcareous clay particles (containing or like calcium carbonate), with or without stone. This material has a broad classification, because it is used to build-up the subgrade and is cheap and readily available.

The Caliche from Chalk Mountain would be classified as a Type-F - Grade #3 material. The TxDOT test procedure for this grade of material is what is retained on a square sieve analysis. This material would have 0% retained in a 1.75" sieve, and 50% to 85% of weight retained in a #40 sieve, to meet this grade #3. So, 50% to 85% of all this material is less than 1.75" and greater than 0.025" in size. The sieve analysis also shows that 15% to 50% of this material weight is less than 0.025" (63 microns) in size. That means that 15 to 50 tons of material that's less than 63 microns, is produced from this crusher per hour. How much of this material is 10 microns (.00039369") or less, is unknown from this TxDOT test.

MW

If just one tenth of one percent (0.01%) of this Caliche Material passing the #40 sieve is 10 microns or less, this rock crusher would produce between 30 to 100 pounds of particulates per hour of operation. Then add in the fact that the pit is at an elevation of 1260'+, this operation is on the plateau of a very large hill, and now add a little wind to see how far these less than 10 micron particles will travel.

A Sample of this Site Material Should be Tested, to see the true particle sizes below 0.025". If I can be allowed into the pit operation site, I would be glad to obtain the (2) five gallon buckets of material, and take it to Team Testing in Dallas, Texas, to have a particle test done. Team Testing would then submit the results to TCEQ for review.

I am requesting that a formal public or contested hearing, be held in regards to this **Permit Number 82199L002** request. This will allow for a thorough discussion of the issues involved before any decision is made.

Sincerely,

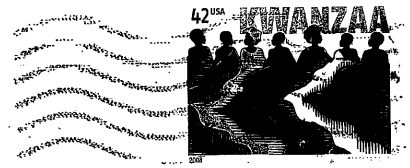
Sherman Griffith

Property - 911 Address
5575 CR 2015
Somervell County, TX

Mailing Address:
2009 Shumard Lane
Flower Mound, TX 75028
214-460-2167

Mr. Sherman Griffith
2009 Shumard Ln
Flower Mound, TX 75028

NORTH TEXAS PADC
TX 750 4 T
10 FEB 2009 PM



ON ENVIRONMENTAL QUALITY
2009 FEB 11 AM 10: 41
CHIEF CLERKS OFFICE

OFFICES OF CHIEF CLERK
MC-105, TCEQ
P.O. Box 13087
AUSTIN, TX 78711-3087

RECEIVED
FEB 11 2009
TCEQ MAIL CENTER
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78711+3087

Office of the Chief Clerk
MC-105, TCEQ
PO BOX 13087
Austin, TX 78711-3087
September 8, 2008

OPA
SEP 10 2008
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP -9 AM 10: 12
CHIEF CLERKS OFFICE

Dear Sir or Madam:

I am writing in regards to an Air Quality Permit Request (**Permit Number 82199L002**) in Somervell County. Tommy Davis has requested a permit to allow a rock crushing facility to operate eight hours/day, five days/week, and to crush 100 tons of rock/hour for a total of 100,000 tons/year. The permit seeks approval to allow air contaminants "including particulate matter less than 10 microns in diameter."

I own property close by the area to be permitted. One of the unique things about this property is the presence of two species of Federal and State listed Endangered Birds, the **Golden-Cheeked Warbler** and the **Black-Capped Vireo**. The property to be permitted is likely to also have populations of these endangered birds. If approved, the entire area's population of these protected birds will be negatively impacted by the air contaminants released by the rock crushing facility.

While I understand the permit request is in regards to air quality, I also think that other factors need to be considered. The rock removed from the property will definitely destroy critical habitat required by these two species of birds. If their habitat is destroyed that will be in violation of federal endangered species laws. The noise produced from the activities of this facility will also disturb the birds' nesting behavior, again in violation of federal laws protecting endangered species. A spring bird survey should be required before any permit is granted for this property.

I am requesting that a formal public hearing be held in regards to this **Permit Number 82199L002** request. This will allow for a thorough discussion of the issues involved before any decision is made.

Sincerely,

Sherman Griffith
5575 CoRd. 2015
Somervell County, TX

Mailing Address:
2009 Shumard Ln.
Flower Mound, TX 75028
214-460-2167

Mr. Sherman Griffith
2009 Shumard Ln.
Flower Mound, TX 75028

NORTH TEXAS P&DC
TX 750 3 T
08 SEP 2008 PM

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USA

OFFICE OF CHIEF CLERK
MC-105, TCEQ
P.O. Box 13087
AUSTIN, TX 78711-3087

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RB

78711+3087

(11)

TCEQ Public Meeting Form

Thursday, October 23, 2008

Tommy Davis dba Slick Machines
Proposed Air Quality Permit No. 82199L002

PLEASE PRINT:

Name: SHERMAN GRIFFITH

Address: 5575 CR 2015

City/State: WALNUT SPRINGS TX Zip:

Phone: (214) 460-2167

DO NOT USE, ALREADY ON TCEQ MAILING LIST.

☐ Please add me to the mailing list.

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

If yes, which one?

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 24 PM 3:23
CHIEF CLERKS OFFICE

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☒ I wish to provide formal oral comments.

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

Please give this to the person at the information table. Thank you.

MW

4

OPA

FEB 20 2009

BY SP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 20 AM 10: 34

CHIEF CLERKS OFFICE

NSR

041589

February 13, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a **Public Hearing** in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

As a member of Fort Worth Audubon Society and/or National Audubon, the opportunities afforded nature lovers at Chalk Mt. are of great importance.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility. Hundreds of tourist, including birdwatchers, come to the Chalk Mt. area to enjoy the native habitat and air quality provided in Somervell County.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Federally Endangered Species in and around the proposed facility due to air quality. We are especially concerned about the effect on the breeding birds of Chalk Mt., specifically the Golden-cheeked warbler and Black-capped vireo.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park. Our enjoyment of this Roadside Park will be effected by dust, debris and noise coming from the proposed facility.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

We feel we are affect parties, because:

- The Nuisance created by the proposed facility and its impact on our enjoyment of the State Roadside Park and the impact to our enjoyment of bird watching in the area in and around the proposed facility. For many years, Fort Worth Audubon Society has enjoyed the gracious hospitality of private landowners, specifically, the adjacent property landowner. We have been allowed access to survey and study the birds, including the Federally Endangered Birds named above.

- Dust and debri in the area will not only affect the health of birdwatchers in the area, it will cover the native habitat which is essential for the breeding population of Chalk Mt. Golden-cheeked warbler and Blck-capped vireos, both listed on Federally Endangered Species.

- Please include Fort Worth Audubon Society on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature

Name Karla Grimwood

Address 8104 Slide Rock Rd.
Fort Worth, TX 76137

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

NSR
64589

Laura C. Groome
P O Box 145
Rainbow, TX 76077
Somervell County Resident

OPA
PM
H
OCT 13 2008
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 13 AM 10: 21
CHIEF CLERKS OFFICE

October 9, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres of oak shinnery and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. I fear that the installation and operation of the proposed rock-crushing facility will adversely impact the nesting habitat and nesting habits of these 2 endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for habitat restoration may be wasted efforts if this facility is permitted for operation.

In addition to potential impacts to 2 federally endangered species of birds, the proposed rock crushing facility will also potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the

mw

destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

From: PUBCOMMENT-OPA
To: PUBCOMMENT-OCC2
Date: 4/19/2010 3:57 PM
Subject: Fwd: Public comment on Permit Number 82199L002
Place: PUBCOMMENT-OCC2

H

>>> PUBCOMMENT-OCC 4/16/2010 4:21 PM >>>

AIRNSR 64589

>>> <riverhawkgus@yahoo.com> 4/16/2010 2:36 PM >>>

REGULATED ENTY NAMESLICK MACHINES ROCK CRUSHER 1
RN NUMBER:RN105244461
PERMIT NUMBER:82199L002
DOCKET NUMBER:
COUNTY:SOMERVELL
PRINCIPAL NAME:DAVIS, TOMMY
CN NUMBER:CN602877276
FROM
NAME: Linda Gustafson
E-MAIL:riverhawkgus@yahoo.com
COMPANY: Ancient Winds
ADDRESS:1348 COUNTY ROAD 2013
WALNUT SPRINGS TX 76690-3080
PHONE:
FAX:
COMMENTS: April 16, 2010 LaDonna Castanuela Chief Clerk TCEQ, MC-105 PO Box 13807 Austin, TX 78711-3087 RE: Tommy Davis dba Slick Machines Permit # 82199L002 Dear Ms. Castanuela, I request a contested case hearing. My name and address is as follows: Linda J. Gustafson 1348 County Road 2013 Walnut Springs, TX 76690 817 894-0888 I am an affected person because I live approximately ½ mile from the proposed rock crushing facility and I will certainly suffer the consequences of Slick Machines. Here are the facts: I have allergies and a heart condition and the dust and pollution from this plant will diminish my ability to breathe and enjoy my life. Slick Machines will impact the regions ability to meet National Ambient Air Quality Standards for particulate matter less than 10 microns. This plant has been and will continue to be a health and safety hazard to everyone. Slick Machines will cause excessive noise from operation of the facility. I can already hear the trucks from my home and the rock crushing has not even begun. The dynamiting is very loud and frightening to me and the animals. I cherish and value my land and my way of living. I especially cherish the peace and serenity which will certainly be destroyed by Slick Machines. Slick Machines will (and already has) destroyed wildlife habitat and increase erosion. I can see the bare mountain from my home already. The aesthetic beauty of Chalk Mountain will be and IS being destroyed. The habitat for the endangered Black-capped Vireo and the Golden-cheeked Warbler that I have been trying to protect for 11 years is being destroyed even as we speak. I have bird watchers coming out to my house frequently and this is going to have a direct effect on their visits because there will be no more birds to watch. My safety is going to be jeopardized by the increase of trucks pulling in and out of this facility and onto the highway I travel every day. Slick Machines use of dynamiting will cause fly rock and shock waves....not to mention the tremendous amount of dust that will be created. My land will surely depreciate in value if Slick Machines is allowed to continue. Who wants to live ½ mile from a rock quarry? Let me state that my experience with rock crushers and TCEQ has shown that TCEQ always favors the corporation, the business, and not the individual or the landowner. Im hopeful that this time you will protect the landowners from the nuisance this rock crusher will create. Again, I request a contested case hearing. Thank you, Linda Gustafson

MW

NSR
645891

PM
H

OPA

BY KG

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 FEB -4 AM 10: 11

CHIEF CLERKS OFFICE

February 2, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

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mw

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I respectfully request a public meeting and hearing on this issue.

Sincerely,

Linda Gustafson
1348 CR 2013
Walnut Springs TX 76690

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Mike Wilson, Permits Division, TCEQ
Booker Harrison, Environmental Law Division, TCEQ
Dirk Kempthorne, Secretary of Interior
Dale Hall, Director of US Fish & Wildlife Service
Benjamin Tuggle, Southwest Region, US Fish & Wildlife Service
Division of Endangered Species, US Fish & Wildlife Service
Division of Bird Habitat Conservation, US Fish & Wildlife Service
State Senator Troy Fraser via email troy.fraser@senate.state.tx.us
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

Linda

FOSSIL RIM
WILDLIFE CENTER

P.O. BOX 2189 • 2155 COUNTY ROAD 2008
GLEN ROSE, TEXAS 76043

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 FEB -4 AM 10: 1
CHIEF CLERKS OFFICE

FORT WORTH TX 761
02 FEB 2009 PM 8 T

USA 42

Office of the Chief Clerk
Mail Code 105 TCEQ
PO Box 13087
Austin TX 78711-3087

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NOR
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 OCT 30 AM 10: 15

CHIEF CLERKS OFFICE

October __28_, 2008

pm OPA
H OCT 30 2008
BY EB

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. My families' health will be adversely affected by the emissions from a rock crushing facility. This will cause my family member to have trouble breathing, severe sinus headaches and coughing spells. I live within ____1/2_____ mile of the proposed site for the rock crusher. The physical address of my property is:___1348 County Road 2013. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Additional environmental impacts of concern include excessive noise from operation of the facility. Blasting safety is a major concern with the many pipelines recently installed in the area. I live __75'____ mile/feet from an existing pipeline. I am also concerned regarding the use of ground water. All residents in the impacted area are on individual water wells which have been drilled at the resident's expense. Will the operator of the rock crusher be drilling a water well or will he haul water? What hazards will be in the drainage from the used water? I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue. Please use the following address for any correspondence.

Name: Linda J. Gustafson email: LJG@htcomp.net

Address: 1348 County Road 2013

Walnut Springs, Texas 76690

mw

Lg

FOSSIL RIM
WILDLIFE CENTER

P.O. Box 2189 • 2155 County Road 2008
Glen Rose, Texas 76043

FORT WORTH, TX 761

29 OCT 2008 PM 1 T

"LET US DARE TO [redacted]
THINK, SPEAK [redacted]
John Adams, 17[redacted]
powerwithletter.com

USA 42

Office of the Chief Clerk
Mail code 105 TCEQ
PO Box 13087
Austin, TX 78711-3087

RECEIVED
OCT 30 2008
TCEQ MAIL CENTER

78711
78711+3087

AIR NSR
64589

September 17, 2009

OPA
SEP 22 2009
BY

Office of the Chief Clerk, MC 105
TCEQ
PO Box 13087
Austin, TX 78711-3087

Re: Permit number 82199L002 (Slick Machines)

I oppose the permitting of Slick Machines. I live 1/2 mile from the proposed site and have written several protest letters to you already.

I would like to bring to your attention two more reasons I oppose the permitting of Slick Machines.

The Glen Rose VORTAC (Very High Frequency Omni-directional Radio Range with Tactical Air Navigation) that serves DFW International Airport; Dallas Love Field; Redbird; Fort Worth Meacham and Alliance Airport is less than one (1) mile from Tommy Davis' proposed rock crushing site. I have contacted DOT and am waiting to hear from them. This is a very important tower to at least five different airports.

Another consideration for not permitting Slick Machines is that there are several gas pipelines in the area he is proposing to set up in.

Please take into consideration these factors as well as his being a safety and health hazard; his endangering 3 species of federally protected birds; causing property value to decline; destroying habitat; polluting the air; threatening historical artifacts and being a NUISANCE.

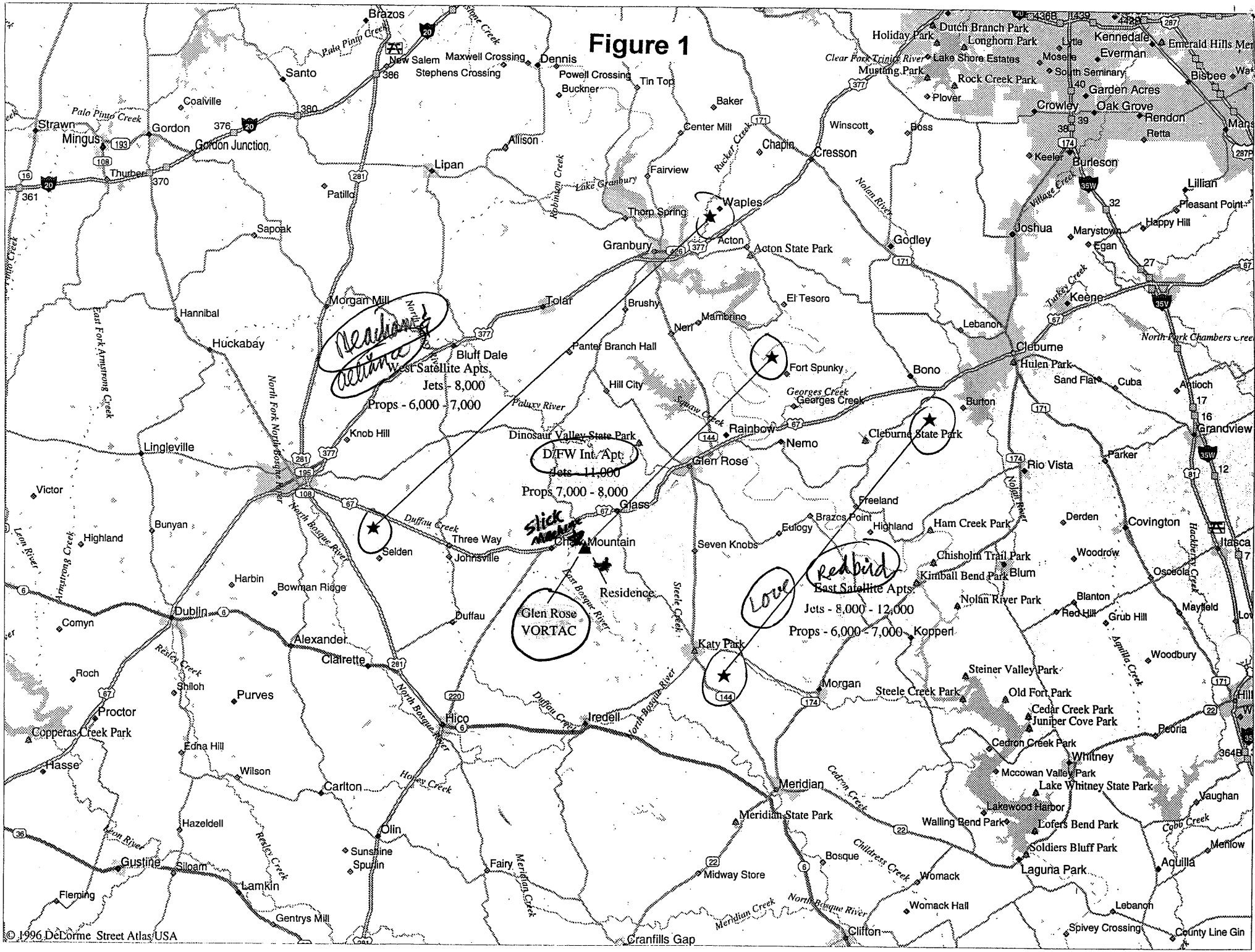
Thank you.

Linda Gustafson

Linda Gustafson
1348 CR 2013
Walnut Springs, TX 76690

2009 SEP 22 AM 9:5
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Figure 1



Brazos
Santo
New Salem
Maxwell Crossing
Stephens Crossing
Dennis
Powell Crossing
Buckner
Tin Top
Baker
Center Mill
Chapin
Cresson
Winscott
Boss
Holiday Park
Dutch Branch Park
Longhorn Park
Lake Shore Estates
Mustang Park
Rock Creek Park
Plover
Kennedale
Everman
Garden Acres
Crowley
Oak Grove
Rendon
Bisbee
Retta
Keeler
Burleson
Lillian
Pleasant Point
Happy Hill
Joshua
Marystown
Egan
Godley
Keene
Cleburne
Hulen Park
Sand Flat
Cuba
Antioch
Grandview
Lebanon
Bono
Burton
Rio Vista
Parker
Covington
Itasca
Derden
Woodrow
Osceola
Blanton
Red Hill
Grub Hill
Mayfield
Woodbury
Peoria
Whitney
Mccowan Valley Park
Lake Whitney State Park
Lakewood Harbor
Walling Bend Park
Lofers Bend Park
Soldiers Bluff Park
Laguna Park
Aquilla
Menlow
Vaughan
Cobb Creek
Spivey Crossing
County Line Gin
Lebanon
Clifton
Womack
Womack Hall
Bosque
Midway Store
Cranfills Gap
Meridian
Meridian State Park
Cedron Creek
Childress Creek
Meridian Creek
North Bosque River
Hico
Iredell
Duffau Creek
Duffau
Alexander
Clairette
Dublin
Comyn
Roch
Shiloh
Purves
Proctor
Copperas Creek Park
Hasse
Edna Hill
Wilson
Carlton
Olin
Sunshine
Spurlin
Fairy
Hazeldell
Gustine
Siloam
Lamkin
Fleming
Gentrys Mill
Harbin
Bowman Ridge
Highland
Bunyan
Victor
Lingleville
Knob Hill
Huckabay
Hannibal
Morgan Mill
Bluff Dale
Tolar
Granbury
Acton
Acton State Park
Waples
Thorp Spring
Fairview
Lipan
Allison
Patillo
Sapoak
Coalville
Strawn
Mingus
Gordon
Gordon Junction
Thurber
Palo Pinto Creek
Lake Granbury
Robinson Creek
Rucker Creek
Nolan River
Village Creek
Turkey Creek
North Fork Chambers Creek
Clear Fork Trinity River
Paluxy River
Squaw Creek
Georges Creek
Duffau Creek
Selden
Three Way
Johnsville
Glass
Glen Rose
Rainbow
Nemo
Fort Spunky
Hill City
Panter Branch Hall
Brushy
Nerr
Mambrino
El Tesoro
Dinosaur Valley State Park
Cleburne State Park
Freeland
Brazos Point
Highland
Eulogy
Seven Knobs
Chalk Mountain
Residence
Glen Rose
VORTAC
Katy Park
Morgan
Kopperl
Blum
Ham Creek Park
Chisholm Trail Park
Kimball Bend Park
Nolan River Park
Steiner Valley Park
Steele Creek Park
Old Fort Park
Cedar Creek Park
Juniper Cove Park
Cedron Creek Park
Steele Creek
Hackberry Creek
Aquilla Creek
Leon River
Armstrong Creek
East Fork Armstrong Creek
North Fork North Bosque River
North Bosque River
East Bosque River
Resley Creek
Honey Creek
Meridian Creek
Cedron Creek
Nolan River
Clear Fork Trinity River
Palo Pinto Creek
Palo Pinto Creek
Brazos
Neachant
Alliance
West Satellite Apts.
Jets - 8,000
Props - 6,000 - 7,000
D/FW Int. Apt.
Jets - 11,000
Props 7,000 - 8,000
Slick
Love
Redbird
East Satellite Apts.
Jets - 8,000 - 12,000
Props - 6,000 - 7,000
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P.O. BOX 2189 • 2155 COUNTY ROAD 2008
GLEN ROSE, TEXAS 76043

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 SEP 22 AM 10: 18

CHIEF CLERKS OFFICE

FORT WORTH TX 761

18 SEP 2009 PM 6 T

USA FIRST-CLASS FOREVER

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SEP 22 2009

TCEQ MAIL CENTER
AJ

Office of the Chief Clerk MC 105
TCEQ
PO Box 13087
Austin, TX 78711-3087

78711-3087

From: PUBCOMMENT-OCC2
To:
Subject: Re: Fwd: Public comment on Permit Number 82199L002

>>> PUBCOMMENT-OPA 9/17/2009 2:57 PM >>>

>>> PUBCOMMENT-OCC 9/17/2009 1:31 PM >>>

>> 9/17/2009 1:14 PM >>>

AIRNSR
64589

REGULATED ENTY NAMESLICK MACHINES ROCK CRUSHER 1
RN NUMBER:RN105244461
PERMIT NUMBER:82199L002
DOCKET NUMBER: Not Found
COUNTY:SOMERVELL
PRINCIPAL NAME:DAVIS, TOMMY
CN NUMBER:CN602877276
FROM
NAME: Linda Gustafson
E-MAIL
COMPANY:
ADDRESS:2155 COUNTY ROAD 2008
GLEN ROSE TX 76043-6117
PHONE:
FAX:
COMMENTS:I oppose the permitting of Slick Machines. I live 1/2 mile from the proposed site and have written several protest letters. I would like to bring to your attention two more reasons I oppose the permitting of Slick Machines. The Glen Rose VORTAC (Very High Frequency Omni-directional Radio Range with Tactical Air Navigation) that serves DFW International Airport; Dallas Love Field; Redbird; Fort Worth Meacham and Alliance Airport is less than one (1) mile from Tommy Davis' proposed rock crushing site. I have contacted DOT and am waiting to hear from them. This is a very important tower to at least five different airports. Another consideration for not permitting Slick Machines is that there are several gas pipelines in the area he is proposing to set up in. Please take into consideration these factors as well as his being a safety and health hazard; his endangering 3 species of federally protected birds; causing property value to decline; destroying habitat; polluting the air; threatening historical artifacts and being a NUISANCE. Thank you.

MW

From: PUBCOMMENT-OCC2
To:
Subject: Re: Fwd: Public comment on Permit Number 82199L002

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>>> PUBCOMMENT-OCC 9/17/2009 1:31 PM >>>

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AIR NSR
64589

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RN NUMBER:RN105244461
PERMIT NUMBER:82199L002
DOCKET NUMBER: Not Found
COUNTY:SOMERVELL
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NAME: Linda Gustafson
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GLEN ROSE TX 76043-6117
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mw

(3)

TCEQ Public Meeting Form

Thursday, September 3, 2009

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 SEP -4 PM 4:26
CHIEF CLERKS OFFICE

Tommy Davis dba Slick Machines
Proposed Air Quality Permit No. 82199L002

PLEASE PRINT:

Name: LINDA GUSTAFSON

Mailing Address: 1348 CR 2013 Walnut Springs TX 76690

Physical Address (if different):

City/State: Walnut Springs **Zip:**

Phone: (817) 578-0674

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

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

If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☑ **I wish to provide formal oral comments.**

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

Please give this to the person at the information table. Thank you.

MW

OPA RECEIVED
SEP 03 2009
AT PUBLIC MEETING

- My name is Linda Gustafson.

- I live at 1348 County Road 2013 approximately ½ mile from the proposed Slick Machines rock crusher site.

- I oppose the permitting of Slick Machines.

- I oppose because my experience in Somervell County with rock crushers has been terrible – which I'm going to tell you about – and so far Slick Machines has shown us through its actions and inactions, such as broken promises and failure to comply with TCEQ regulations, that it is going to be just as bad if not worse as that rock crusher 14 years ago.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 SEP -4 PM 4:27
CHIEF CLERKS OFFICE

II. My Interest in This Proceeding.

- Let me state that my experience has shown that the TCEQ always favors the corporation, the business, and not the individual or the landowner.

- You may say that is not true, that you consider small folks like me, but the record shows otherwise.

- I'm here hopeful that this proceeding, and this process, won't just be a repeat of the last process we went through 14 yrs ago. That it won't just be a pro-forma administrative process just because the law requires you to have a process.

- I'm hopeful that you will protect the landowners from the nuisance this rock crusher will create.

III. The Values at Stake Here

- We are all suffering from economic hard times. It is certainly good to have new businesses and jobs in the community. But jobs and business are not the only things of value in this community.

- We value our land.
- We value our homes.
- We value our way of living.
- Those values are just as important as jobs in the community and you cannot take them away from us.

IV. **My experience with Rock Crushers and the TCEQ.**

- I'm here because I don't want to see a repeat of the last duet between rock crushers and the TCEQ.

- Here's what happened.
  - Our property was defiled.
  - Repeatedly.
  - And the TNRCC let it happen.

- During the fall of 1995, our neighbor told us that he had leased his land to a rock crusher and that the rock crusher would set up operations just off our back fence line. The rock crusher said this would be a 30-day, Monday through Friday, 8 to 5, no weekends project. He said we wouldn't be able to hear the crusher. The crusher would only set off seven shots of dynamite and he would always call before he dynamited. But wait…the opening shot had already been done.

- That was all a lie and he never called. Sometimes he worked
    - from sunup to sundown, 7 days a week. He even
    - worked on Thanksgiving Day in 1995.

- When this happened 14 years ago, the TCEQ was TNRCC, Texas Natural Resource Conservation Commission. From what we can determine from the record, the only regulatory check the TNRCC did was to ask the crusher to draw a ½ mile circle on a piece of paper to show where his plant was going to be. Amazingly, they didn't even send someone out to check the property. The TNRCC just took his word for it.

- Was that word to be trusted?

- **Hell no!**

- The crusher applied for a standard exemption. That meant he couldn't be closer than ½ mile from any inhabited buildings. In fact, he was too close. 700 feet too close. He knew that. He simply ignored the TNRCC regulations.

- The TNRCC failed to supervise this crusher. We complained, and we complained, and we complained. Nothing happened. The crusher continued to operate just off our property line.

- Finally, the TNRCC served a Notice of Violation on him. The TNRCC gave him 30 days to move back.

- What did he do?

- Nothing.

- He simply ignored the TNRCC. He refused to move back.

- The crusher continued to bombard our land with rock from the blasting. He never told us when he was going to dynamite. We had a 20-acre coastal field in front of our house and we could feel the shock waves roll across the pasture and hit the house before we ever heard an explosion. The fly rock broke tree limbs, the explosions knocked pictures off our walls and insulation out of our ceiling. Fly rock big enough to kill was thrown 20 yards inside our property where our horses and cattle grazed.

- We complained to the TNRCC, which continued for a long time to be unresponsive.

- Finally, the TNRCC stepped up to its responsibilities and issued a Formal Enforcement Notice against the rock crusher and voided his exemption.

- What did he do?

- He simply applied for another exemption.

- He continued to bombard our land.

- The TNRCC eventually denied his application for another exemption.

- What did he do?

- He applied for a permit to be within 1000 feet of a building.

- And he continued to bombard our land.

V. The Rock Crusher and the TNRCC Defiled our Land.

- I cannot overstate the harm this rock crusher, and the inaction of the TNRCC, did to us.

- We cherished our land and put a lot of work and a lot of ourselves into it. It was a sanctuary, a home, and the place where we were going to spend the rest of our lives.

- The rock crusher defiled that sanctuary.
- And the TNRCC let him do it.

VI. The Rock Crusher Defiled Other Values As Well.

- During 1990 the landowner's brother discovered Indian remains 75 feet from where the rock crusher planned to set up his operation.
- There was considerable concern expressed about possible damage by the rock crusher to artifacts.
- Jimmy Smith, in the Texas Archeological Society (Volume 65/1994), wrote that the shelter where bodies of a man 35-45 years old and a child 3-5 years old were found was probably occupied as a temporary hunting camp and occupied between 600 and 1050 AD.
- The burial was uncommon and was thought to be of a person of importance.
- And yet, they wanted to put a rock crusher on top of it.

VII. **My Search for Help; And Constant Disappointment.**

- One of the first people I contacted for help in dealing with the rock crusher was Bill Martin, a staff archeologist for the Texas Historical Commission. I asked him to step up and help us with a rock crusher who simply ignores the TNRCC and breaks every promise he makes.
- What did he do?
- Nothing.
- Mr. Martin said he could only step in when the county owns the land.
- I then called almost every government agency in Texas; none of whom would help.

- I called:

the Somervell County Judge;

the Somervell County Sheriff's office;

the Johnson County DA;

the Somervell County DA;

the Texas Railroad Commission;

Surface Mining,

The Texas Department of Commerce;

The Environmental Protection Agency;

The ATF (Alcohol, Tobacco and Firearms) (Because of the rock crusher's negligent use of explosives)

OSHA

*Safety Discrimination 214 767-4491

*Department of Transportation 817 334-3225

*The U.S Corp of Engineers 817 334-2300

*The State Health Dept 460-3032

*The Texas Department of Public Safety

*The Air Control Board

*and Arlene Wohlgemuth, our State Representative.

- **NOBODY WAS WILLING TO HELP. It was out of their jurisdiction**

- I finally went to Waco to see if Senator David Sibley could help. Becky Dixon, his District Manager had invited me to bring all my paperwork and she would try to help. Ms. Dixon made several phone calls and wrote letters to TNRCC and also suggested I call Mine Safety and Health (MSHA).

- MSHA sent an inspector to the site who found numerous violations in the crusher's operations. The inspector issued the rock crusher two citations and 30 CAV (Compliance Assistance Visit) notices. CAV's are potential violations or imminent danger situations. He also cited the blasting company, Austin Powder, for negligence and for violation of regulations.

VIII. Here We Are Again.

- After all that has gone on before, what am I to expect from you now?
- The rock crusher 14 years ago operated in direct violation of state and federal regulations and simply ignored the TNRCC.
- The TNRCC – now the TCEQ – still grants permits to people who do not comply with the law.
- What do we have to do to protect our property and rights?
- If we can't rely on you to protect our interests, who will help us?
- Does the TCEQ stand for anything – other than "let's make profits for all the rock crushers?"
- The last time we went through all of this, I watched the TNRCC display a shocking pattern of negligence and ignorance in supervising a rock crusher.

- **Here are the facts.**
    - Rock Crushers are a nuisance. (A public nuisance is
        - defined as causing annoyance to the community or harm to public health.)
    - Rock Crushers make noise.
    - They make dust.
    - They pollute the air.
    - They blow things up.
    - They destroy the land.
    - They threaten historical artifacts.
    - They create a health and safety hazard.
    - They cause property values to decline.
    - They destroy habitat.

DESTRUCTION OF HABITAT

In January, 1999 Environmental Defense launched its Landowner Conservation Assistance Program (LCAP) to encourage private landowners across the Texas Hill Country to restore and enhance habitats for the Black-capped Vireo and the Golden-cheeked Warbler.

It has been documented by the Ft. Worth Audubon Society and the Environmental Defense that these endangered species of birds are present on the Parham property (where Slick Machines is setting up).

The removal of habitat on this property will have a definite impact on the health, welfare and safety of the birds.

Does this matter to TCEQ and Slick Machines?

I doubt it.

- **Here are some more facts:**
  - We, the landowners in the area of the rock crusher value our land.
  - We have large, and often very long term, investments in our land.
  - The value of our land is important to us and to our children and grandchildren.
  - In tough economic times, the value of our land is important in maintaining financial security, paying mortgages, and holding creditors at bay.
  - We like our land.
  - We like to live on our land peacefully.
  - We use our land for life, liberty and the pursuit of happiness.

I SAY TO TCEQ:

- How about this time you do something different?
- How about you consider the people for a change?
- The PEOPLE.
- US.

NSR
LL4589

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 FEB 13 PM 4:08

OPA CHIEF CLERKS OFFICE

PM
IP

BY EB

February 11, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a Public Meeting in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility, we live within ½ mile of the proposed location.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Endangered Species in and around the proposed facility due to air quality.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Impact to the roads in Somervell County and the cost associated with upgrading the roads to handle Rock Haulers and the dangers posed by heavy trucks ingress and egress to Hwy 67.
- Decreased property values in the area around the proposed facility and in Somervell County.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park.
- The Nuisance created by the proposed facility preventing the enjoyment of the State Roadside Park and surrounding bird watching areas.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

Concerning the Public Meeting we are requesting be held in Glen Rose, we respectfully request a meeting with the TCEQ to understand why:

- Questions that were raised in the first Public Meeting held in Glen Rose on October 23, 2008 have gone unanswered, yet the Permit process is progressing.
- Why the questions were not reviewed as part of the vetting process to determine if the Permit Application was "Administratively Complete" and complied with TCEQ Rules and Regulations when over 20 flaws were noted in the initial permit.
- Why the Permit Application has been allowed to move forward while the Public has not been provided with information as detailed in the TCEQ Public Notices in the *Glen Rose Reporter*.
- Why the TCEQ has not made sure the Applicant filed information in accordance with the requirements of the Second Notice from the first day that the notice was placed in the *Glen Rose Reporter*.
- Why the TCEQ is allowing the process to move forward when the notice was placed in the paper improperly.
- Why the TCEQ is rushing the application through the approval process without having performed tests to identify whether Silica will be present in the air as the result of Rock Crushing operation or if any other known Carcinogens will be released into the atmosphere as a result of Rock Crushing operations.

Please include our name on the permanent mailing list for this permit application 82199L002.

Sincerely,

Linda Gustafson
1348 County Rd 2013
Walnut Springs TX 76690

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us
Representative Harvey Hildebran
David Frederick, Attorney

October 24, 2008

NSR
104584

OPA

BY EB

2008 OCT 27 PM 3:11
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Office of the Chief Clerk
Mr. Larry Buller
TCEQ, MC-105
PO Box 13087
Austin, TX 78711-3087

Re: Permit Application # 82199L002

I have a few questions that I should have brought up at the Town Hall Meeting in Glen Rose on Thursday, October 23, 2008 with TCEQ and Mr. Tommy Davis/Slick Machines.

1) If Davis doesn't qualify for the air permit will he apply for the "standard permit" (if it still exists). I know in the past when someone couldn't get the custom air permit they would apply for the standard exemption which allowed them to still crush but at a further distance (1/2 mile I believe). I was told (and this may be incorrect) that the two things to consider for an "exemption" are (1) air pollution and (2) whether or not it creates a nuisance.

2) Where will he store his dynamite and who is his blasting operator? Does he have to notify ATF? I know the concussions/shock waves from blasting can be felt for long distances and the fly rock can be fatal.

3) Is he required to notify MSHA (Mine, Safety and Health) before he blasts? What will be considered his "blasting area"?

4) I know Mr. Davis has applied for a PBR (Permit by Rule) for the rock screening and it is being reviewed by TCEQ but it hasn't been issued yet. Am I correct in understanding that he can legally screen the rock NOW while he is waiting for his PBR and air permit? Will he continue rock screening even if he doesn't get the air permit?

Regards,

Linda Gustafson

Linda Gustafson
1348 County Rd. 2013
Walnut Springs, TX 76690

Linda

FOSSIL RIM
WILDLIFE CENTER

P.O. Box 2189 • 2155 County Road 2008
Glen Rose, Texas 76043

COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 27 PM 3:10
CHIEF CLERKS OFFICE

FORT WORTH TX 761
24 OCT 2008 PM 3 L

"LET US DARE TO READ, THINK, SPEAK AND WRITE"
John Adams, 1765
poweroftheletter.com

USA 42

Office of the Chief Clerk
TCEQ MC-105
PO Box 13087
Austin, TX 78711-3087

RECEIVED
OCT 27 2008
TCEQ MAIL CENTER
RB

78711+3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NSR 661589

2008 SEP 26 PM 2:26

CHIEF CLERKS OFFICE

OPA

SEP 26 2008

BY EB

September 25, 2008

Office of the Chief Clerk
MC: 105 TCEQ
PO Box 13087
Austin, TX 78711-3087

RE: Rock Crusher Permit #82199L002
Tommy Davis
Slick Machines

This letter is to serve as a protest to Tommy Davis application for a rock crushing operation on 11209 Highway 67, Glen Rose, Texas.

I live in Somervell County at 1348 County Road 2013 which I understand is very close to where Tommy Davis wants to set up his rock crushing operation.

I am totally against this. I fought a rock crusher owned by Larry Witt in 1995 that was located on CR 2011 in Somervell County. I know what it is like to have dynamite going off unexpectedly throwing fly rock on my ranch…not to mention the noise of the rock crusher itself and the dust. In 1995 I contacted everyone from the Railroad Commission to the Senator in Waco for help. Finally MSHA (Mine, Safety and Health) wrote Witt up for several violations including the fly rock that was being flung on my ranch where my cattle and horses were grazing and stopped him temporarily.

In about 2001 I called TCEQ again about another crusher owned by Corky Underwood that is located off of Hwy. 67. I am at work right now but I do have all my paperwork concerning these two crushers at home.

I have a Wildlife Exemption on my ranch as does several of my neighbors with the Chalk Mountain Wildlife Association. This crusher will undoubtedly do tremendous damage to the environment. I have worked with the National Fish and Wildlife Foundation, Texas Parks and Wildlife, and several biologists who can back me up.

The Chalk Mountain ecosystem is critically important to wildlife for a number of reasons. This area is near the northeastern limit of the breeding range for both the Golden-cheeked Warbler and the Black Capped Vireo. In addition, this ecosystem remains relatively intact at a landscape scale and contains a unique diversity of existing and potential wildlife habitats. Setting up a rock crushing plant will certainly ruin this habitat.

Linda Gustafson
1348 County Road 2013
Walnut Springs, TEXAS 76690
817 578-0674
riverhawk@htcomp.net

Linda Gustafson

mw

FOSSIL RIM
WILDLIFE CENTER

P.O. Box 2189, 2155 County Road 2008
Glen Rose, Texas 76043
www.fossilrim.org

Office of the Chief Clerk
MC: 105 TCEQ
re: Permit
82199L002

NSR
604589

September 25, 2008

OPA
SEP 26 2008
BY EB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP 25 PM 2:24
CHIEF CLERKS OFFICE

Office of the Chief Clerk
MC: 105 TCEQ
PO Box 13087
Austin, TX 78711-3087

RE: Rock Crusher Permit #82199L002
Tommy Davis
Slick Machines

This letter is to serve as a protest to Tommy Davis application for a rock crushing operation on 11209 Highway 67, Glen Rose, Texas.

I live in Somervell County on County Road 2013 which I understand is very close to where Tommy Davis wants to set up his rock crushing operation.

I am totally against this. I fought a rock crusher owned by Larry Witt in 1995 that was located on CR 2011 in Somervell County. I know what it is like to have dynamite going off unexpectedly throwing fly rock on my ranch...not to mention the noise of the rock crusher itself. In 1995 I contacted everyone from the Railroad Commission to the Senator in Waco. Finally MSHA stepped in and helped.

In about 2001 I called TCEQ again about another crusher owned by Corky Underwood that is located off of Hwy. 67. I am at work right now but I do have all my paperwork concerning these two crushers at home.

I have a Wildlife Exemption on my ranch as does several of my neighbors with the Chalk Mountain Wildlife Association. This crusher will undoubtedly do tremendous damage to the environment. I have worked with the National Fish and Wildlife Foundation, Texas Parks and Wildlife, and several biologists who can back me up.

I will do whatever it takes to stop this.

My contact information is:

Linda Gustafson

Linda Gustafson
1348 County Road 2013
Walnut Springs, TEXAS 76690
817 578-0674
riverhawk@htcomp.net

mw

FOSSIL RIM
WILDLIFE CENTER

Fax Cover Sheet

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP 25 PM 2:24
CHIEF CLERKS OFFICE

Date: 9-25-08

Send To: Chief Clerk

Fax Number: 512-239-3311

From: Linda Gustafson

Phone Number: 254.897.2960 X248

Fax Number: 254.897.3785

Total Pages:

call me w/ questions
817-578-0674
Linda

PO Box 2189 Glen Rose, Texas 76043 • 254.897.2960 • www.fossilrim.org

NSR
64589 pm
H

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

OPA
OCT 16 2008
BY BP

October 8, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 16 AM 10: 32
CHIEF CLERKS OFFICE

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at: 1076 HUFFMAN DRIVE

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

Air Quality in Somervell County, the proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Endangered Species. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Environmental Issues. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

Economic Impact. Somervell County is a destination location for tourists all over North Texas, including locations such as Dinosaur State Park and Fossil Rim Wildlife Center which are within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Holly J Haefele DVM

Holly J. Haefele, DVM

MW

Ms. Holly Haefele
1076 Huffman Dr.
Glen Rose, TX 76043

FORT WORTH TX 761

14 OCT 2008 PM 3 L

Office of The Chief Clerk
Mail Code 105 TCEQ
PO BOX 13087
Austin, TX 78711-3087

RECEIVED
OCT 16 2008
TCEQ MAIL CENTER
RB

78711+3087

February 13, 2009

H OPA

FEB 20 2009

BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 20 AM 10: 33

CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

NSR
104589

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a **Public Hearing** in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

As a member of Fort Worth Audubon Society and/or National Audubon, the opportunities afforded nature lovers at Chalk Mt. are of great importance.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility. Hundreds of tourist, including birdwatchers, come to the Chalk Mt. area to enjoy the native habitat and air quality provided in Somervell County.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Federally Endangered Species in and around the proposed facility due to air quality. We are especially concerned about the effect on the breeding birds of Chalk Mt., specifically the Golden-cheeked warbler and Black-capped vireo.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park. Our enjoyment of this Roadside Park will be effected by dust, debris and noise coming from the proposed facility.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

We feel we are affect parties, because:

- The Nuisance created by the proposed facility and its impact on our enjoyment of the State Roadside Park and the impact to our enjoyment of bird watching in the area in and around the proposed facility. For many years, Fort Worth Audubon Society has enjoyed the gracious hospitality of private landowners, specifically, the adjacent property landowner. We have been allowed access to survey and study the birds, including the Federally Endangered Birds named above.

- Dust and debri in the area will not only affect the health of birdwatchers in the area, it will cover the native habitat which is essential for the breeding population of Chalk Mt. Golden-cheeked warbler and Blck-capped vireos, both listed on Federally Endangered Species.

- Please include Fort Worth Audubon Society on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature Melissa Hawrocki

Name Melissa Hawrocki

Address 1725 Whispering Cove Tr
Ft Worth Tx 76134

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

NSR
041589

Office of Chief Clerk
TCEQ
PO Box 13087
Austin Texas 78711-3087

OPA
PM
H
OCT 13 2008
BY

2008 OCT 13 AM 10:22
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Re Air Quality Permit #82199L002

To Whom It May Concern:

The purpose of this letter is to submit public comments, to request a public meeting and to request a contested case hearing to the Office of the Chief Clerk. An application has been made to the TCEQ for a permit which would authorize a rock crushing facility at 11209 US Hwy. 67, Glen Rose, Texas, Somervell County. Tommy Davis, dba Slick Machines, of Brownwood, Texas is the applicant. I am definitely opposed to this permit being issued because of the following reasons.

Air contaminants and loss of habitat will negatively impact the health and well being of Federally and State listed Endangered Species (Black-Capped Vireos and Golden-Cheeked Warblers). They are on the top 10 endangered list. I feel all wild life will be affected.

I am concerned about air and noise pollution negatively affecting the health and quality of life of residents.

This is a heavily populated area. The speed limit is 70 mi. per hour on the highway. There are steep inclines and many curves. Increased truck traffic will create dangerous conditions in this area.

I fear a negative economic impact on Somervell County because of the loss of tourism and lower home values.

Chalk Mountain, an identifiable historical state landmark, would be forever removed from our landscape. A State Road Side Park considered one of the states most beautiful will be overlooking a rock crushing facility if this permit is granted. There are numerous other historical sites in the area including a church.

We recognized the need for rock crushers and gravel. We simply feel, for the reasons stated above, that the proposed site is the wrong location for a facility of this kind, and we request you assistance in ensuring that this facility is not established.

Sincerely,

Robert Logan Haynes
4690 CR2011 A.
Walnut Springs TX 76690

mw

Robert Logan Haynes
4690 CR 2011 A.
Walnut Springs TX
76690

mc 105

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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 13 AM 10: 22

CHIEF CLERKS OFFICE

Office of Chief Clerk
TCEQ
P.O. Box 13087
Austin Texas 78711-3087

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OCT 13 2008
TCEQ MAIL CENTER

78711+3087

October 11, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

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H

OPA
OCT 16 2008
BY BP

NEZ
645891

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 16 AM 11:00
CHIEF CLERKS OFFICE

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres of oak shinnery and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. I fear that the installation and operation of the proposed rock-crushing facility will adversely impact the nesting and occupied habitat of these 2 endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for habitat restoration may be wasted efforts if this facility is permitted for operation.

In addition to potential impacts to 2 federally endangered species of birds, the proposed rock crushing facility will also potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Linda Heideman

Linda Heideman
P.O. Box 188
Glen Rose, Texas 76043

cc: LaDonna Castanuela, Chief Clerk, TCEQ
Mike Wilson, Permits Division, TCEQ
Booker Harrison, Environmental Law Division, TCEQ

MW

Linda Heideman
PO Box 188
Glen Rose, TX 76043-0188

[redacted] DARE TO R[redacted]
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John Adams, 1765
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 16 AM 11:00
CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

October 11, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

OPA
OCT 16 2008
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 16 AM 10: 36
CHIEF CLERKS OFFICE

RE: Permit Request No. 82199L002

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I respectfully request a public meeting and hearing on this issue.

Sincerely,

Linda Heideman
P.O. Box 188
Glen Rose, Texas 76043

cc: LaDonna Castanuela, Chief Clerk, TCEQ
Mike Wilson, Permits Division, TCEQ
Booker Harrison, Environmental Law Division, TCEQ

Linda Heideman
PO Box 188
Glen Rose, TX 76043-0188

FORT WORTH TX 761

14 OCT 2008 PM 3 L

THINK, SPEAK AND
John Adams, 1765

USA 42

Mike Wilson, Permits Division, TCEQ
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RECEIVED
OCT 16 2008
TCEQ MAIL CENTER
RB

October 11, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

PM OPA
H OCT 16 2008
BY BP

NSR
64589

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 16 AM 10: 36

CHIEF CLERKS OFFICE

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Linda Heideman

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P.O. Box 188
Glen Rose, Texas 76043

cc: LaDonna Castanuela, Chief Clerk, TCEQ
Mike Wilson, Permits Division, TCEQ
Booker Harrison, Environmental Law Division, TCEQ

Linda Heideman
PO Box 188
Glen Rose, TX 76043-0188

[redacted] TX [redacted]

14 OCT 2008 PM 3 L

[redacted] DARE TO RE[redacted]
[redacted], SPEAK AND[redacted]
John Adams, 1765 [redacted]

USA 42

RECEIVED
OCT 16 2008
TCEQ MAIL CENTER
RB

LaDonna Castanuela, Chief Clerk, TCEQ
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

NSR
641589
PM
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OPA
OCT 16 2008
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 16 AM 11:01
CHIEF CLERKS OFFICE

October 11, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

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Sincerely,

Linda Heideman

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P.O. Box 188
Glen Rose, Texas 76043

cc: LaDonna Castanuela, Chief Clerk, TCEQ
Mike Wilson, Permits Division, TCEQ
Booker Harrison, Environmental Law Division, TCEQ

mw

Linda Heideman
PO Box 188
Glen Rose, TX 76043-0188

FORT WORTH TX 761

14 OCT 2008 PM 3 T

THINK, SPEAK AN

John Adams, 1765

USA42

RECEIVED
OCT 16 2008
TCEQ MAIL CENTER
RB

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 16 AM 11:01

CHIEF CLERKS OFFICE

Booker Harrison, Environmental Law Division,
TCEQ
Mail Code 105TCEQ
P.O. Box 13087
Austin, TX 78711-3087

MARQUIS
GROUP

October 6, 2008

NSR
644589

HR OPA PM
OCT 08 2008
BY DM

CHIEF CLERKS OFFICE
2008 OCT -8 AM 10:40
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Office of Chief Clerk
TCEQQ
PO Box 13087
Austin Texas 78711-3087

Re: Air Quality Permit #82199L002

To Whom It May Concern:

I recently learned of an application by Tommy Davis of Slick Machines for a permit request to authorize a rock crushing facility at 11209 US Hwy 67, Glen Rose, Texas, Somervell County. As a property owner in the area, I am opposed to the issuance of such permit and would ask that you consider a public meeting and request a contested case hearing to the Office of the Chief Clerk.

I am opposed to the issuance of this permit for various reasons which include the following:

1. The tourism industry around this area would be greatly affected by adding such a facility, thus creating a negative economic impact on Somervell County. Furthermore, Chalk Mountain is an identifiable historical state landmark which should not be removed from our landscape. One must consider that should this permit be granted, one of the states most beautiful roadside Parks would overlook a rock crushing facility!

2. Effects on wildlife: All wildlife will be negatively affected by the air contaminants and loss of habitat. This is sure to have a devastating impact to the health and well being of Federal and State listed Endangered Species including the Black-Capped Vireos and Golden-Cheeked Warblers.

3. The health and quality of life of residents within the area will suffer as a result of the air and noise pollution. In addition, considering that this area is heavily populated with a 70 mph speed limit on a highway that has multiple curves and steep inclines, one can only imagine the dangerous conditions created by increasing truck traffic in this area.

Although I recognize the need for this type of facility, I feel the proposed site will have far too many negative impacts on the area. I thank you in advance for your consideration and assistance in ensuring this facility is not established.

Sincerely,

Douglas Hickok

5305 VILLAGE CREEK
PLANO, TEXAS 75093
TEL: (972) 732-1155
FAX: (972) 732-6644

mw

MARQUIS
GROUP

5305 VILLAGE CREEK
PLANO, TEXAS 75093

COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT -8 AM 10: 40

CHIEF CLERKS OFFICE

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Office of Chief Clerk
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P.O. Box 13087
Austin, TX 78711-3087

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TCEQ MAIL CENTER
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78711+3087

pm OPA
OCT 24 2008
BY BP

NSR
164389

2008 OCT 23 PM 2:41
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Office of Chief Clerk
TCEQQ
PO Box 13087
Austin Texas 78711-3087

Re Air Quality Permit #82199L002

To Whom It May Concern:

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Air contaminants and loss of habitat will negatively impact the health and well being of Federally and State listed Endangered Species (Black-Capped Vireos and Golden-Cheeked Warblers). They are on the top 10 endangered list. I feel all wild life will be affected.

I am concerned about air and noise pollution negatively affecting the health and quality of life of residents.

This is a heavily populated area. The speed limit is 70 mi. per hour on the highway. There are steep inclines and many curves. Increased truck traffic will create dangerous conditions in this area.

I fear a negative economic impact on Somervell County because of the loss of tourism and lower home values.

Chalk Mountain, an identifiable historical state landmark, would be forever removed from our landscape. A State Road Side Park considered one of the states most beautiful will be overlooking a rock crushing facility if this permit is granted. There are numerous other historical sites in the area including a church.

We recognized the need for rock crushers and gravel. We simply feel, for the reasons stated above, that the proposed site is the wrong location for a facility of this kind, and we request you assistance in ensuring that this facility is not established.

Sincerely,

Tanner Hill

Tanner Hill
1604 CR 200
Stephenville, Tx. 76401

mw

ROUGH CREEK LODGE, INC.
P.O. BOX 2400
GLEN ROSE, TEXAS 76043

FORT WORTH TX 761

11 OCT 2008 PM 3 T

"LET US DARE TO READ
THINK, SPEAK A[redacted]
John Adams, 1765
powerofthele[redacted]

USA FIRST-CLASS FOREVER

MC105

Office of Chief Clerk
TCEQQ
P.O. Box 13087
Austin, Tx. 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 23 PM 2:41
CHIEF CLERKS OFFICE

78711+2087

NSR
L04589

October 11, 2008

Office of the Chief Clerk

Mail Code 105 TCEQ

P.O. Box 13087

Austin, TX 78711-3087

OPA

PM

OCT 14 2008

H BY

CHIEF CLERKS OFFICE

2008 OCT 13 PM 2:54

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at: 1425 MOODY LANE, GLEN ROSE, TX 76043

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

Air Quality in Somervell County. The proposed rock crushing facility will potentially impact the region's ability to meet the National Ambient Air Quality Standards for the Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas Counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet clean air standards for Particular Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration. I am a chronic asthmatic and this plant would cause me to not be able to go outside.

Endangered Species. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the region.

Environmental Issues. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents wth the increase of water and hauling trucks in order to run this facility.

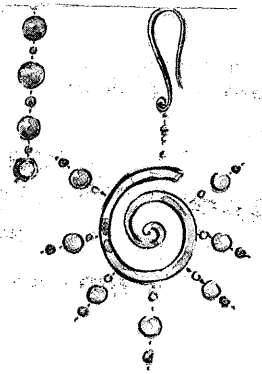
Environmental Impact. Somervell County is a destination location for thousands of tourist, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Grace Holley-Stewart
gholleystewart@hoodcounty.com

mw



Grace Holleystewart
1425 Moody Lane
Glen Rose, TX 76043

Holley's Creations
Custom Jewelry
gholleystewart@hoodcounty.com
www.holleyscreations.com

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 OCT 13 PM 2:51

CHIEF CLERKS OFFICE

FORT WORTH TX 761

14 OCT 2008 PM 6 L

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OCT 13 2008
TCEQ MAIL CENTER
MM

Office of the Chief Clerk
Mail Code 105 TCEQ
PO Box 13087
Austin, TX 78711-3087

78711+3087

USA FIRST CLASS FOREVER

THINK, SPEAK, WRITE
John Adams, 1

NOR
641589

Dear Texas Commission on Environmental Quality,

As a citizen of Somervell County I request a public hearing to address the air emissions and wildlife habitat loss from the proposed rock crushing facility, permit request number 82199L002. The facility will endanger the health and safety of Somervell County residents, not to mention the loss of habitat for the rare golden-cheeked warbler and black capped vireo. We will also have lost a piece of a Texas land mark.

Sincerely,

Brent and Kelly Hoodenpyle

H OPA
SEP 17 2008
BY BP

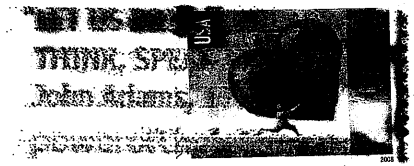
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP 17 AM 10:48
CHIEF CLERKS OFFICE

mw

Hoodenpyle
P.O. Box 2732
Glen Rose Tx 76043

RECEIVED
SEP 17 2008
TCEQ MAIL CENTER
JR

FORT WORTH TX 761
16 SEP 2008 PM 5 L



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 SEP 17 AM 10: 48

CHIEF CLERKS OFFICE

Office of the Chief Clerk
MC105, TECQ
P.O. Box 13087
Austin Tx 7811-3087

78711-3087

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LC15381

OPA
FEB 20 2009
BY BP

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 FEB 20 AM 10: 35

CHIEF CLERKS OFFICE

February 13, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a **Public Hearing** in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

As a member of Fort Worth Audubon Society and/or National Audubon, the opportunities afforded nature lovers at Chalk Mt. are of great importance.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility. Hundreds of tourist, including birdwatchers, come to the Chalk Mt. area to enjoy the native habitat and air quality provided in Somervell County.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Federally Endangered Species in and around the proposed facility due to air quality. We are especially concerned about the effect on the breeding birds of Chalk Mt., specifically the Golden-cheeked warbler and Black-capped vireo.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park. Our enjoyment of this Roadside Park will be effected by dust, debris and noise coming from the proposed facility.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

We feel we are affect parties, because:

- The Nuisance created by the proposed facility and its impact on our enjoyment of the State Roadside Park and the impact to our enjoyment of bird watching in the area in and around the proposed facility. For many years, Fort Worth Audubon Society has enjoyed the gracious hospitality of private landowners, specifically, the adjacent property landowner. We have been allowed access to survey and study the birds, including the Federally Endangered Birds named above.

- Dust and debri in the area will not only affect the health of birdwatchers in the area, it will cover the native habitat which is essential for the breeding population of Chalk Mt. Golden-cheeked warbler and Blck-capped vireos, both listed on Federally Endangered Species.

- Please include Fort Worth Audubon Society on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature Ann Hooper

Name 2801 Hibernia

Address Ft Worth TX 76112

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

pm
H

OPA
OCT 21
BY BP

NSR
64589

Office of the Chief Clerk

Mail Code 105 TCEQ

P.O. Box 13087

Austin, TX 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 20 PM 3:56
CHIEF CLERKS OFFICE

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres of oak shinnery and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. I fear that the installation and operation of the proposed rock-crushing facility will adversely impact the nesting and occupied habitat of these 2 endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for habitat restoration may be wasted efforts if this facility is permitted for operation.

In addition to potential impacts to 2 federally endangered species of birds, the proposed rock crushing facility will also potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

MW

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

ann and John Hooker

cc:

LaDonna Castanuela, Chief Clerk, TCEQ

Mike Wilson, Permits Division, TCEQ

Booker Harrison, Environmental Law Division, TCEQ

Dirk Kempthorne, Secretary of Interior

Dale Hall, Director of US Fish & Wildlife Service

Benjamin Tuggle, Southwest Region, <ST1:COUNTRY-REGIoN w:st="on">US</ST1:COUNTRY-REGIoN> Fish & Wildlife Service

Division of Endangered Species, <ST1:COUNTRY-REGIoN w:st="on">US</ST1:COUNTRY-REGIoN> Fish & Wildlife Service

Division of Bird Habitat Conservation, US Fish & Wildlife Service

State Senator Troy Fraser via email troy.fraser@senate.state.tx.us

State Senator Kip Averitt via email kip.averitt@senate.state.tx.us

Representative Sid Miller via email sid.miller@house.state.tx.us

Ann Hoover
2801 Hitson Ln.
Fort Worth, TX 76112-6015

FORT WORTH TX 761

17 OCT 2008 PM 8 T

RECEIVED

OCT 20 2008

TCEQ MAIL CENTER

"LET US DARE TO READ, THINK, SPEAK AND WRITE."
John Adams, 1765
poweroftheletter

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 OCT 20 PM 3:55

CHIEF CLERKS OFFICE

Office of Chief Clerk
Mail Code 105 TCEQ
PO Box 13087
Austin, TX 78701

78711-3087

NSR
645891

Office of the Chief Clerk

Mail Code 105 TCEQ

P.O. Box 13087

Austin, TX 78711-3087

PM
H

OPA
OCT 2 1 2008
BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 20 PM 3:49
CHIEF CLERKS OFFICE

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres of oak shinnery and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. I fear that the installation and operation of the proposed rock-crushing facility will adversely impact the nesting and occupied habitat of these 2 endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for habitat restoration may be wasted efforts if this facility is permitted for operation.

In addition to potential impacts to 2 federally endangered species of birds, the proposed rock crushing facility will also potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

mw

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely, Dorothy Hoover

cc:

LaDonna Castanuela, Chief Clerk, TCEQ

Mike Wilson, Permits Division, TCEQ

Booker Harrison, Environmental Law Division, TCEQ

Dirk Kempthorne, Secretary of Interior

Dale Hall, Director of US Fish & Wildlife Service

Benjamin Tuggle, Southwest Region, <ST1:COUNTRY-REGIoN w:st="on">US</ST1:COUNTRY-REGIoN> Fish & Wildlife Service

Division of Endangered Species, <ST1:COUNTRY-REGIoN w:st="on">US</ST1:COUNTRY-REGIoN> Fish & Wildlife Service

Division of Bird Habitat Conservation, US Fish & Wildlife Service

State Senator Troy Fraser via email troy.fraser@senate.state.tx.us

State Senator Kip Averitt via email kip.averitt@senate.state.tx.us

Representative Sid Miller via email sid.miller@house.state.tx.us

Dorothy Hoover
2801 Hasone Ln
Fort Worth, TX
76112

FORT WORTH TX 761
OCT 2008 PM 6 L

THINK, SPEAK
John Adams, 1765
powered by liberty

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 OCT 20 PM 3:48
CHIEF CLERKS OFFICE

RECEIVED
OCT 20 2008
MAIL CENTER

Office of The
Chief Clerk
Mail Code 105 J&C
PO Box 13087
Austin, TX 78711

NSR
164589

OPA
OCT 31 2008
BY EB

Oct. 27, 2008

821992002

Dear Ms. Bohac,

I am at a loss to know how my name was put on a letter I know nothing about. I have absolutely no interest in the permit that is the subject of the alleged correspondence, and in fact, have never even heard of it.

I will appreciate your deleting my name from your records so I will not be a part of any future mailings. Thank you for your help.

Sincerely,

Dorothy E. Hoover
2801 Wilson Lane
Ft Worth, TX 76112

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 30 PM 3:18
CHIEF CLERKS OFFICE

MW

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

Rec. 10/27

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 21, 2008

Dorothy Hoover
2801 Hutson Lane
Fort Worth, Texas 76112

Re: Tommy Davis dba Slick Machines/Air Quality Permit #82199L002

Thank you for your letter expressing your concerns regarding Tommy Davis/Air Quality Permit #82199L002. Your request has been received by Texas Commission on Environmental Quality (TCEQ) staff responsible for processing such requests.

All requests for hearings, if timely filed and authorized by statute or rule, are considered by the Commissioners. The Commissioners will consider your request during a regularly scheduled Commission meeting that is open to the public, and a determination will be made as to whether or not the request will be granted. You will be notified in writing when your request is scheduled for consideration. If your request is granted, the matter will be referred to the State Office of Administrative Hearings (SOAH). The SOAH hearing will be a formal, legal proceeding, conducted in a manner similar to civil trials in state district court. While not required, parties are usually represented by legal counsel.

A copy of your comments will be forwarded by the Chief Clerk to the TCEQ staff responsible for reviewing the permit application. All timely filed comments will be considered by the staff prior to the final decision on the application. You will be added to the mailing list and receive a copy of the formal written response to all timely filed comments. In addition, a public meeting has been scheduled for this application. Please refer to the notice that I have included for more information.

The TCEQ appreciates your interest in environmental issues. If you have any further questions, please feel free to contact any member of our staff at 1-800-687-4040.

Sincerely,

Bridget C. Bohac

Over please

Bridget C. Bohac, Director
Office of Public Assistance
Enclosure

cc: LaDonna Castañuela, Chief Clerk
Mike Wilson, Permits Division
Booker Harrison, Environmental Law Division

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Protecting Texas by Reducing and Preventing Pollution

NOTICE OF PUBLIC MEETING ON APPLICATION FOR PROPOSED AIR QUALITY PERMIT NUMBER 82199L002

APPLICATION. Mr. Tommy Davis dba Slick Machines, 762 Spillway Road, Brownwood, Texas 76801, has applied to the Texas Commission on Environmental Quality (TCEQ) for issuance of Air Quality Permit 82199L002, which would authorize the change of location of a Rock Crushing Facility to 11209 U.S. Highway 67 (200 yards east), Glen Rose, Somervell County, Texas. The facility will emit the following air contaminants: particulate matter including particulate matter less than 10 microns in diameter.

The TCEQ Executive Director has determined the application is administratively complete and will conduct a technical review of the application.

PUBLIC COMMENT/PUBLIC MEETING. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. During the Informal Discussion Period, the public is encouraged to ask questions of the applicant and TCEQ staff concerning the application. However, informal comments made during the Informal Discussion Period will not be considered by the TCEQ Commissioners before reaching a decision on the permit and no formal response will be made to the informal comments. During the Formal Comment Period, members of the public may state their formal comments into the official record. A written response to all formal comments will be prepared by the Executive Director and considered by the Commissioners before they reach a decision on the permit. A copy of the response will be sent to each person who submits a formal comment or who requested to be on the mailing list for this application and provides a mailing address. Only relevant and material issues raised during the formal comment period can be considered if a contested case hearing is granted.

The Public Meeting is to be held:
Thursday, October 23, 2008 at 7:00 p.m.
Somervell County Citizens Center
209 SW Barnard
Glen Rose, Texas 76043

INFORMATION. Citizens are encouraged to submit written comments anytime during the meeting or by mail before the meeting to the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, TX 78711-3087. If you need more information, please call the TCEQ Office of Public Assistance, Toll Free, at 1-800-687-4040. *Si desea información en Español, puede llamar 1-800-687-4040.* General information about the TCEQ can be found at our web site at www.tceq.state.tx.us.

The permit application is available for viewing and copying at the TCEQ central office located at 12100 Park 35 Circle, Building E, Room 103, Austin, Texas 78753; the TCEQ Fort Worth regional office located at 2309 Gravel Drive, Fort Worth, Texas 76118 and the Somervell County Library, 108 Allen Drive, Glen Rose, Somervell County, Texas. The facility's compliance file, if any exists, is available for public review in the Fort Worth regional office at the address listed above. Further information may also be obtained from Mr. Tommy Davis dba Slick Machines, 762 Spillway Road, Brownwood, Texas 76801 or by calling Mr. Davis at (325) 784-8030.

Issued: October 7, 2008

Dorothy E. Hoover
2801 Hitson Lane
Fort Worth, TX 76112-6015

FORT WORTH TX 761
28 OCT 2008 PM 3 T

"LET US DARE TO [redacted]
THINK, SPEAK AN[redacted]
John Adams, 1765
powerofthelet[redacted]

USA FIRST-CLASS FOREVER

RECEIVED
OCT 30 2008
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MM

108

Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Attn: Bridget C. Bohac, Dir.
Office of Public Assistance

78711+3087

NSR
104589

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 13 AM 10: 22

CHIEF CLERKS OFFICE

October 9, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

PM OPA
H OCT 13 2008
BY

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area of Somervell County. This area provides critical habitat for two federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

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mw

than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

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I respectfully request a public meeting and hearing on this issue.

Sincerely,

Laura K. Huber
1347 Moody Lane (CR 2020)
Glen Rose, TX 76043

cc: State Senator Troy Fraser via email troy.fraser@senate.state.tx.us
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

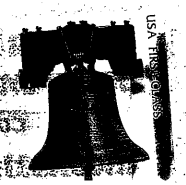
Laura K Huber
1347 Moody Ln
Glen Rose TX 76043-6124

[redacted]

09 OCT 2008 PM 5 T

LET US DARE TO [redacted]
THINK, SPEAK AN[redacted]
John Adams, 1765
powerofthelett[redacted]

USA FIRST CLASS



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OCT 13 2008
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OFFICE OF THE CHIEF CLERK
MAIL CODE 105 TCEQ
P.O.BOX 13087
AUSTIN, TX 78711-3087

78711+3087

TCEQ Public Meeting Form

Tuesday, March 31, 2009

Tommy Davis dba Slick Machines
Proposed Air Quality Permit No. 82199L002

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 APR -1 PM 2:28
CHIEF CLERKS OFFICE
OPA RECEIVED
MAR 31 2009
AT PUBLIC MEETING

PLEASE PRINT:

Name: LAURA HUBER

Mailing Address: 1347 MOODY LANE

Physical Address (if different):

City/State: GLEN ROSE, TX Zip: 76043

Phone: (817) 559-7742

☐ Please add me to the mailing list.

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

If yes, which one? SOMERVELL HISTORY FOUNDATION

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☐ I wish to provide formal oral comments.

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

SEE REVERSE SIDE FOR COMMENT

Please give this to the person at the information table. Thank you.

IF TCEQ ISSUES THE APPLICABLE STORM WATER DISCHARGE PERMIT AND THE APPLICANT WAS FOUND IN VIOLATION, WHY IS THE AIR QUALITY PERMIT PROCESS IN PROGRESS WITH AN OUTSTANDING VIOLATION?

WHAT ARE THE PENALTIES FOR NON-COMPLIANCE WITH THE STORM WATER DISCHARGE PERMIT? (SPECIFIC TO THIS APPLICANT)

MARY L. JOHNSON

1022 Oak Hurst Drive
Grapevine, TX 76051
[redacted]

NSR
64589

February 2, 2009

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

OPA
FEB 06 2009
BY BP

PM
H

2009 FEB -5 PM 3:
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: PERMIT REQUEST NO. 82199L002

I am opposed to the building of a rock crushing facility (permit number 82199L002) in the Chalk Mountain area. This area consists of **occupied habitat** for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation on nesting by both endangered species can be provided by property owners in the area.

In addition to potential impacts to 2 federally endangered species of birds, the proposed rock crushing facility will also potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents such as the devastating accident that occurred on January 30, 2009 between a rock hauler and an automobile in Dallas.

I respectfully request a public meeting and hearing on this issue.

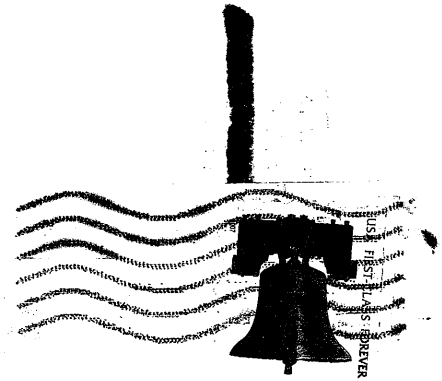
Sincerely,

Mary L. Johnson

M. L. Johnson
1022 Oak Hurst Dr
Grapevine TX 76051

FORT WORTH TX 761

02 FEB 2009 PM 1 T



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

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HR OPA PM
OCT 0 8 2008
BY DM

MARY L. JOHNSON

1022 Oak Hurst Drive
Grapevine, TX 76051
Birder76051@yahoo.com
October 5,2008

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT -8 AM 10: 25
CHIEF CLERKS OFFICE

Texas Commission on Environmental Quality
Office of Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

To: LaDonna Castanuela

RE: PERMIT REQUEST NO. 82199L002

Dear Ms. Castanuela,

I am opposed to the building of a rock crushing facility (permit number 82199L002) in the Chalk Mountain area. This area consists of **occupied habitat** for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation on nesting by both endangered species can be provided by property owners in the area.

Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres of shinnery oak and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. I fear that the installation and operation of the proposed rock-crushing facility will adversely impact the nesting and **occupied habitat** of these 2 endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for habitat restoration may be wasted efforts if this facility is permitted for operation.

In addition to potential impacts to 2 federally endangered species of birds, the proposed rock crushing facility will also potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads

and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Mary L Johnson

Cc:

Mike Wilson, Permits Division, TCEQ

Booker Harrison, Environmental Law Division, TCEQ

Dirk Kempthorne, Secretary of the Interior

Dale Hall, Director fo US Fish and Wildlife Service

Benjamin Tuggle, Southwest Region, US Fish and Wildlife Service

Division of Endangered Species, US Fish and Wildlife Service

Division of Bird Habitat Conservation, US Fish and Wildlife Service

State Senator Troy Fraser via email troy.fraser@senate.state.TX.US

State Senator Kip Averitt via email kip.averitt@senate.state.TX.US

Representative Sid Miller via email sid.miller@house.state.TX.US

Ms. Mary Johnson
1022 Oak Hurst Dr
Grapevine, TX 76051-5039

FORT WORTH TX 761

06 OCT 2008 PM 1 L

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TCEQ
OFFICE OF CHIEF CLERK
MC 105 TCEQ
P.O. BOX 13087
AUSTIN, TX 78711-3087

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78711+3087

NSR
041589

MARY L. JOHNSON

1022 Oak Hurst Drive
Grapevine, TX 76051
Birder76051@yahoo.com
October 5,2008

Texas Commission on Environmental Quality
Office of Chief Clerk
Mail Code – 105, TCEQ
P.O. Box 13087
Austin, TX 78711-3087

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OFFICE OF PUBLIC ASSISTANCE

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OCT 10 2008
BY

CHIEF CLERKS OFFICE
2008 OCT -8 AM 10: 24
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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mw

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Sincerely,

Mary L Johnson

Cc:

Mike Wilson, Permits Division, TCEQ

√Booker Harrison, Environmental Law, TCEQ

Dirk Kemptrone, Secretary of the Interior

Dale Hall, Director of US Fish and Wildlife Service

Benjamin Tuggle, Southwest Region, US Fish and Wildlife Service

Division of Endangered Species, US Fish and Wildlife Service

Division of Bird Habitat Conservation, US Fish and Wildlife Service

State Senator Troy Fraser via email troy.fraser@senate.state.TX.US

State Senator Kip Averitt via email kip.averitt@senate.state.TX.US

Representative Sid Miller via email sid.miller@house.state.TX.US

Ms Mary Le Johnson
1022 Oak Hurst Dr
Grapevine TX 76051

FORT WORTH TX 761

05 OCT 2008 PM 1 L

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 OCT -8 AM 10: 25

CHIEF CLERKS OFFICE

TCEQ Booker Harrison
ENVIRONMENTAL LAW DIVISION
MC 105 TCEQ MC-175
P.O. BOX 13087
AUSTIN, TX 78711-3087

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

MC-105, TCEQ
PO Box 13087
Austin, TX 78711-3087
Office of the Chief Clerk

OPA

9/9/08

H SEP 12 2008

BY

2008 SEP 11 PM 3:31

CHIEF CLERKS OFFICE

Dear Sir or Madam:

I am writing as President of the Chalk Mountain Wildlife Association in regards to an Air Quality Permit Request (Permit Number 82199L002) in Somervell County.

Tommy Davis has requested a permit to allow a rock crushing facility to operate eight hours/day, five days/week, and to crush 100 tons of rock /hour for a total of 75,000 tons /year. The permit seeks approval to allow air contaminants "including particulate matter less than 10 microns in diameter."

The dust from this facility and the roads traveled by the haul trucks will impact a number of situations. First, this area called Chalk Mountain has been recognized since prior to settlement as a very scenic area. At present, the land has escalated to as much as $10,000 per acre due to its uniqueness and beauty. Approximately 25 to 35 homes are now within a short distance of the proposed quarry site. Dust form this mining operation will surely impact these home sites, the people, the scenic beauty, and the value of the land. You have to only drive by other rock crushing operations to understand this impact. Second, the dust from this rock crushing facility could impact the view-shed of chalk mountain. As stated above, it is a recognized place of beauty as admired from a long distance. Dust in the air will certainly diminish this beauty as it destroys the clarity of the view. Third, this hill that is to be mined is known to be inhabited habitat of two endangered species, the Golden Cheeked Warbler and the Black Capped Vireo. The dust from this rock crushing operation will certainly have an adverse effect on the surrounding habitat as it settles on the vegetation and covers it with white powdery rock. The roosting, nesting, and feeding of these endangered birds could easily be adversely impacted.

The approval of this Air Quality Permit will allow the destruction of known habitat of the Golden Cheeked Warbler and the Black Capped Vireo. The hill that is to be mined extends onto the neighboring property. The neighboring property has been the scene of numerous birding events where people come to view the two above listed endangered species. One of the groups included Nigel Simpson, the President of the European Audubon's Society. Each of the groups or individuals listed the birds they viewed. A high percentage of the time, the Golden Cheek Warbler and the Black Capped Vireo were viewed and listed. It is my understanding that this habitat on the neighbors land extends onto the area to be mined as it is the same hill and only a barbed wire fence divides the properties.

If endangered species habitat is destroyed by the mining of this hill that is known to be endangered species habitat, it will be a violation of the federal endangered species laws. Both Mr. Tommy Davis who has requested the permit and Mr. Larry Parham the owner

MW

of the land have been notified that the hill in question is endangered species habitat and that the birds are present each year.

Destruction of Endangered Species Habitat is punishable by $25,000 to $100,000 and time in jail.

We do not believe that it would be prudent for the Texas Commission on Environmental Quality to approve a permit that will knowingly cause the violation of the federal endangered species laws.

Further, we do not believe that it would be prudent for the Texas Commission on Environmental Quality to approve a permit that will knowingly cause the dust problems as listed above.

Therefore, we request that the Air quality Permit Request (Permit Number 82199L002) be denied.

If this permit cannot be denied or Mr. Davis or the land owner, Mr. Parham do not with draw their permit request, we request that a formal public hearing be held in regards to this permit request. This will allow for a thorough discussion of the issues involved before any decision is made.

Sincerely, Rhett H. Johnson

Rhett H. Johnson
President, Chalk Mountain Wildlife Association
8504 Auburn Ct.
Granbury, TX 76049

817 279-2384

Rhett H. Johnson
Chalk Mtn. Wildlife Assoc.
Granbury, TX 76049

MC-105, TCEQ
P.O. Box 13087
Austin, TX 78711-3087
Office of the Chief Clerk

5

TCEQ Public Meeting Form

Thursday, October 23, 2008

Tommy Davis dba Slick Machines
Proposed Air Quality Permit No. 82199L002

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 24 PM 3:22
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Rhett H. Johnson

Address: 8504 Auburn Ct

City/State: Granbury Tx Zip: 76049

Phone: (817) 579-1649

☒ Please add me to the mailing list.

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

If yes, which one? Chalk Mountain Wildlife Association

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☑ I wish to provide formal oral comments.

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

Please give this to the person at the information table. Thank you.

mw

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 24 PM 3:22

CHIEF CLERKS OFFICE

OPA RECEIVED

OCT 23 2008

AT PUBLIC MEETING

MC-105, TCEQ
PO Box 13087
Austin, TX 78711-3087
Office of the Chief Clerk

10/23/08

Dear Sir or Madam:

I am writing as President of the Chalk Mountain Wildlife Association in regards to an Air Quality Permit Request (Permit Number 82199L002) in Somervell County. The Chalk Mountain Wildlife Association is comprised of some 60,000 acres and 55 separate land owners or managers whose land lies in close proximity of the acreage to be mined.

The dust from this proposed facility will impact a number of situations.

First, the area known as Chalk Mountain has been recognized since prior to European settlement as very scenic area. Due to its scenic beauty and uniqueness, the land has become very desirable and valuable. Numerous homes exist in proximity to the proposed quarry site. Dust from the mining operation will impact the surrounding neighborhood, potentially the health of the people, the scenic beauty, and in the end the value of the property.

Second, the dust from this rock crushing facility could impact the view-shed of Chalk Mountain. As stated above, it is a recognized place of beauty as admired from a long distance. There is a very nice road side park located on top of Chalk Mountain that overlooks the broad expanse surrounding the area. Dust in the air could certainly diminish this beauty as it impacts the clarity of the view.

Third, a portion of the land where the rock crusher is to be located is known to be inhabited habitat of two endangered species, the Golden Checked Warbler and the Black Capped Vireo. The dust from this rock crushing operation will potentially have an adverse effect on the surrounding habitat as it settles on the vegetation and covers it with white powdery rock. The roosting, nesting and feeding of these endangered birds could easily be adversely impacted. There is potential for the dust to directly affect the health of these birds as they breathe the dust.

The Chalk Mountain Wildlife Association has been very active in the enhancement and development of habitat for both the Golden Cheeked Warbler and the Black Capped Vireo. The Association has secured grants and administered programs totaling $746,383 to enhance and develop habitat for these two endangered species.

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FEB 20 2009

BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 20 AM 10: 33

CHIEF CLERKS OFFICE

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604589

February 13, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a **Public Hearing** in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

As a member of Fort Worth Audubon Society and/or National Audubon, the opportunities afforded nature lovers at Chalk Mt. are of great importance.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility. Hundreds of tourist, including birdwatchers, come to the Chalk Mt. area to enjoy the native habitat and air quality provided in Somervell County.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Federally Endangered Species in and around the proposed facility due to air quality. We are especially concerned about the effect on the breeding birds of Chalk Mt., specifically the Golden-cheeked warbler and Black-capped vireo.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park. Our enjoyment of this Roadside Park will be effected by dust, debris and noise coming from the proposed facility.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

MW

We feel we are affect parties, because:

- The Nuisance created by the proposed facility and its impact on our enjoyment of the State Roadside Park and the impact to our enjoyment of bird watching in the area in and around the proposed facility. For many years, Fort Worth Audubon Society has enjoyed the gracious hospitality of private landowners, specifically, the adjacent property landowner. We have been allowed access to survey and study the birds, including the Federally Endangered Birds named above.

- Dust and debri in the area will not only affect the health of birdwatchers in the area, it will cover the native habitat which is essential for the breeding population of Chalk Mt. Golden-cheeked warbler and Blck-capped vireos, both listed on Federally Endangered Species.

- Please include Fort Worth Audubon Society on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature James A Jones

Name James A. Jones

Address PO Box 210726
Bedford TX 76095

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

October 7, 2008

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Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

OPA
OCT 08 2008
BY DM

2008 OCT -8 AM 10:40
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Permit Request No. 82199L002

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Sincerely,

James A Jones

James Jones
Ft. Worth Audubon Society

MW

J. Jones
PO Box 210726
Bedford, TX 76095

Texas Commission on Environmental Quality
Attn: LaDonna Castanuela, Chief Clerk
Mail Code 105 TCEQ
PO Box 13087
Austin TX
78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT -8 AM 10: 39
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FEB 20 2009

BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 20 AM 10: 33

CHIEF CLERKS OFFICE

NSR

041589

February 13, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

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- Please include Fort Worth Audubon Society on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature Glenda Keilstrup

Name Glenda Keilstrup

Address 3411 Hastings Dr
Arlington, Tx 76013

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

NSR
104589

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

October 5, 2008

Booker Harrison, Environmental Law Division
MC-105, TCEQ
P.O. Box 13087
Austin, TX 78711-3087

2008 OCT 13 AM 10: 24

CHIEF CLERKS OFFICE

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. The environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and **the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.** My family owned property next to the Chico, TX, rock crushing facility for many years, and I can speak personally about the noise, the dust, and the horrible traffic congestion and danger it causes.

In addition, this area provides critical occupied habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

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I respectfully request a public meeting and hearing on this issue.

Sincerely,

Glenda Keilstrup

Glenda Keilstrup
3411 Hastings Dr.
Arlington, TX 76013
Glendak22@flash.net

OPA
PM
H
OCT 13 2008
BY

Glenda Keilstrup
3411 Hastings Dr.
Arlington, TX 76013

FORT WORTH TX 761

08 OCT 2008 PM 8 L

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OCT 10 2008
OFFICE OF LEGAL SERVICES

Booker Harrison, Environmental Law Division
MC-105, TCEQ
P.O. Box 13087
Austin, TX 78711-3087

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OCT 10 2008
TCEQ MAIL CENTER
RB

78711-3087

PM / HR

OPA

OCT 10 2008

BY DM

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 OCT 10 AM 10: 24

CHIEF CLERKS OFFICE

October 5, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

NSR
64589

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. This area provides critical occupied habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres of oak shinnery and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. I fear that the installation and operation of the proposed rock-crushing facility will adversely impact the nesting and occupied habitat of these 2 endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for habitat restoration may be wasted efforts if this facility is permitted for operation.

In addition to potential impacts to 2 federally endangered species of birds, the proposed rock crushing facility will also potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and **the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.** My family owned property next to the Chico rock crushing facility for many years, and I can speak personally about the noise, the dust, and the horrible traffic congestion and danger it causes.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Glenda Keilstrup

Glenda Keilstrup

MW

Glenda Keilstrup
3411 Hastings Dr.
Arlington, TX 76013

FORT WORTH TX 761

08 OCT 2008 PM 6 L

USA 42

Office of the Chief Clerk
Mail Code 105 TCEQ
P. O. Box 13087
Austin, TX 78711-3087

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78711+3087

NSR
64589

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

October 5, 2008

LaDonna Castanuela
Chief Clerk, Texas Commission on Environmental Quality
MC-105, TCEQ
P.O. Box 13087
Austin, TX 78711-3087

HP OPA PM

2008 OCT 10 AM 10: 24

CHIEF CLERKS OFFICE

OCT 10 2008

BY

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. The environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and **the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.** My family owned property next to the Chico, TX, rock crushing facility for many years, and I can speak personally about the noise, the dust, and the horrible traffic congestion and danger it causes.

In addition, this area provides critical occupied habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres of oak shinnery and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. I fear that the installation and operation of the proposed rock-crushing facility will adversely impact the nesting and occupied habitat of these 2 endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for habitat restoration may be wasted efforts if this facility is permitted for operation.

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Sincerely,

Glenda Keilstrup

Glenda Keilstrup
3411 Hastings Dr.
Arlington, TX 76013
Glendak22@flash.net

mw

Glenda Keilstrup
3411 Hastings Dr.
Arlington, TX 76013

FORT WORTH TX 761
09 OCT 2008 PM 6 L

LaDonna Castanuela
Chief Clerk, Texas Commission on
Environmental Quality
MC-105, TCEQ
P.O. Box 13087
Austin, TX 78711-3087

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Office of Chief Clerk
TCEQQ
PO Box 13087
Austin Texas 78711-3087

NSR 64589 PM OPA HR

NOV 12 2008

BY DM

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 NOV 10 PM 3:1
CHIEF CLERKS OFFICE

Re Air Quality Permit #82199L002

To Whom It May Concern:

The purpose of this letter is to submit public comments, to request a public meeting and to request a contested case hearing to the Office of the Chief Clerk. An application has been made to the TCEQ for a permit which would authorize a rock crushing facility at 11209 US Hwy. 67, Glen Rose, Texas, Somervell County. Tommy Davis, dba Slick Machines, of Brownwood, Texas is the applicant. I am definitely opposed to this permit being issued because of the following reasons.

Air contaminants and loss of habitat will negatively impact the health and well being of Federally and State listed Endangered Species (Black-Capped Vireos and Golden-Cheeked Warblers). They are on the top 10 endangered list. I feel all wild life will be affected.

I am concerned about air and noise pollution negatively affecting the health and quality of life of residents.

This is a heavily populated area. The speed limit is 70 mi. per hour on the highway. There are steep inclines and many curves. Increased truck traffic will create dangerous conditions in this area.

I fear a negative economic impact on Somervell County because of the loss of tourism and lower home values.

Chalk Mountain, an identifiable historical state landmark, would be forever removed from our landscape. A State Road Side Park considered one of the states most beautiful will be overlooking a rock crushing facility if this permit is granted. There are numerous other historical sites in the area including a church.

We recognized the need for rock crushers and gravel. We simply feel, for the reasons stated above, that the proposed site is the wrong location for a facility of this kind, and we request you assistance in ensuring that this facility is not established.

Sincerely,

Dawn M. Klippel cc

MW

ROUGH CREEK LODGE, INC.
P.O. BOX 2400
GLEN ROSE, TEXAS 76043

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endicia.com endicia.com endicia.com

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 NOV 10 PM 3:11
CHIEF CLERKS OFFICE

Office of Chief Clerk
TCEQQ
P.O. BOX 13087
Austin, TX 78711-3087

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October 14, 2008

NSR
PM OPA 64589
H OCT 21 2008
BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 20 PM 3:53
CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at 1949 County Road 1007

I am opposed to a rock-crushing facility (Permit Request No. 82199L002) scheduled for construction in the Chalk Mountain area of Somervell County.

My concern is based on the following issues:

Air Quality in Somervell County: The proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Endangered Species. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Environmental Issues. This includes environmental impacts of excessive noise from the operation of the facility as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents that will result from an large increase in the number of water and hauling trucks needed to run this facility.

Economic Impact. Somervell County is a destination location for thousands of tourists, including location such as Dinosaur State Park, Fossil Rim Wildlife Center and the Creation Evidence Museum which are all within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing be scheduled on this issue.

Sincerely,

Janelle M. Lacey

Janelle M. Lacey

Kent & Janelle Lacey
P.O. Box 730
Glen Rose, TX 76043

FORT WORTH TX 751
18 OCT 2008 PM 5 T

RECEIVED
OCT 20 2008
TCEQ MAIL CENTER
JTI

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 20 PM 3:53
CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
PO Box 13087
Austin, TX 78711-3087

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October 14, 2008

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PM
4

OPA
OCT 21 2008
BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 20 PM 3:54
CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

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Sincerely,

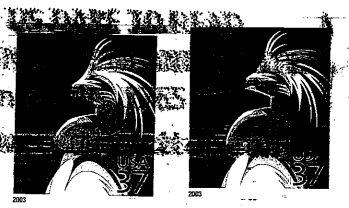
Kent S. Lacey

MW

Kent & Janelle Lacey
P.O. Box 730
Glen Rose, TX 76043

FORT WORTH TX 761

18 OCT 2008 PM 5 L



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JR

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COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 20 PM 3: 53

CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
PO Box 13087
Austin, TX 78711-3087

78711+3087

October 14, 2008

pm OPA
H OCT 21 2008
BY BP

NSR
64589

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 20 PM 3:54
CHIEF CLERKS OFFICE

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Sincerely,

Shelby M. Lacey

Shelby Lacey

Kent & Janelle Lacey
P.O. Box 730
Glen Rose, TX 76043

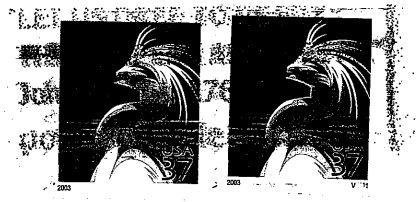
TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 20 PM 3:54

CHIEF CLERKS OFFICE

FORT WORTH TX 761

18 OCT 2008 PM 5 T



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Office of the Chief Clerk
Mail Code 105 TCEQ
PO Box 13087
Austin, TX 78711-3087

78711+3087

NSR
104889

[redacted]

it? It's up to our generation to answer that question.

October ___, 2008

OPA
OCT 22 2008
BY BP

2008 OCT 22 AM 9: 34
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues: Air is Bad Here Now

Air Quality in Somervell County. the proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

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Economic Impact. Somervell County is a destination location for thousands of tourists, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Jean Lambert
PO Box 2896
Glen Rose TX 76043

MW

Jean Lambert
PO Box 2896
Glen Rose TX 76043-2896

FORT WORTH TX 761

20 OCT 2008 PM 1 T

"[illegible]S DARE TO READ,
THINK, SPEAK AND WRITE."
John Adams, 17[illegible]

USA FIRST-CLASS FOREVER

Office of the Chief Clerk
Mail Code TCEQ
PO Box 13087
Austin Tx 78711-3087

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Office of Chief Clerk
TCEQ
PO Box 13087
Austin Texas 78711-3087

February 9, 2009

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

PM OPA
H FEB 23 2009
BY

2009 FEB 20 PM 3:07
CHIEF CLERKS OFFICE

Re Air Quality Permit #82199L002

Dear Sir or Madam:

The purpose of this letter is to officially request a public meeting, a public hearing and a contested case hearing. An application has been made to the TCEQ for a permit which would authorize a rock crushing facility at 11209 US Hwy. 67, Glen Rose, Texas, Somervell County. Tommy Davis, dba Slick Machines, of Brownwood, Texas is the applicant. I am definitely opposed to this permit being issued because of the following reasons.

Air contaminants and loss of habitat will negatively impact the health and well being of Federally and State listed Endangered Species (Black-Capped Vireos and Golden-Cheeked Warblers). They are on the top 10 endangered list. I feel all wild life will be negatively impacted. I request that Texas Parks and Wildlife and the U.S. Fish & Wildlife Service be consulted in regards to this permit application.

I am concerned about air and noise pollution negatively affecting the health and quality of life of residents. I have just finished building my home on 60 acres ½ mile from this site. I selected this area for the pristine beauty, quiet serenity, and the clean air. My family members especially those with health issues will be negatively impacted by particulate matter including particulate matter less than 10 microns in diameter.

I am concerned about the affect of dynamite on the foundation of my house. There are gas pipe lines in the area. How will these issues be dealt with?

This is a heavily populated area--35 families live within 1 mile. The speed limit is 70 mi. per hour on the highway. There are steep inclines and many curves. Increased truck traffic will create dangerous conditions in this area. The air quality will be further affected by the increased truck traffic.

Chalk Mountain, an identifiable historical state landmark, would be forever removed from our landscape. A State Road Side Park considered one of the states most beautiful will be overlooking a rock crushing facility if this permit is granted. There are numerous other historical sites in the area including a church.

I previously wrote a formal letter to the TCEQ and presented question that I thought were to be answered before the process to grant the application preceded. This did not happen. I received no answers nor to my knowledge did anyone else receive answers. Why?

There were deficiencies in the permit posted in the public library during the first public comment period. These were documented in a letter from the Fort Worth Audubon Society and provided to TCEQ during the public meeting held in Glen Rose on October 23, 2008. I am requesting that you please take another look at this. In addition the second notice was not published in a timely manner as instructed (33 days), instead it was (44 days). For these and other reasons I am requesting that the permit be cancelled immediately and that the permitting process start over from the beginning with an initial public notice.

Please notify me of any notices about this case. I await your response to my questions and concerns.

Sincerely,

Dorothy Jean Lane

Dorothy Jean Lane
3131 Maple Ave. #10F
Dallas, Texas 75201

FROM: DOROTHY JEAN LANE
9903 W. HWY 67
GLEN ROSE, TEXAS 76043

MAILING ADDRESS:
3131 MAPLE AVE. #10 F
DALLAS, TEXAS 75201
TEL. # 214 914 5372

J. Lane
3131 Maple Ave.
#10F Dallas, Texas 75201

FORT WORTH TX 761
18 FEB 2009 PM 8 L

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P.O. Box 13087
Austin, Texas 78711-3087

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64586

Office of Chief Clerk
TCEQ
PO Box 13087
Austin Texas 78711-3087

February 9, 2009

OPA
FEB 18 2009
BY EB

2009 FEB 17 AM 11:12
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Re Air Quality Permit #82199L002

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Please notify me of any notices about this case. I await your response to my questions and concerns.

Sincerely,

Dorothy Jean Lane

Dorothy Jean Lane
3131 Maple Ave. #10F
Dallas, Texas 75201

FROM: DOROTHY JEAN LANE
9903 W. HWY 67
GLEN ROSE, TEXAS 76043

MAILING ADDRESS:
3131 MAPLE AVE. #10 F
DALLAS, TEXAS 75201
TEL. # 214 914 5372

NSR
U4589

Office of the Chief Clerk
TCEQ
P.O. Box 13087
Austin, Texas 78711-3087
512-239-1000

Oct. 23, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 17 AM 11: 12

CHIEF CLERKS OFFICE

OPA

FEB 18 2009

BY GB

RE: Permit Application #82199L002
Tommy Davis/Slick Machine

I live ½ mile from the proposed facility (9903 W. HWY 67). I am concerned about the air quality meeting the Standards for Particulate Matter less than 10microns-- This obviously affecting the quality of life for humans and wildlife.

Is this rock crusher equipped with a water spray system for the emission control of particulate matter during crushing, loading, and conveying? Where will the water come from and where will the run off go? How will this be monitored and how often?

Are there any requirements for restoring the land after the destruction has taken place?

Will the rock crusher emit Silica and other pollutants NOx, SOx, CO, TOC, TSP (uncontrolled), TSP (controlled), and HAP?

Will dynamite be used and how will this affect the foundation of my house? There are gas pipe lines near. I think this could be a safety issue.

The value of land and homes in this area will be adversely affected. Does one landowner have the right to cause this?

There are no entrance or exit lanes onto HWY 67, speed limit 70 mi. per hour- A safety issue for residents and travelers. What are the controls for the emissions of rock crushers and heavy trucks and equipment?

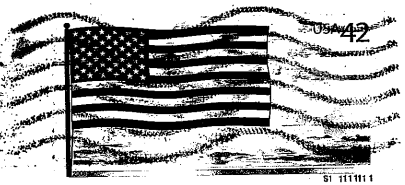
I am opposed to the permit being issued and am asking for a contested hearing in Austin.

Sincerely,

Mailing Address:
Jean Lane
3131 Maple Ave. #10F
Dallas, Texas 75201

J Lane
3131 Maple Ave #10F
Dallas, Texas 75201

FORT WORTH TX 761
12 FEB 2009 PM 4 L



Office of Chief Clerk
TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

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FEB 17 2009
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78711+3087

NSR
64589

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 11 AM 11: 22

CHIEF CLERKS OFFICE

February 11, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

PM
IP+

OPA

BY BP

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a Public Meeting in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility, we live within _____ of the proposed location.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Endangered Species in and around the proposed facility due to air quality.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Impact to the roads in Somervell County and the cost associated with upgrading the roads to handle Rock Haulers and the dangers posed by heavy trucks ingress and egress to Hwy 67.
- Decreased property values in the area around the proposed facility and in Somervell County.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park.
- The Nuisance created by the proposed facility preventing the enjoyment of the State Roadside Park and surrounding bird watching areas.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

mw

Concerning the Public Meeting we are requesting be held in Glen Rose, we respectfully request a meeting with the TCEQ to understand why:

- Questions that were raised in the first Public Meeting held in Glen Rose on October 23, 2008 have gone unanswered, yet the Permit process is progressing.
- Why the questions were not reviewed as part of the vetting process to determine if the Permit Application was "Administratively Complete" and complied with TCEQ Rules and Regulations when over 20 flaws were noted in the initial permit.
- Why the Permit Application has been allowed to move forward while the Public has not been provided with information as detailed in the TCEQ Public Notices in the *Glen Rose Reporter*.
- Why the TCEQ has not made sure the Applicant filed information in accordance with the requirements of the Second Notice from the first day that the notice was placed in the *Glen Rose Reporter*.
- Why the TCEQ is allowing the process to move forward when the notice was placed in the paper improperly.
- Why the TCEQ is rushing the application through the approval process without having performed tests to identify whether Silica will be present in the air as the result of Rock Crushing operation or if any other known Carcinogens will be released into the atmosphere as a result of Rock Crushing operations.

Please include our name on the permanent mailing list for this permit application 82199L002.

Sincerely,

Dorothy Jean Lane
3131 Maple Ave #10F
Dallas, Texas 75201

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us
Representative Harvey Hildebran
David Frederick, Attorney

NCR
U11589

OPA
H
IPt
FEB 1 5 2009
BY GB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 FEB 13 PM 4:06
CHIEF CLERKS OFFICE

February 11, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a **Public Hearing** in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

We live at 9903 W. Hwy. 67, approximately 1/2 mi from the proposed facility. Glen Rose

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Endangered Species in and around the proposed facility due to air quality.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Impact to the roads in Somervell County and the cost associated with upgrading the roads to handle Rock Haulers and the dangers posed by heavy trucks ingress and egress to Hwy 67.
- Decreased property values in the area around the proposed facility and in Somervell County.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park.
- The Nuisance created by the proposed facility preventing the enjoyment of the State Roadside Park and surrounding bird watching areas.

mw

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

We feel we are affect parties, because:

- [x] The Nuisance created by the proposed facility and its impact on our enjoyment of the State Roadside Park and the impact to our enjoyment of bird watching in the area in and around the proposed facility.
- [x] Health Issues _____
- [ ] Property Value, we live within 1/2 mi of the proposed facility and the Rock Crushing facility will have a negative impact on our property values and will prevent us from the enjoyment of our property.
- [ ] Other: Endangered specie of birds

Please include our name on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature Dorothy J. Lane

Name DOROTHY JEAN LANE

Address 3131 Maple Ave. #10F
Dallas, Texas 75201

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us
Representative Harvey Hildebran
David Frederick, Attorney

(15)

TCEQ Public Meeting Form

Thursday, October 23, 2008

Tommy Davis dba Slick Machines
Proposed Air Quality Permit No. 82199L002

Physical address
9903 W. Hwy 67
~~GLEN~~ ROSE
76043

PLEASE PRINT:

Name: Jean Lane

Address: 3131 MAPLE AVE #10F

City/State: DALLAS TEXAS Zip: 75201

Phone: (214) 914 ~~[illegible]~~ 5372

2008 OCT 24 PM 3: 2[illegible]
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

☒ Please add me to the mailing list.

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

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☐ I wish to provide formal oral comments.

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

Please give this to the person at the information table. Thank you.

MW

Office of Chief Clerk
TCEQQ
PO Box 13087
Austin Texas 78711-3087

Oct. 23, 2008

Re Air Quality Permit #82199L002

To Whom It May Concern:

The purpose of this letter is to submit public comments, to request a contested case hearing to the Office of the Chief Clerk. An application has been made to the TCEQ for a permit which would authorize a rock crushing facility at 11209 US Hwy. 67, Glen Rose, Texas, Somervell County. Tommy Davis, dba Slick Machines, of Brownwood, Texas is the applicant. I am definitely opposed to this permit being issued because of the following reasons.

Air contaminants and loss of habitat will negatively impact the health and well being of Federally and State listed Endangered Species (Black-Capped Vireos and Golden-Cheeked Warblers). They are on the top 10 endangered list. I feel all wild life will be affected.

I am concerned about air and noise pollution negatively affecting the health and quality of the life of residents. I have just finished building my home on 60 acres ½ mile from this site. I selected this area for the pristine beauty. The sunsets are beautiful over these historic hills that could be erased from our landscape forever. Is there to be a dead zone for future generation that will grow nothing and scar our county forever?

I am concerned about the affect of dynamite on the foundation of my house. There are gas pipe lines in the area. How would these safety issues be dealt with?

This is a heavily populated area-35 families live within 1 mile. The speed limit is 70 mi. per hour on the highway. There are steep inclines and many curves. Increased truck traffic will create dangerous conditions in this area. The air quality will be further affected by the increased truck traffic.

I fear a negative economic impact on Somervell County because of the loss of tourism and lower home values.

Chalk Mountain, an identifiable historical state landmark, would be forever removed from our landscape. A State Road Side Park considered one of the states most beautiful will be overlooking a rock crushing facility if this permit is granted. There are numerous other historical sites in the area including a church.

We recognized the need for rock crushers and gravel. We simply feel, for the reasons stated above, that the proposed site is the wrong location for a facility of this kind, and we request you assistance in ensuring that this facility is not established.

Thank you,
Juan Lane

Office of the Chief Clerk
TCEQ
P.O. Box 13087
Austin, Texas 78711-3087
512-239-1000

Oct. 23, 2008

OPA RECEIVED
OCT 2 3 2008
AT PUBLIC MEETING

RE: Permit Application #82199L002
Tommy Davis/Slick Machine

I live ½ mile from the proposed facility (9903 W. HWY 67). I am concerned about the air quality meeting the Standards for Particulate Matter less than 10microns-- This obviously affecting the quality of life for humans and wildlife.

Is this rock crusher equipped with a water spray system for the emission control of particulate matter during crushing, loading, and conveying? Where will the water come from and where will the run off go? How will this be monitored and how often?

Are there any requirements for restoring the land after the destruction has taken place?

Will the rock crusher emit Silica and other pollutants NOx, SOx, CO, TOC, TSP (uncontrolled), TSP (controlled), and HAP?

Will dynamite be used and how will this affect the foundation of my house? There are gas pipe lines near. I think this could be a safety issue.

The value of land and homes in this area will be adversely affected. Does one landowner have the right to cause this?

There are no entrance or exit lanes onto HWY 67, speed limit 70 mi. per hour- A safety issue for residents and travelers. What are the controls for the emissions of rock crushers and heavy trucks and equipment?

I am opposed to the permit being issued and am asking for a contested hearing in Austin.

Sincerely,
Jean Lane

Mailing Address:
Jean Lane
3131 Maple Ave. #10F
Dallas, Texas 75201

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 24 PM 3: 24
CHIEF CLERKS OFFICE

FROM: DOROTHY JEAN LANE
9903 W. HWY 67
GLEN ROSE, TEXAS 76043

MAILING ADDRESS:
3131 MAPLE AVE. #10 F
DALLAS, TEXAS 75201
TEL. # 214 914 5372

Office of the Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087
512-239-1000

PM
H

OPA October 8, 2008

OCT 16 2008

BY BP

NSR
64889

CHIEF CLERKS OFFICE
2008 OCT 16 AM 10:45
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Permit Application # 82199L002

To Whom It May Concern:

I am apposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. It is my concern this area provides a critical habitat for two federally endangered species of birds; the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range.

In addition, it is my concern the proposed rock crushing facility will also impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns in Somervell County, which presents the greatest health risks to humans due to its ease of respiration, including serious lung disease.

What type of rock crusher is proposed for this operation?

What are the diesel engine emissions for this rock crusher?

What are the permitted limits for the emissions of the operation and that of the diesel engine?

Is this rock crusher equipped with a water spray system for the emission control of particulate matter during the following? Crushing, Loading, and Conveying?

This method of dust suppression for the crushing operation will achieve what percentage of control efficiency?

Furthermore, will the rock crusher promote the element Silica, the pollutants NOx, SOx, CO, TOC, TSP (uncontrolled), TSP (controlled), and HAP?

Opacity limits shall not exceed what percentage from crushing operations, transfer points, conveyors, screens, feedbins, and stockpiles?

What process rate will this rock crusher perform per hour?

Operation hours to consist of how many hours per day, how many days a week, and how many hours permitted per year?

MW

Is there a waste water abatement plan and what is that plan specifically? If this plan fails, what are the ramifications of contaminating the soil and well water?

What affect will this operation have on crops/farming in the area?

What affect will this have on livestock?

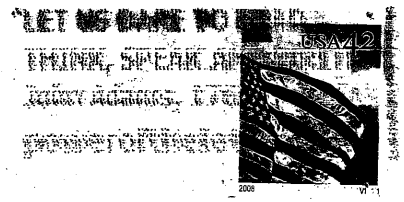
I am also concerned of the impact of the 18 wheelers the facility will utilize to the rural area, highway and county roads and not to mention the noise levels created by the operation. What decibel level will this rock crusher emit under operation in an eight hour period and what maximum level may it reach under normal rock crushing operation?

I respectfully request a public meeting and hearing on this issue, not to mention a timely response to my letter.

Sincerely,

3131 Maple Ave # 10F
Dallas, TX 75201

DALLAS TX 750
14 OCT 2008 PM 3 T



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 16 AM 10:45
CHIEF CLERKS OFFICE

OFFICE OF THE CHIEF CLERK
TCEQ, MC. 105
P.O. BOX 13087
AUSTIN, TX 78711-3087

RECEIVED
OCT 16 2008
TCEQ MAIL CENTER
RB

78711+3087

NSR
164589

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

October 7, 2008

PM OPA HR
OCT 10 2008
BY DM

CHIEF CLERKS OFFICE
2008 OCT 10 AM 10: 29
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at: 9903 W. Hwy. 67

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

Air Quality in Somervell County, the proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Endangered Species. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Environmental Issues. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

Economic Impact. Somervell County is a destination location for tourists all over North Texas, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

mw

J Lane
3131 Maple Ave. #10F
Dallas, Texas 75201

DALLAS TX 752
08 OCT 2008 PM 7 T

"LET US DARE TO
THINK, SPEAK
John Adams, 1765
powerofthelet

USA FIRST-CLASS FOREVER

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RECEIVED
OCT 10 2008
TCEQ MAIL CENTER
RB

NSR
164589

Dorothy Jean Lane
9903 W. Hwy 67
Glen Rose, Texas 76043
254 897 4995

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP 11 AM 9: 52
CHIEF CLERKS OFFICE

September 9, 2008

OPA
PM
SEP 12 2008
H
BY

Office of Chief Clerk
TCEQ
PO Box 13087
Austin, TX 78711-3087

RE: Air Quality Permit Number 82199L002

To whom it may concern:

The purpose of this letter is to submit public comments, to request a public meeting and to request a contested case hearing to the office of the Chief Clerk. An application has been made to the TCEQ for issuance of Air Quality Permit #82199L002 which would authorize a rock crushing facility at 11209 US Hwy 67, Glen Rose, Texas, Somervell County. Tommy Davis, dba Slick Machines, of Brownwood, Texas is the applicant.

I just finished building my retirement home on 60 acres just ¼ of a mile from proposed site. Chalk Mountain is an identifiable natural land mark on maps. The Gibbs State Roadside Park overlooking a fabulous vista would not be usable for traveler on Highway 67. I feel it would affect the quality of life for all residents in this area. I have major concerns and am definitely in opposition to this permit.

The air quality is a major concern: Air contaminants that will be released into the atmosphere, will negatively impact the health of people and wild life. As a retiree, health issues associated with a rock quarry would be a constant worry. The well-being of Federally and State listed Endangered Species (Black-Capped Vireos and Golden-Cheeked Warblers) is of high concern.

Safety: Highway 67 is a State Highway. I have already seen major accidents involving trucks as the area is extremely hilly with many curves. The speed limit is 70 with no lanes to accommodate this type of commercial traffic. I am especially concerned since my entrance is directly on 67.

Quality of Life: Chalk Mountain is community, with most homesteads either used for ranching or retirees escaping the undesirable qualities of city life. It is dark at night; we can see thousands of stars. It is quite day and night. The air is clean. We have deer, grey fox, wild turkey, rabbits, road runners, and so many types of birds I could not even list them. Yes, I have even seen the black panther famous in Somervell County history. Each spring there are tracks by the tanks indicating they are back having young. I fear all of this would be lost including our endangered birds.

mw

Land Value: Most residents in this area have their hard work and money tied up in their houses and land. I think property values will significantly decrease if this permit is granted and this plant allowed to operate.

Sincerely,

Dorothy Jean Lane

Dorothy Jean Lane
Mailing Address:
3131 Maple Ave. #10F
Dallas, Texas 75201

J Lane
3131 Maple Ave. #10F
Dallas Texas 75201

FORT WORTH TX 761

09 SEP 2008 PM 7 T

"LET US DARE [redacted]
THINK, SPEAR [redacted]
John Adams, [redacted]
powerofthe[redacted]

Purple Heart 2008

42

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 SEP 11 AM 9:52

CHIEF CLERKS OFFICE

Office of Chief Clerk
TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RECEIVED
SEP 11 2008
TCEQ MAIL CENTER
RB

78711+3087

NSR
64589

PM
H

OPA
OCT 22 2008
BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 22 AM 9:50
CHIEF CLERKS OFFICE

October 20, 2008

Office of the Chief clerk
Mail Code 105 TCEQ
Po Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at: 102 CAMELOT DR., GLEN ROSE

I am opposed to a rock-crushing facility (Permit Number 82199L002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

AIR QUALITY IN SOMERVELL COUNTY. The Proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

ENDANGERED SPECIES. This area provides critical habitat for 2 federally endangered species of birds, the Golden Cheeked Warbler and Black Capped Vireo. These two birds next extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which next only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

ENVIRONMENTAL ISSUES. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

ECONOMIC IMPACT. Somervell County is a destination location for thousands of tourists, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

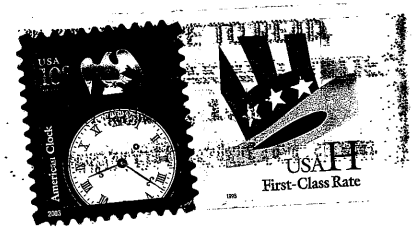
Sincerely,

Alton Langford

MW

ALTON LANGFORD
102 CAMELOT DR.
GLEN ROSE, TX. 76043

FORT WORTH TX 761
21 OCT 2008 PM 7 L



OFFICE OF THE CHIEF CLERK
MAIL CODE 105 TCEQ
P.O. BOX 13087
AUSTIN, TX 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 22 AM 9:47
CHIEF CLERKS OFFICE

RECEIVED
OCT 22 2008
TCEQ MAIL CENTER
RB

78711-3087

To whom it may concern,

NSR
LU4589

I have been instructed to stick to the facts and not to speak of my emotional feelings but the fact is this rock crushing facility will destroy the habitat and wildlife I love, another scar on our beautiful Texas. There are thousands of people who feel as I do, isn't it time to show respect and pride for the natural beauty of our land and pass our good stewardship on to our children. Please, help save Chalk Mountain.

Sincerely,
Citton Langford

OPA
OCT 22 2008
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 22 AM 9:50
CHIEF CLERKS OFFICE

H OPA

FEB 20 2009

BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 20 AM 10: 33

CHIEF CLERKS OFFICE

NSR

121589

February 13, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a **Public Hearing** in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

As a member of Fort Worth Audubon Society and/or National Audubon, the opportunities afforded nature lovers at Chalk Mt. are of great importance.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility. Hundreds of tourist, including birdwatchers, come to the Chalk Mt. area to enjoy the native habitat and air quality provided in Somervell County.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Federally Endangered Species in and around the proposed facility due to air quality. We are especially concerned about the effect on the breeding birds of Chalk Mt., specifically the Golden-cheeked warbler and Black-capped vireo.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park. Our enjoyment of this Roadside Park will be effected by dust, debris and noise coming from the proposed facility.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

We feel we are affect parties, because:

- The Nuisance created by the proposed facility and its impact on our enjoyment of the State Roadside Park and the impact to our enjoyment of bird watching in the area in and around the proposed facility. For many years, Fort Worth Audubon Society has enjoyed the gracious hospitality of private landowners, specifically, the adjacent property landowner. We have been allowed access to survey and study the birds, including the Federally Endangered Birds named above.

- Dust and debri in the area will not only affect the health of birdwatchers in the area, it will cover the native habitat which is essential for the breeding population of Chalk Mt. Golden-cheeked warbler and Blck-capped vireos, both listed on Federally Endangered Species.

- Please include Fort Worth Audubon Society on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature Gary Lawrence

Name Gary Lawrence

Address 2707 Olympia Dr.
Arlington, TX 76013

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

NSR 64389

OPA

October 16, 2008

PM H OCT 20 2008 BY BP

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 17 PM 3:18
CHIEF CLERKS OFFICE

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at: 2792 CR 312

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

Air Quality in Somervell County. the proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Endangered Species. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Environmental Issues. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

Economic Impact. Somervell County is a destination location for thousands of tourists, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Donna & Walter Lawson

MW

Donna & Walter Lawson
2792 CR 312
Glen Rose, TX 76043

FORT WORTH TX 761
16 OCT 2008 PM 3 L

"[redacted]D,
THINK, SPE[redacted] WRITE."
John Adams,
powerofth[redacted]er.com

USA FIRST-CLASS FOREVER

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 17 PM 3:18
CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

78711+3087

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OCT 17 2008
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Office of the Chief Clerk
MC-105, TCEQ
PO BOX 13087
Austin, TX 78711-3087

OPA
H SEP 12 2008
BY a

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP 11 AM 9:55
CHIEF CLERKS OFFICE

Dear Sir or Madam:

I am writing in regards to an Air Quality Permit Request (Permit Number 82199L002) in Somervell County. Tommy Davis has requested a permit to allow a rock crushing facility to operate eight hours/day, five days/week, and to crush 100 tons of rock/hour for a total of 75,000 tons/year. The permit seeks approval to allow air contaminants "including particulate matter less than 10 microns in diameter."

I live close by the area to be permitted. One of the unique things about the property is the presence of two species of Federally and State listed Endangered birds, the Golden-Cheeked Warbler and the Black-Capped Vireo. The property to be permitted is likely to also have populations of these birds. If approved, the entire area's population of these protected birds will be negatively impacted by the air contaminants released by the rock crushing facility.

While I understand the permit request is in regards to air quality, I also think that other factors need to be considered. The rock removed from the property will definitely destroy critical habitat required by these two species of birds. If their habitat is destroyed that will be in violation of federal endangered species laws. The noise produced from the activities of this facility will also disturb the birds' nesting behavior, again in violation of federal laws protecting endangered species.

I am requesting that a formal public hearing be held in regards to this permit request. This will allow for a thorough discussion of the issues involved before any decision is made.

Sincerely,

Carol F. Lee

Carol F. Lee
4585 C.R. 2013
Glen Rose, Texas 76690

MW

Carol Lee
P.O. Box 1459
Glen Rose, TX 76043-1459

WACO TX 767
SEP 2008 PM 2 L

USA FIRST-CLASS MAIL

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 SEP 11 AM 9:52
CHIEF CLERK'S OFFICE

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SEP 11 2008
TCEQ MAIL CENTER
AJ

Office of the Chief Clerk MC-105 TCEQ
P.O. Box 13087
Austin, Texas
78711-3087

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L G Lemons
256 Hillcrest
Nocona TX
76255

FORT WORTH TX 761
09 OCT 2008 PM 8 T

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OCT 13 2008
TCEQ MAIL CENTER
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Office of Chief Clerk
TCEQ
P.O. Box 13087
Austin TX 78711-3087

78711-3087

February 13, 2009

OPA
FEB 20 2009
BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 FEB 20 AM 10: 34
CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

NSR
64589

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a **Public Hearing** in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

As a member of Fort Worth Audubon Society and/or National Audubon, the opportunities afforded nature lovers at Chalk Mt. are of great importance.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility. Hundreds of tourist, including birdwatchers, come to the Chalk Mt. area to enjoy the native habitat and air quality provided in Somervell County.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Federally Endangered Species in and around the proposed facility due to air quality. We are especially concerned about the effect on the breeding birds of Chalk Mt., specifically the Golden-cheeked warbler and Black-capped vireo.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park. Our enjoyment of this Roadside Park will be effected by dust, debris and noise coming from the proposed facility.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

We feel we are affect parties, because:

- The Nuisance created by the proposed facility and its impact on our enjoyment of the State Roadside Park and the impact to our enjoyment of bird watching in the area in and around the proposed facility. For many years, Fort Worth Audubon Society has enjoyed the gracious hospitality of private landowners, specifically, the adjacent property landowner. We have been allowed access to survey and study the birds, including the Federally Endangered Birds named above.

- Dust and debri in the area will not only affect the health of birdwatchers in the area, it will cover the native habitat which is essential for the breeding population of Chalk Mt. Golden-cheeked warbler and Blck-capped vireos, both listed on Federally Endangered Species.

- Please include Fort Worth Audubon Society on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature David E Lentfer

Name David E Lentfer

Address 6719 Fire Hill Dr.
Ft Worth TX 76137

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

NSR
041589

PM OPA HR
OCT 10 2008
BY DM

Box 7
Glen Rose, Tx 76043
October 8, 2008

Office of Chief Clerk
P.O. Box 13087
Austin, Tx 78711-30817

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 10 AM 10:19
CHIEF CLERKS OFFICE

To Whom it May Concern:

I live in Somervell County on a ranch, on the Brazos, and Nems. Lived in Glen Rose 77 years.

I am opposed to a rock crushing facility permit 82199100 2 scheduled for construction in Chalk Mt.

My concerns are air quality standards, endangered species, environmental and economic impact.

* We are next to the smallest county in the state. We are known for the beauty and health of our area.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Mary Lee Lilly

Somervell Co. Historical Museum & Friends of the Brazos.

mw

FRIENDS OF THE BRAZOS RIVER
6336 GOLIAD • DALLAS, TEXAS 75214

FORT WORTH TX 761

08 OCT 2008 PM 1 L

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OCT 10 2008
TCEQ MAIL CENTER

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

78711+3087

FOSSIL RIM
WILDLIFE CENTER
P.O. BOX 2189 • 2155 COUNTY ROAD 2008
GLEN ROSE, TEXAS 76043

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 13 AM 11:
CHIEF CLERKS OFFICE

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MAILED FROM ZIP CODE 76043

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

78711+3087

NSR
64589

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 16 AM 11:00
CHIEF CLERKS OFFICE

OPA
PM
H OCT 16 2008
BY BP

October 13, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P. O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

As a citizen of Somervell County, I am opposed to the rock-crushing facility scheduled for construction in the Chalk Mountain area. (Permit Request No. 82199L002)

I am concerned about the following issues: air quality in Somervell County, removal of habitat for endangered species of birds, environmental issues including noise and road and highway destruction, and economic impact due to disruption of tourism in the immediate area.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Edith Long
3142 County Road 304
Rainbow, TX 76077

NSR
104589

Office of the Chief Clerk

Mail Code 105 TCEQ

P.O. Box 13087

Austin, TX 78711-3087

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 13 AM 10: 19

CHIEF CLERKS OFFICE

PM
H

OPA
OCT 13 2008
BY

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres of oak shinnery and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. I fear that the installation and operation of the proposed rock-crushing facility will adversely impact the nesting and occupied habitat of these 2 endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for habitat restoration may be wasted efforts if this facility is permitted for operation.

In addition to potential impacts to 2 federally endangered species of birds, the proposed rock crushing facility will also potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

mw

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Darwin Mann
4305 Bonnell Vista Cove
Austin TX 78731

cc:

LaDonna Castanuela, Chief Clerk, TCEQ

Mike Wilson, Permits Division, TCEQ

Booker Harrison, Environmental Law Division, TCEQ

Dirk Kempthorne, Secretary of Interior

Dale Hall, Director of US Fish & Wildlife Service

Benjamin Tuggle, Southwest Region, <ST1:COUNTRY-REGIoN w:st="on">US</ST1:COUNTRY-REGIoN> Fish & Wildlife Service

Division of Endangered Species, <ST1:COUNTRY-REGIoN w:st="on">US</ST1:COUNTRY-REGIoN> Fish & Wildlife Service

Division of Bird Habitat Conservation, US Fish & Wildlife Service

State Senator Troy Fraser via email troy.fraser@senate.state.tx.us

State Senator Kip Averitt via email kip.averitt@senate.state.tx.us

Representative Sid Miller via email sid.miller@house.state.tx.us

1907 St. Albans
Austin TX 78745

AUSTIN TX 787

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OCT 13 2008
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THE OFFICE OF THE CHIEF CLERK
MAIL CODE 105 TCEQ
P. O. Box 13087,
Austin
TX 78711-3087

78711+3087

NSR
645389

Office of Chief Clerk
TCEQQ
PO Box 13087
Austin Texas 78711-3087

OPA
PM
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OCT 14 2008
BY

2008 OCT 13 PM 2:56
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Re Air Quality Permit #82199L002

To Whom It May Concern:

The purpose of this letter is to submit public comments, to request a public meeting and to request a contested case hearing to the Office of the Chief Clerk. An application has been made to the TCEQ for a permit which would authorize a rock crushing facility at 11209 US Hwy. 67, Glen Rose, Texas, Somervell County. Tommy Davis, dba Slick Machines, of Brownwood, Texas is the applicant. I am definitely opposed to this permit being issued because of the following reasons.

Air contaminants and loss of habitat will negatively impact the health and well being of Federally and State listed Endangered Species (Black-Capped Vireos and Golden-Cheeked Warblers). They are on the top 10 endangered list. I feel all wild life will be affected.

I am concerned about air and noise pollution negatively affecting the health and quality of life of residents.

This is a heavily populated area. The speed limit is 70 mi. per hour on the highway. There are steep inclines and many curves. Increased truck traffic will create dangerous conditions in this area.

I fear a negative economic impact on Somervell County because of the loss of tourism and lower home values.

Chalk Mountain, an identifiable historical state landmark, would be forever removed from our landscape. A State Road Side Park considered one of the states most beautiful will be overlooking a rock crushing facility if this permit is granted. There are numerous other historical sites in the area including a church.

We recognized the need for rock crushers and gravel. We simply feel, for the reasons stated above, that the proposed site is the wrong location for a facility of this kind, and we request you assistance in ensuring that this facility is not established.

Sincerely,

Julie Matthews

Julie Matthews
P.O. Box 1615
Stephenville, Tx. 76401

mu

ROUGH CREEK LODGE, INC.
P.O. BOX 2400
GLEN ROSE, TEXAS 76043

RECEIVED
OCT 13 2008
TCEQ MAIL CENTER
MM

FORT WORTH, TX 761..
11 OCT 2008 PM 3 T

LET US DRIVE TO
THINK, SPEAK A
John Adams, 1765
powerofthelet

USA FIRST-CLASS FOREVER

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 13 PM 2:56

CHIEF CLERKS OFFICE

Office of Chief Clerk
TCEQQ
P.O. Box 13087
Austin, Tx. 78711-3087

78711+3087

H

OPA

FEB 20 2009

BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 20 AM 10: 34

CHIEF CLERKS OFFICE

NSR 64539

February 13, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a **Public Hearing** in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

As a member of Fort Worth Audubon Society and/or National Audubon, the opportunities afforded nature lovers at Chalk Mt. are of great importance.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility. Hundreds of tourist, including birdwatchers, come to the Chalk Mt. area to enjoy the native habitat and air quality provided in Somervell County.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Federally Endangered Species in and around the proposed facility due to air quality. We are especially concerned about the effect on the breeding birds of Chalk Mt., specifically the Golden-cheeked warbler and Black-capped vireo.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park. Our enjoyment of this Roadside Park will be effected by dust, debris and noise coming from the proposed facility.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

MW

We feel we are affect parties, because:

- The Nuisance created by the proposed facility and its impact on our enjoyment of the State Roadside Park and the impact to our enjoyment of bird watching in the area in and around the proposed facility. For many years, Fort Worth Audubon Society has enjoyed the gracious hospitality of private landowners, specifically, the adjacent property landowner. We have been allowed access to survey and study the birds, including the Federally Endangered Birds named above.

- Dust and debri in the area will not only affect the health of birdwatchers in the area, it will cover the native habitat which is essential for the breeding population of Chalk Mt. Golden-cheeked warbler and Blck-capped vireos, both listed on Federally Endangered Species.

- Please include Fort Worth Audubon Society on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature Martin L. Mattingly

Name Martin L. Mattingly

Address 607 West. Co. Rd. 714
Burleson, Tx 76028

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 13 AM 10: 26

CHIEF CLERKS OFFICE

October 9, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

NSR
10/15/08 PM
H

OPA
OCT 13 2008
BY

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres of oak shinnery and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. I fear that the installation and operation of the proposed rock-crushing facility will adversely impact the nesting and occupied habitat of these 2 endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for habitat restoration may be wasted efforts if this facility is permitted for operation.

In addition to potential impacts to 2 federally endangered species of birds, the proposed rock crushing facility will also potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

mw

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and occupied habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Martin Mattingly
607 WCR 714
Burleson, TX 76028
817-295-6065

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Mike Wilson, Permits Division, TCEQ
Booker Harrison, Environmental Law Division, TCEQ
Dirk Kempthorne, Secretary of Interior
Dale Hall, Director of US Fish & Wildlife Service
Benjamin Tuggle, Southwest Region, US Fish & Wildlife Service
Division of Endangered Species, US Fish & Wildlife Service
Division of Bird Habitat Conservation, US Fish & Wildlife Service
State Senator Troy Fraser via email troy.fraser@senate.state.tx.us
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 NOV -3 PM 2:45

CHIEF CLERKS OFFICE

October 31, 2008

PM
H

OPA

NOV 04 2008

BY KG

Office of the Chief Clerk

Mail Code 105 TCEQ

P.O. Box 13087

Austin, TX 78711-3087

NBR
104589

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at: 202 Austin Rd. - Glen Rose, Tx. 76043

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

Air Quality in Somervell County. The proposed rock crushing facility will potentially impact the region's ability to meet the National Ambient Air Quality Standards for the Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas Counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet clean air standards for Particular Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Endangered Species. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the region.

Environmental Issues. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents wth the increase of water and hauling trucks in order to run this facility.

Environmental Impact. Somervell County is a destination location for thousands of tourist, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Olla Mae Mayfield

olla mae mayfield

October , 2008

PM
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OPA

OCT 16 2008

BY BP

NSR
645591

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 16 AM 10: 40

CHIEF CLERKS OFFICE

Office of the Chief clerk
Mail Code 105 TCEQ
Po Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at: 4168B N.F.M. 199 Cleburne TX 76033

I am opposed to a rock-crushing facility (Permit Number 82199L002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

AIR QUALITY IN SOMERVELL COUNTY. The Proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

ENDANGERED SPECIES. This area provides critical habitat for 2 federally endangered species of birds, the Golden Cheeked Warbler and Black Capped Vireo. These two birds next extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which next only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

ENVIRONMENTAL ISSUES. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

ECONOMIC IMPACT. Somervell County is a destination location for thousands of tourists, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely, Tommie McGlothlen

mw

[redacted] TX 761

14 OCT 2008 PM 4 L

[redacted] READ,

Office of the Chief Clerk
Mail Code 105 TCEQ
PO Box 13087
AUSTIN, TX 78711-3087

RECEIVED
OCT 16 2008
TCEQ MAIL CENTER
RB

NSR
141584

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP 19 AM 10: 24
CHIEF CLERKS OFFICE

September 15, 2008

H
PM
OPA
SEP 19 2008
BY BP

Office of Chief Clerk
TCEQ
P. O. Box 13087
Austin TX 78711-3087

RE: Air Quality Permit Number 82199L002

To Whom It May Concern:

The purpose of this letter is to submit public comments, to request a public meeting and to request a contested case hearing at the Office of the Chief Clerk

My wife and I own property within a mile of the proposed site and we are opposed to the application submitted by Tommy Davis dba Slick Machines. We are opposed because of environmental and air quality issues, issues from the operations that will destroy the habitat of the Golden -cheek Warbler and the Black-capped Vireo, and serious concern for the additional truck traffic, the negligence and disregard in obeying speed limits and laws of the road.

We are also asking to be placed on a mailing list to receive future public notices for this specific application.

We are asking that you grant a public meeting and to allow a contested case hearing to the Office of the Chief Clerk.

Sincerely,

Wayne and Betty McKethan
9903 U.S Highway 67
Walnut Springs, TX 76043

MW

Wayne and Betty McKeehan
9703 Nottaway Ct.
Granbury, Texas 76049

FORT WORTH TX 761
17 SEP 2008 PM 8 T

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 SEP 19 AM 10: 24

CHIEF CLERKS OFFICE

Office of Chief Clerk
TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RECEIVED
SEP 19 2008
TCEQ MAIL CENTER
RB

78711+3087

NSR
64589

PM
H

OPA
OCT 20 2008
BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 17 PM 3:19
CHIEF CLERKS OFFICE

October 14, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres of oak shinnery and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. I fear that the installation and operation of the proposed rock-crushing facility will adversely impact the nesting habitat and nesting habits of these 2 endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for habitat restoration may be wasted efforts if this facility is permitted for operation.

In addition to potential impacts to 2 federally endangered species of birds, the proposed rock crushing facility will also potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Mike & Cynthia McVean
2875 Co. Rd. 2021
Glen Rose, Texas 76043

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Mike Wilson, Permits Division, TCEQ
Booker Harrison, Environmental Law Division, TCEQ
Dirk Kempthorne, Secretary of Interior
Dale Hall, Director of US Fish & Wildlife Service
Benjamin Tuggle, Southwest Region, US Fish & Wildlife Service
Division of Endangered Species, US Fish & Wildlife Service
Division of Bird Habitat Conservation, US Fish & Wildlife Service
State Senator Troy Fraser via email troy.fraser@senate.state.tx.us
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

Cynthia A. McVean
2875 County Road 2021
Glen Rose, TX 76043-6161

FORT WORTH TX 761

15 OCT 2008 PM 8 L

LET US WAKE TO READ,
THINK, SPEAK AND WRITE.
John Adams, 1765
powerofthelette

USA FIRST CLASS FOREVER

COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 17 PM 3:17

CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RECEIVED
OCT 17 2008
TCEQ MAIL CENTER
RB

H

OPA

FEB 20 2009

BY BF

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 20 AM 10: 34

CHIEF CLERKS OFFICE

NSR

041589

February 13, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a **Public Hearing** in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

As a member of Fort Worth Audubon Society and/or National Audubon, the opportunities afforded nature lovers at Chalk Mt. are of great importance.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility. Hundreds of tourist, including birdwatchers, come to the Chalk Mt. area to enjoy the native habitat and air quality provided in Somervell County.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Federally Endangered Species in and around the proposed facility due to air quality. We are especially concerned about the effect on the breeding birds of Chalk Mt., specifically the Golden-cheeked warbler and Black-capped vireo.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park. Our enjoyment of this Roadside Park will be effected by dust, debris and noise coming from the proposed facility.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

mw

We feel we are affect parties, because:

- The Nuisance created by the proposed facility and its impact on our enjoyment of the State Roadside Park and the impact to our enjoyment of bird watching in the area in and around the proposed facility. For many years, Fort Worth Audubon Society has enjoyed the gracious hospitality of private landowners, specifically, the adjacent property landowner. We have been allowed access to survey and study the birds, including the Federally Endangered Birds named above.

- Dust and debri in the area will not only affect the health of birdwatchers in the area, it will cover the native habitat which is essential for the breeding population of Chalk Mt. Golden-cheeked warbler and Blck-capped vireos, both listed on Federally Endangered Species.

- Please include Fort Worth Audubon Society on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature Marion Midyley

Name Marion Midyley

Address 1209 Springwood Ctr
Euless TX 76040

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

NSR
64589

October 10, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

PM
H

OPA
OCT 14 2008
BY

CHIEF CLERKS OFFICE
2008 OCT 13 PM 2:57
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres of oak shinnery and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. I fear that the installation and operation of the proposed rock-crushing facility will adversely impact the nesting and occupied habitat of these 2 endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for habitat restoration may be wasted efforts if this facility is permitted for operation.

In addition to potential impacts to 2 federally endangered species of birds, the proposed rock crushing facility will also potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

mw

What a shame it would be to lose that solid, majestic welcome to West Tex. that we see as we drive toward Glen Rose & have instead an ugly scar on the landscape & the air pollution from rock crushing.

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and occupied habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Marion Midgley
1209 Springwood
Culess 76040

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Mike Wilson, Permits Division, TCEQ
Booker Harrison, Environmental Law Division, TCEQ
Dirk Kempthorne, Secretary of Interior
Dale Hall, Director of US Fish & Wildlife Service
Benjamin Tuggle, Southwest Region, US Fish & Wildlife Service
Division of Endangered Species, US Fish & Wildlife Service
Division of Bird Habitat Conservation, US Fish & Wildlife Service
State Senator Troy Fraser via email troy.fraser@senate.state.tx.us
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

Mr. George Midgley
1209 Springwood Ct
Euless, TX 76040-5959

FORT WORTH TX 761

10 OCT 2008 PM 7 L

USA FIRST-CLASS FOREVER

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OCT 13 2008
TCEQ MAIL CENTER
MM

Office of The Chief Clerk
Mail Code 105 TCEQ
PO Box 13087
Austin TX 78711-3087

78711+3087

ON ENVIRONMENTAL QUALITY

2008 OCT 13 PM 2:57

CHIEF CLERKS OFFICE

NSR
W4584

LAW OFFICE OF CARRIE B. MILLER
3926 CR 2008
GLEN ROSE, TEXAS 76043
CARRIE@LONESTARLEGALFIRM.COM
TELEPHONE (254) 824-0898
FAX (214) 550-2673

October 13, 2008

PM OPA
H OCT 16 2008
BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 16 AM 10: 38
CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3097

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County and very concerned about the rock-crushing facility (permit number 821991002) scheduled for construction in the Chalk Mountain area. Some of my concerns are as follows:

Air Quality in Somervell County, the proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Endangered Species. This area provides critical habitat for 2 federally endangered species of birds - the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologist and naturalist from all over the world have come to this area to study these birds, which nest only in the Edward Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Environmental Issues. Including environmental impacts of excess noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

Economic Impact. Somervell County is a destination location for thousands of tourists, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

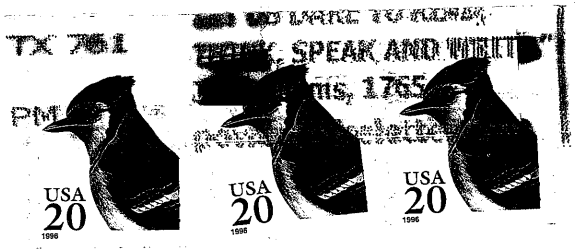
Sincerely,

Carrie B. Miller

Carrie B. Miller

Law Office of Carrie B. Miller
3926 CR 2008
Glen Rose, Texas 76043

FORT WORTH TX 761
14 OCT 2008 PM



Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3097

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78711+3087

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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 FEB 16 PM 3:00

CHIEF CLERKS OFFICE

February 11, 2009

PM
IP+ OPA
FEB 17 2009
BY EB

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a Public Meeting in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility, we live within 3 miles of the proposed location.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Endangered Species in and around the proposed facility due to air quality.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Impact to the roads in Somervell County and the cost associated with upgrading the roads to handle Rock Haulers and the dangers posed by heavy trucks ingress and egress to Hwy 67.
- Decreased property values in the area around the proposed facility and in Somervell County.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park.
- The Nuisance created by the proposed facility preventing the enjoyment of the State Roadside Park and surrounding bird watching areas.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

Concerning the Public Meeting we are requesting be held in Glen Rose, we respectfully request a meeting with the TCEQ to understand why:

- Questions that were raised in the first Public Meeting held in Glen Rose on October 23, 2008 have gone unanswered, yet the Permit process is progressing.
- Why the questions were not reviewed as part of the vetting process to determine if the Permit Application was "Administratively Complete" and complied with TCEQ Rules and Regulations when over 20 flaws were noted in the initial permit.
- Why the Permit Application has been allowed to move forward while the Public has not been provided with information as detailed in the TCEQ Public Notices in the *Glen Rose Reporter*.
- Why the TCEQ has not made sure the Applicant filed information in accordance with the requirements of the Second Notice from the first day that the notice was placed in the *Glen Rose Reporter*.
- Why the TCEQ is allowing the process to move forward when the notice was placed in the paper improperly.
- Why the TCEQ is rushing the application through the approval process without having performed tests to identify whether Silica will be present in the air as the result of Rock Crushing operation or if any other known Carcinogens will be released into the atmosphere as a result of Rock Crushing operations.

Please include our name on the permanent mailing list for this permit application 82199L002.

Sincerely,

4168 FM 51
BLUFF DALE, TX 76433

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us
Representative Harvey Hildebran
David Frederick, Attorney

NSR
64589

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

February 11, 2009

OPA

2009 FEB 16 PM 3:00

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

JPH FEB 17 2009

BY EB

CHIEF CLERKS OFFICE

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a **Public Hearing** in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

We live at 4168 FM 51, approximately 3 miles from the proposed facility.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Endangered Species in and around the proposed facility due to air quality.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
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- Decreased property values in the area around the proposed facility and in Somervell County.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park.
- The Nuisance created by the proposed facility preventing the enjoyment of the State Roadside Park and surrounding bird watching areas.

MW

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

We feel we are affect parties, because:

- ☐ The Nuisance created by the proposed facility and its impact on our enjoyment of the State Roadside Park and the impact to our enjoyment of bird watching in the area in and around the proposed facility.
- ☐ Health Issues _____
- ☐ Property Value, we live within 3 miles of the proposed facility and the Rock Crushing facility will have a negative impact on our property values and will prevent us from the enjoyment of our property.
- ☐ Other: _____

_____

_____

Please include our name on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature _____

Name RUSS MILLER

Address 4168 FM 51
BLUFF DALE, TX 76433

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us
Representative Harvey Hildebran
David Frederick, Attorney

RUSS MILLER
4168 FM 51
BLUFF DALE TX 76433

RECEIVED
FEB 16 2009
TCEQ MAIL CENTER
JR

FORT WORTH TX 763
13 FEB 2009 PM 2 T

USA 42

TCEQ
OFFICE OF THE CHEIF CLERK
MAIL CODE 105 TCEQ
P.O. BOX 13087
AUSTIN, TX 78711-3087

78711+3087

9

TCEQ Public Meeting Form

Thursday, October 23, 2008

Tommy Davis dba Slick Machines
Proposed Air Quality Permit No. 82199L002

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 24 PM 3: 22
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: RUSS MILLER

Address: 4168 FM 51

City/State: BLUFF DALE TX Zip: 76433

Phone: (254) 823-6669

☑ Please add me to the mailing list.

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

If yes, which one? CHALK MTN WILDLIFE MGMT ASSN

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☑ I wish to provide formal oral comments.

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

Please give this to the person at the information table. Thank you.

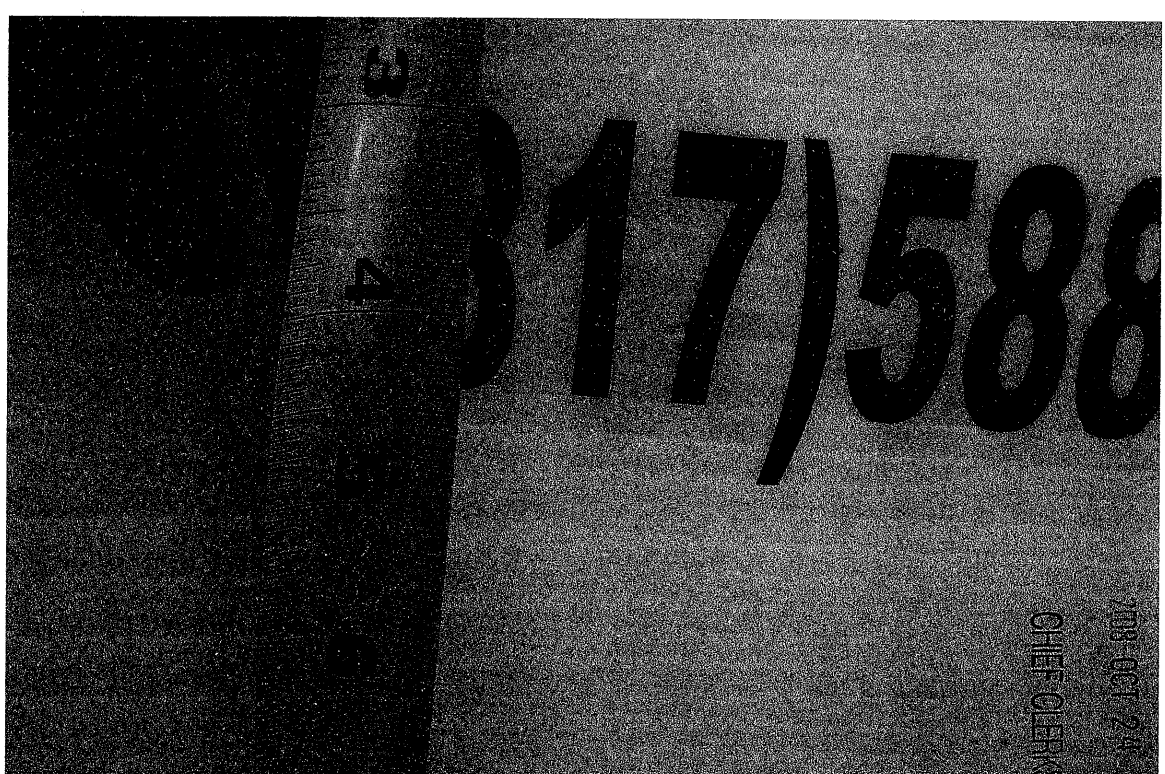
Russ Miller 10/23/08

OPA RECEIVED

OCT 2 3 2008

BP

IC MEETING

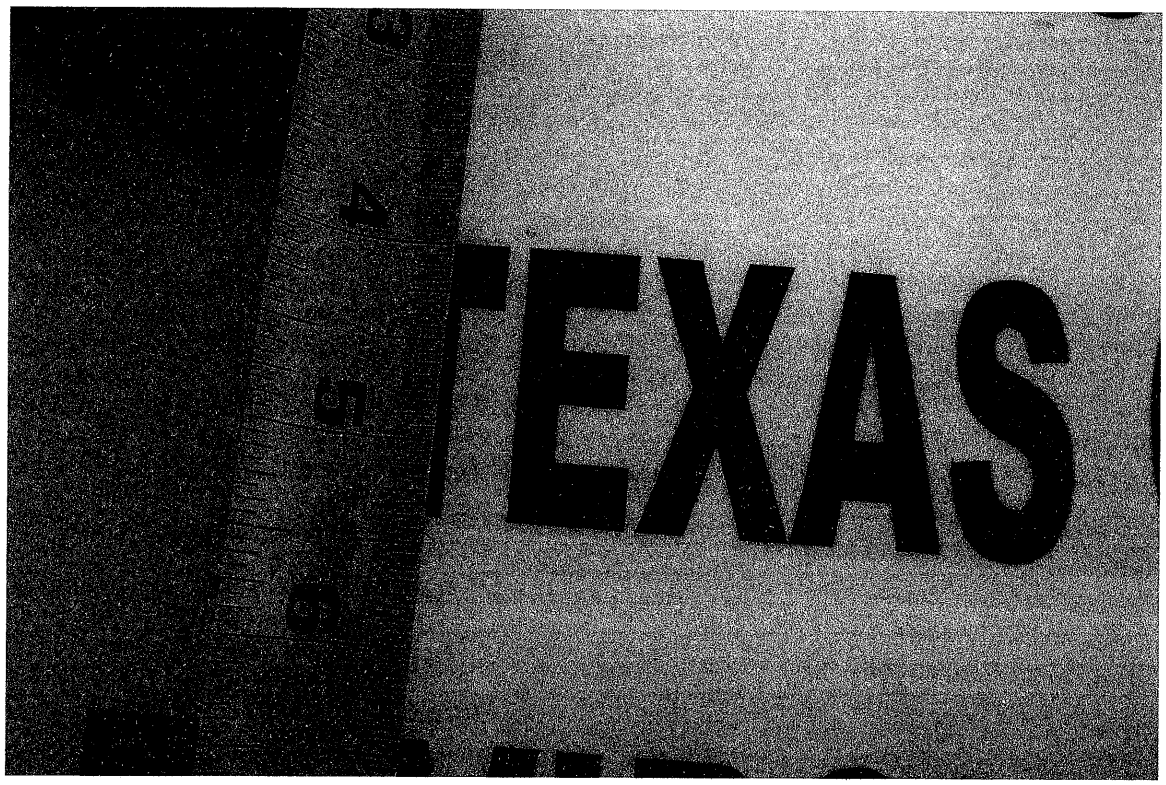


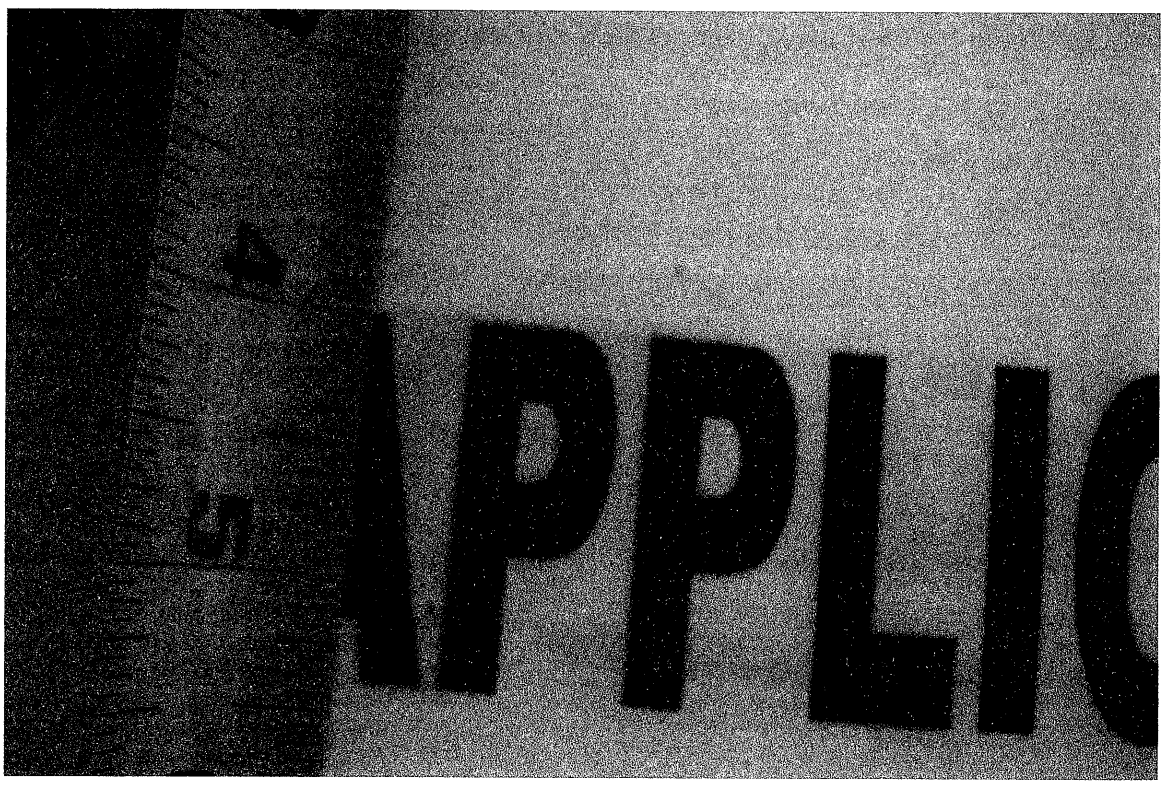
TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 24 PM 3:23

CHIEF CLERKS OFFICE

mw


TEXAS


APPLIC

From: PUBCOMMENT-OPA
To: PUBCOMMENT-OCC2
Date: 4/16/2010 1:38 PM
Subject: Fwd: Public comment on Permit Number 82199L002
Place: PUBCOMMENT-OCC2
Attachments: TCEQ Request for a Contested Case Hearing.pdf

AIRNSR 64589

H

>>> PUBCOMMENT-OCC 4/16/2010 1:13 PM >>>

>>> <bmills@nctv.com> 4/16/2010 10:04 AM >>>

REGULATED ENTY NAMESLICK MACHINES ROCK CRUSHER 1
RN NUMBER:RN105244461
PERMIT NUMBER:82199L002
DOCKET NUMBER:
COUNTY:SOMERVELL
PRINCIPAL NAME:DAVIS, TOMMY
CN NUMBER:CN602877276
FROM
NAME: Brandon Mills
E-MAIL:bmills@nctv.com
COMPANY:N/A
ADDRESS:106 DOUBLEHORN ST N/A
STEPHENVILLE TX 76401-2172
PHONE:2544854210
FAX:
COMMENTS:106 Double Horn St. Stephenville, TX 76401 April 16th, 2010 LaDonna Castanuela Chief Clerk TCEQ, MC-105 P.O. Box 13807 Austin, TX 78711-3087 Ms. Castanuela: My name is Brandon Mills. I am writing on behalf of my wife Jeannette Mills, and my brother James Mills. My address is 106 Double Horn St. Stephenville, TX 76401. My daytime phone number is (254)485-4210. I am writing in regards to the packet that I received in the mail concerning the decision of approval for Tommy Davis, dba Slick Machines, to begin crushing rock at Chalk Mountain. The permit number is 82199L002. I would like to request a contested case hearing. I am an affected person considering that I am the owner of an approximate thirty-five acre tract of land that is across US HWY 67 from the proposed mining site. I am an affected party because my wife and I intend to build on our tract of land in the near future. My wife has severe allergies, and the mining operation that Slick Machines intends to engage in will add a great deal of particulate matter to our immediate environment that will significantly diminish my wifes ability to breathe and her overall quality of life as well. We escape to the rural land to breath fresh air, not emissions from a mining site. Additionally, the area of land that our property is located on is a prime habitat for the endangered Golden Cheek Warbler, and the Black Capped Vireo. Both of these bird species are protected under the Federal Endangered Species Act. As a wildlife conservation professional, I am fully aware that the further segmentation of the native lands that these two birds occupy will only contribute to their demise. To personally take measures to protect not only these two species of endangered birds, but all native wildlife to the Chalk Mountain area, and the aesthetic splendor of open space in TX, my wife and I additionally intend to place our tract of land into a perpetual conservation easement. The noise, dust, and particulate matter that will be produced from the operations at the proposed mining site for Slick Machines will have tremendous adverse effects on our perpetual goals to preserve this native Texas land and its native inhabitants. At all times of the day, we observe healthy natural wildlife species in a peaceful and serene setting. The noise pollution and air pollution that will emanate exclusively from the proposed mining facility will greatly disrupt the animal behavior of the native species of the immediate Chalk Mountain landscape. Chalk Mountain is both a geographical and historical landmark, rich with history, artifacts, and lifetimes of experiences. The demolition of such a historical landmark is an atrocity to our society now, and

MW

is equivalent to stealing from future generations to come. Thank you for your time and understanding of this request for a contested case hearing. Sincerely, Brandon Mills

106 Double Horn St.
Stephenville, TX 76401
April 16th, 2010

LaDonna Castanuela
Chief Clerk
TCEQ, MC-105
P.O. Box 13807
Austin, TX 78711-3087

Ms. Castanuela:

My name is Brandon Mills. I am writing on behalf of my wife Jeannette Mills, and my brother James Mills. My address is 106 Double Horn St. Stephenville, TX 76401. My daytime phone number is (254)485-4210. I am writin g in regards to the packet that I received in the mail concerning the decision of approval for Tommy Davis, dba Slick Machines, to begin crushing rock at Chalk Mountain. The permit number is 82199L002. I would like to request a contested case hearing. I am an affected person considering that I am the owner of an approximate thirty-five acre tract of land that is across US HWY 67 from the proposed mining site. I am an affected party because my wife and I intend to build on our tract of land in the near future. My wife has severe allergies, and the mining operation that Slick Machines intends to engage in will add a great deal of particulate matter to our immediate environment that will significantly diminish my wife's ability to breathe and her overall quality of life as well. We escape to the rural land to breath fresh air, not emissions from a mining site. Additionally, the area of land that our property is located on is a prime habitat for the endangered Golden Cheek Warbler, and the Black Capped Vireo. Both of these bird species are protected under the Federal Endangered Species Act. As a wildlife conservation professional, I am fully aware that the further segmentation of the native lands that these two birds occupy will only contribute to their demise. To personally take measures to protect not only these two species of endangered birds, but all native wildlife to the Chalk Mountain area, and the aesthetic splendor of open space in TX, my wife and I additionally intend to place our tract of land into a perpetual conservation easement. The noise, dust, and particulate matter that will be produced from the operations at the proposed mining site for Slick Machines will have tremendous adverse effects on our perpetual goals to preserve this native Texas land and its native inhabitants. At all times of the day, we observe healthy natural wildlife species in a peaceful and serene setting. The noise pollution and air pollution that will emanate exclusively from the proposed mining facility will greatly disrupt the animal behavior of the native species of the immediate Chalk Mountain landscape. Chalk Mountain is both a geographical and historical landmark, rich with history, artifacts, and lifetimes of experiences. The demolition of such a historical landmark is an atrocity to our society now, and is equivalent to stealing from future generations to come. Thank you for your time and understanding of this request for a contested case hearing.

Sincerely,

Brandon Mills

Brandon Mills

TCEQ Public Meeting Form

Thursday, September 3, 2009

Tommy Davis dba Slick Machines
Proposed Air Quality Permit No. 82199L002

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 SEP -4 PM 4:26
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Brandon Mills

Mailing Address: 106 Double Horn St.

Physical Address (if different):

City/State: Stephenville, TX Zip: 76401

Phone: (254) 522 - 8991

☑ Please add me to the mailing list.

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

If yes, which one? N/A

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☑ I wish to provide formal oral comments.

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

Please give this to the person at the information table. Thank you.

MW

NSR
64589

Office of Chief Clerk
TCEQQ
PO Box 13087
Austin Texas 78711-3087

PM
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OPA
OCT 13 2008
BY dc

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 13 AM 10: 27
CHIEF CLERKS OFFICE

Re Air Quality Permit #82199L002

To Whom It May Concern:

The purpose of this letter is to submit public comments, to request a public meeting and to request a contested case hearing to the Office of the Chief Clerk. An application has been made to the TCEQ for a permit which would authorize a rock crushing facility at 11209 US Hwy. 67, Glen Rose, Texas, Somervell County. Tommy Davis, dba Slick Machines, of Brownwood, Texas is the applicant. I am definitely opposed to this permit being issued because of the following reasons.

Air contaminants and loss of habitat will negatively impact the health and well being of Federally and State listed Endangered Species (Black-Capped Vireos and Golden-Cheeked Warblers). They are on the top 10 endangered list. I feel all wild life will be affected.

I am concerned about air and noise pollution negatively affecting the health and quality of life of residents.

This is a heavily populated area. The speed limit is 70 mi. per hour on the highway. There are steep inclines and many curves. Increased truck traffic will create dangerous conditions in this area.

I fear a negative economic impact on Somervell County because of the loss of tourism and lower home values.

Chalk Mountain, an identifiable historical state landmark, would be forever removed from our landscape. A State Road Side Park considered one of the states most beautiful will be overlooking a rock crushing facility if this permit is granted. There are numerous other historical sites in the area including a church.

We recognized the need for rock crushers and gravel. We simply feel, for the reasons stated above, that the proposed site is the wrong location for a facility of this kind, and we request you assistance in ensuring that this facility is not established.

Sincerely,

Ivory Mize
406 CR 105
Walnut Spring, TX 76690

mw

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FORT WORTH AUDUBON

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A Chapter of the National Audubon

2008 SEP -3 AM 10: 40
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

September 4, 2008

OPA
PM
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H
BY

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

We, as an organization, are opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres of oak shinnery and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. We fear that the installation and operation of the proposed rock-crushing facility will adversely impact the nesting habitat and nesting habits of these 2 endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for habitat restoration may be wasted efforts if this facility is permitted for operation.

In addition to potential impacts to 2 federally endangered species of birds, the proposed rock crushing facility will also potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility.

We respectfully request a public meeting and hearing on this issue.

Sincerely,

Gail I. Morris

Gail I. Morris
President, FWAS

cc:

Texas Parks & Wildlife

Andy Kasner, Important Bird Areas Coordinator, Texas Audubon

The Nature Conservancy

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2008 SEP -8 AM 10: 40

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Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

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FORT WORTH AUDUBON

A Chapter of the National Audubon

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 FEB 17 AM 10: 53
CHIEF CLERKS OFFICE

February 13, 2009

NSR
LCL1589

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

OPA
FEB 17 2009
BY EB

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, Fort Worth Audubon Society officially request a Public Meeting in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility. Hundreds of tourist, including birdwatchers, travel to the Chalk Mt. area each year.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety, as birdwatchers who tour Chalk Mt. yearly, as a result of the rock crushing operation.
- Negative impact to the Federally Endangered bird Species in and around the proposed facility due to air quality.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park.
- The Nuisance created by the proposed facility preventing the enjoyment of the State Roadside Park and surrounding bird watching areas.

6084 Alta Mira Circle, #1217, Fort Worth, TX 76132

printed on 100% tree-free Kenaf paper

FORT WORTH AUDUBON

A Chapter of the National Audubon

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 FEB 17 AM 10: 54
CHIEF CLERKS OFFICE

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

Concerning the Public Meeting we are requesting be held in Glen Rose, we respectfully request a meeting with the TCEQ to understand why:

- Questions that were raised in the first Public Meeting held in Glen Rose on October 23, 2008 have gone unanswered, including more than 20 technical issues with the Permit Application, yet the Permit process is progressing.
- Why the questions were not reviewed as part of the vetting process to determine if the Permit Application was "Administratively Complete" and complied with TCEQ Rules and Regulations when over 20 flaws were noted in the initial permit.
- Why the Permit Application has been allowed to move forward while the Public has not been provided with information as detailed in the TCEQ Public Notices in the *Glen Rose Reporter*.
- Why the TCEQ has not made sure the Applicant filed information in accordance with the requirements of the Second Notice from the first day that the notice was placed in the *Glen Rose Reporter*.
- Why the TCEQ is allowing the process to move forward when the notice was placed in the paper improperly.
- Why the TCEQ is rushing the application through the approval process without having performed tests to identify whether Silica will be present in the air as the result of Rock Crushing operation or if any other known carcinogens will be released into the atmosphere as a result of Rock Crushing operations.

Please include our name on the permanent mailing list for this permit application 82199L002.

Sincerely,

Gail Morris

Gail Morris

President, Fort Worth Audubon Society

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 FEB 17 AM 10: 53

CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

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RB

(6)

TCEQ Public Meeting Form

Thursday, October 23, 2008

Tommy Davis dba Slick Machines
Proposed Air Quality Permit No. 82199L002

PLEASE PRINT:

Name: GAIL MORRIS Fort Worth Audubon S.

Address: 6084 Alta Mira Cr #1217

City/State: Fort Worth TX Zip: 76132

Phone: (682)4292811

☒ Please add me to the mailing list.

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

If yes, which one? Fort Worth Audubon Society

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☒ I wish to provide formal oral comments.

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 24 PM 3:27
CHIEF CLERKS OFFICE

Please give this to the person at the information table. Thank you.

mw

FORT WORTH AUDUBON

A Chapter of the National Audubon

October 23, 2008

OPA RECEIVED

OCT 23 2008

AT PUBLIC MEETING

BP

Chief Clerk
Texas Commission on Environmental Quality
Mail Code MC-105
P.O. Box 13087
Austin, TX 78711-3087

Hand Delivered During Public Meeting October 23, 2008

Subject: Proposed Air Quality Permit Number 82199L002

Attachments:
(1) Permit No. 76402
(2) Permit No. 82199L001
(3) Permit Application for Permit No. 82199L002
(4) Instructions for Completing Form PI-1
(5) Aerial Photograph of Area
(6) Satellite Photograph of Area
(7) Photograph of Site Clearing Activity

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 24 PM 3:28
CHIEF CLERKS OFFICE

To Whom It May Concern:

Thank you for the opportunity to provide public comment regarding proposed air quality permit number 82199L002, which would authorize the change of location of a Rock Crushing Facility to 11209 U.S. Highway 67 (200 yards east), Glen Rose, Somervell County, Texas. The following comments are organized into 3 categories: (1) permit application concerns; (2) other environmental concerns; and (3) impacts to endangered species habitat.

Public Comment for Permit Application No. 82199L002 (incorrectly listed as 82199L001)

October 23, 2008 Glen Rose, Texas

I. Permit Application Concerns:

Background Information:

Permit Number: 76402 (Attachment No. 1)
A permit was issued, number 76402, to Mr. Thomas M. Davis, owner of Slick Machines on October 7, 2005. According to Mr. Matthew Rosta of the TCEQ Region 3 office on October 6, 2008, the permit was issued for a permanent rock crushing facility located in Valera, Coleman County, Texas. The permit references RN 104458187 and CN 602877276. The permit states that the emission rates are based on and the facilities are

MW

limited by the following maximum operating schedule and production rates: 5 hrs/day; 5 days/week; 30 weeks/year or 750 hrs/year. Although as stated by Mr. Rosta, this was a permanent facility, it appears, based on the special conditions of permit number 76402, the permit that was actually issued was a standard permit for a temporary facility.

Permit Number: 82199L001 (Attachment No. 2)
On August 24, 2007, a new permit was issued, number 82199L001, to Mr. Thomas M. Davis, owner of Slick Machines to relocate the above referenced facility to Desdemona, Eastland County. Also per Mr. Matthew Rosta of the TCEQ Region 3 office, the new facility was to be a portable rock crushing facility. This permit references RN 105244461 (which is different than the RN on permit no. 76402) and CN 602877276. Upon issuance of permit number 82199L001 for the Desdemona location, permit number 76402 (Valera location) was voided. Since permit number 76402 was issued for a permanent facility, it appears that when the owner requested to construct a portable facility at another location, a permit amendment would have been required, rather than a simple request for location change.

Additionally, as with permit number 76402, permit 82199L001 states that the emission rates are based on and the facilities are limited by the following maximum operating schedule and production rates: 5 hrs/day; 5 days/week; 30 weeks/year or 750 hrs/year.

Air Quality Permit Application for the Somervell County Location - Number 82199L002 (Attachment No. 3):

A permit application was submitted to TCEQ for the relocation of the Desdemona, Eastland County facility to Somervell County. Following are questions and comments regarding the permit application:

1. Section I, H: Please confirm the Regulated Entity Number. Is the correct number 105244461 or 104458187? Each number appears on previous permits issued to Mr. Thomas Davis.

2. Section II, C: States that jobs provided by this facility will be permanent, but Section III, B states that this is a portable operation implying that it will be at the referenced location temporarily rather than permanently. Is this permit application for a temporary or permanent facility?

3. Section IV, A: Permit number is listed as 82199L001. Shouldn't this listed as 82199L002?

4. Section IV, C: States that this is a permit amendment. According to the instructions for completing the PI-1 form (Attachment No. 4), a permit amendment is required if changes are proposed to occur to a permitted facility and representations vary from the original application and cause:
   - a change in the method of control of emissions;

- a change in the character of the emissions (new criteria pollutant or new specie); or
- an increase in the emission rate of any air contaminant (any criteria pollutant or any specie on any averaging.

Since this is represented as a permit amendment, please provide information regarding the changes that are proposed to occur to the permitted facility regarding the three (3) points above.

5. Section IV, E.1: Current location is listed as Valera, Texas. That facility is no longer permitted to operate. Shouldn't this be listed as a change of location for the Desdemona, Texas facility?

6. Section VI, C: Per Section IV,C, this is a permit amendment. If indeed it is a permit amendment, shouldn't Section VI, C be marked as "Yes", that it is a permit amendment.

7. Section VI, C: The two previously noted permits (No. 76402 and No. 82199L001) state that the emission rates are based on and the facilities are limited by the following maximum operating schedule and production rates: 5 hrs/day; 5 days/week; 30 weeks/year or 750 hrs/year. The new permit application states in Section IX, D that the maximum operating schedule will be 8 hrs/day; 5 days/week; 30 weeks/year, which equates to 1200 hrs/year. Since this is an increase in the operating schedule, which likely will increase emissions of particulate matter, it appears that Section VI, C.1 through C.3 should be completed. Currently, those sections are blank on permit application No. 82199L002 and no new emission calculations are provided. Since this is noted in Section IV.C as a permit amendment and since the operating schedule has increased, shouldn't sections VI, C.1 through C.3 be completed to reflect increases in annual emissions?

8. Section VII: Entire section was left blank. Since public notice was required, shouldn't this section be completed? Since it was not completed, information was not provided to the public regarding where the permit application and associated documents could be viewed.

9. Section VII, D: A bilingual program is required in the Glen Rose school district. Consequently, isn't public notice (newspaper advertisement) required to be in the language required by the bilingual program? Public notice was only provided in English.

10. Section IX, B: States that a plot plan of the plant property is attached. Neither the TCEQ Region 4 office, nor the TCEQ Region 3 offices have been able to provide a plot plan.

11. Section IX, C: States that a process flow diagram is attached. Neither the TCEQ Region 4 office, nor the TCEQ Region 3 offices have been able to provide a process flow diagram.

12. Section IX, D: Maximum operating schedule is listed as 8 hrs/day; 5 days/week; 30 weeks/year, which equates to 1200 hrs/year. This is an increase in the operating schedule, as compared to the previous permits issued to Mr. Thomas Davis, owner of Slick Machines. With an increase in operating hours, an increase in emissions would be expected. Shouldn't this increase in emissions be accounted for in the permit application?

13. Section IX, E: States that worst-case emissions data and calculations are attached. Neither the TCEQ Region 4 office, nor the TCEQ Region 3 offices have been able to provide worst-case emissions data and calculations.

14. Section IX, E.1 through E.3: Since the operating schedule is proposed to increase in this permit application, shouldn't Sections IX, E.1 through E.3 be completed to reflect changes in emissions. Currently, these sections are blank.

15. Section X.A: States that information on emissions from the proposed facility and how they will comply with all rules and regulations of the TCEQ are attached. Neither the TCEQ Region 4 office, nor the TCEQ Region 3 offices have been able to provide this information.

16. Section X.B: States that information on how the facility will measure emissions of significant air contaminants is attached. Neither the TCEQ Region 4 office, nor the TCEQ Region 3 offices have been able to provide this information.

17. Section X.C: States that a demonstration of BACT is attached. Neither the TCEQ Region 4 office, nor the TCEQ Region 3 offices have been able to provide this information.

18. Section X.D: States that information regarding how the facility will achieve the performance of the permit application and compliance demonstration and record keeping information is attached. Neither the TCEQ Region 4 office, nor the TCEQ Region 3 offices have been able to provide this information.

19. Section X.G.2: States that the site is subject to 30 TAC Chapter 101, Subchapter H, Division 3 (Mass Emissions Cap and Trade). This facility is not located in the Houston/Galveston nonattainment area. Is this facility subject to the referenced citation?

20. Section XII.C: States that a copy of the Core Data Form, the Form PI-1, and all attachments have been sent to the appropriate TCEQ regional office. The Core Data Form is attached to the permit application. Neither the TCEQ Region 4

office, nor the TCEQ Region 3 offices have been able to provide the remaining reference attachments.

II. Other Environmental Concerns:

Storm Water Pollution Prevention

Based on aerial and satellite photographs of the property in question (Attachments No. 5 and 6), it appears that more than five (5) acres will be impacted. On October 8, 2008, site preparation work was observed to be underway at the property consisting of the use of a large piece of heavy equipment (front-end loader) to clear the site (Attachment No. 7). The site preparation work has continued since October 8th. A visual inspection of the property line was conducted on October 4, 2008 to observe Air Quality Permit Application signage. Although the Air Quality Permit Application signage was observed, no Storm Water "Notice of Intent", nor information regarding a site Storm Water Pollution Prevention Plan was visible. Additionally, neither erosion control measures, nor any other storm water Best Management Practices appeared to be employed at the site. TCEQ Region 4 office was contacted on October 10, 2008 to determine if the site had obtained a construction storm water permit. Based on verbal communication with Mr. Jeff Tate on October 17, 2008, TCEQ investigators visited the site on October 16, 2008. Per Mr. Tate, it does not appear that Mr. Thomas Davis has obtained a construction storm water permit for the site, although site preparation work commenced on October 8, 2008. It is requested that TCEQ perform a thorough review and investigation regarding storm water permitting requirements for the proposed location of the rock crushing facility in question prior to issuing the requested air quality permit to ensure Mr. Thomas Davis is in compliance with all applicable environmental regulations.

Particulate Matter

The proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County, in which the facility is located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. One of Mr. Thomas Davis' facilities has already received a complaint of excessive dust. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

III. Impacts to Endangered Species Habitat:

The proposed rock crushing facility will be located in the breeding range of both the Black-capped Vireo and the Golden-cheeked Warbler, two federally endangered species of birds. These two species rely heavily on unique habitats found in Somervell County. The Golden-cheeked Warbler requires Ashe juniper to breed, while the Black-capped Vireo requires Shinnery Oak. Both of these tree species can be found at the proposed rock crushing facility location.

Golden-cheeked Warbler:
According to the National Audubon Society, the Golden-cheeked Warbler is one of the most at-risk species in North America. It breeds exclusively in 34 counties on or near the Edwards Plateau of central Texas, requiring Ashe juniper habitat, much of which has been lost or altered due to urban sprawl and land management practices. Golden-cheeked Warblers have suffered greatly as juniper-oak woodlands have been cleared for fencing material, fuel, grazing, and urban sprawl.

Black-capped Vireo:
This small vireo was formerly widespread from Mexico to Kansas but, due to substantial population declines, is now confined to 40 counties Texas and three counties in Oklahoma and is Federally Endangered. Numerous human activities have contributed in this bird's decline. Human development, fire suppression and agriculture have reduced the range considerably.

Allowing the proposed rock crushing facility to be located in the breeding range of these two endangered species will only add to the already staggering loss of habitat. When habitat is lost, breeding areas become fragmented and predation, cowbird parasitism and habitat degradation pressures may ultimately cause the extirpation of both of these species. Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date, some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres Shinnery Oak and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. We fear that the installation and operation of the proposed rock crushing facility will adversely impact the nesting and occupied habitat of these two endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for habitat restoration may be wasted efforts if this facility is permitted for operation.

In addition to loss of habitat, concerns arise regarding the impacts of noise from the rock crushing facility and its associated operations on the breeding efficacy of the two endangered species. According to the November 2007 Journal of the Acoustical Society of America's article on "Noise impacts on birds: Assessing take of endangered species," "Section 9 of the Endangered Species Act makes it illegal to take (harass, harm, purse, hunt, shoot, wound, kill, trap, capture, or collect) an endangered species. Harass includes any action that would significantly disrupt normal behavioral patterns including breeding, feeding, or sheltering. "Harm" includes any action that actually kills or injures a listed species. To better understand how and to what extent anthropogenic noise can harm or harass birds, we examined the potential for noise effects at three levels: Physiological stress, hearing impairment, and interference with communication through signal masking. Pile driving and blasting ([approximately-equal-to]100 dBA at 15 m) can potentially cause temporary or permanent hearing impairment in birds. Chronic intense noise (e.g., oil field compressor station: 92 dBA at 20 m) may induce physiological stress in some

species if they cannot avoid exposure. Finally, highway noise as low as 45 dBA can potentially mask acoustic communication and modify breeding and other behaviors in many species."

Given these data, not only is habitat loss an obvious impact to these two species, noise impacts also present significant physiological, behavioral, or ecological impacts to birds. As noted above, in the context of the Endangered Species Act, adverse impacts from noise could be interpreted as inflicting "harm" on the two species, which is prohibited by the Act.

Summary of Concerns:

On behalf of the Fort Worth Audubon Society, I am requesting that the TCEQ deny the application for proposed Air Quality Permit Number 82199L002 for the following reasons:

1. As enumerated above, the permit application (Attachment No. 3) appears to be incomplete and inaccurate.
2. Also noted above, the required public notice in an alternate language was not performed.
3. The operating schedule for the proposed facility reflects an increase in operating hours. The changes in emissions due to this increase do not appear to have been accounted for in the application.
4. As noted above, key supporting documents were unavailable for public review. Attempts to obtain the referenced documents were made at both the TCEQ Region 4 office (region for the proposed new location) and the TCEQ Region 3 office (region for the current location) to no avail. Since key documents were unavailable, public notice appears to be incomplete.
5. In addition to concerns expressed regarding the proposed Air Quality Permit, other environmental concerns also exist regarding storm water permitting compliance, impacts of particulate matter on the region's ability to comply with National Ambient Air Quality Standards, and noise pollution.
6. Installation and operation of the proposed facility will adversely impact the breeding habitat of two federally endangered species of birds through loss of critical habitat and through the physiological, behavioral, or ecological impacts of noise on these species.

Thank you again for the opportunity to provide these questions and comments. Please contact me if you require additional information or have questions.

Proposed Air Quality Permit Number 82199L002

Sincerely,

Gail I. Morris

Gail I. Morris
President
Fort Worth Audubon Society
6084 Alta Mira Circle, #1217
Fort Worth, Texas 76132
682-429-2811

cc:

Dirk Kempthorne, Secretary of Interior, Dept. of the Interior, 1849 C Street NW, Washington, D.C. 20240 Phone: 202-208-3100

Dale Hale, Director, U. S. Fish and Wildlife Service FAX: 202-208-6965

Mike Johnson, Chief, U.S. Fish & Wildlife Service, Division of Bird Habitat Conservation via fax: 703-358-2282

Dr. Benjamin Tuggle, Southwest Region, U.S. Fish & Wildlife Service via fax 505-248-6910 or 6287

Division of Endangered Species of US Fish & Wildlife Service via fax 703 358 1735

Division of Bird Habitat Conservation, US Fish & Wildlife Service via fax 703 358 2282

LaDonna Castanuela, Chief Clerk, Texas Commission on Environmental Quality, MC-105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087

Booker Harrison, Environmental Law Division, Texas Commission on Environmental Quality, MC-105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087

Mike Wilson, Permits Division, Texas Commission on Environmental Quality, MC-105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087

State Senator Troy Fraser via email troy.fraser@senate.state.tx.us

State Senator Kip Averitt via email kip.averitt@senate.state.tx.us

Representative Sid Miller via email sid.miller@house.state.tx.us

Attachment No. 1

Permit 3

Kathleen Hartnett White, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

RECEIVED
OCT 11 2005

October 7, 2005

Mr. Thomas M. Davis
Owner
Slick Machines
P.O. Box 2277
Brownwood, Texas 76804

Re: Permit Application
Permit Number: 76402
Rock Crushing Plant
Valera, Coleman County
Regulated Entity Number: RN104458187
Customer Reference Number: CN602877276

Dear Mr. Davis:

This is in response to your Form PI-1, entitled "General Application for Air Preconstruction Permits and Amendments," concerning the above-referenced facility. This will acknowledge that your application for the above-referenced permit is technically complete as of September 6, 2005. We appreciate your cooperation in sending us the information necessary to evaluate your proposal.

A permit for your new facility is enclosed. The permit contains several general and special conditions that define the level of operation and allowable emissions. In addition, the construction and operation of the facilities must be as represented in the application.

This permit will be automatically void upon the occurrence of any of the following, as indicated in Title 30 Texas Administrative Code (30 TAC) § 116.120(a):

1. Failure to begin construction within 18 months of the date of issuance;

2. Discontinuance of construction for more than 18 months prior to completion; and

3. Failure to complete construction within a reasonable time.

Upon request, the Texas Commission on Environmental Quality (TCEQ) Executive Director may grant extensions as allowed in 30 TAC § 116.120(b).

Re: Permit Number: 76402

This permit will be in effect for ten years from the date of approval.

Please reference the TCEQ air account number, regulated entity reference number (RN), and customer reference number (CN) included in this document in all future correspondence. Before the Central Registry program began, the TCEQ assigned air account numbers. In the Central Registry computer application, the RN is a unique number assigned to the site, and the CN is a unique number assigned to the company or corporation and applies to all facilities and sites owned or operated by the company or corporation.

Thank you for your cooperation and interest in air pollution control. If you need further information or have any questions, please contact Mr. Aaron Kempf at (512) 239-3753 or write to the Texas Commission on Environmental Quality, Office of Permitting, Remediation, and Registration, Air Permits Division (MC-163), P.O. Box 13087, Austin, Texas 78711-3087.

Sincerely,

Glenn Shankle
Executive Director
Texas Commission on Environmental Quality

GS/AK/df

Enclosures

cc: Ms. Mary Rausch, Biologist, Turner Biological, Buffalo Gap
Air Section Manager, Region 3 - Abilene

Project Number: 116831

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
AIR QUALITY PERMIT

A PERMIT IS HEREBY ISSUED TO

Davis Tommy dba Slick Machines

AUTHORIZING THE CONSTRUCTION AND OPERATION OF

Rock Crushing Plant

LOCATED AT **Valera, Coleman County, Texas**

LATITUDE 31° 48′ 62″ LONGITUDE 099° 32′ 56″

1. **Facilities** covered by this permit shall be constructed and operated as specified in the application for the permit. All representations regarding construction plans and operation procedures contained in the permit application shall be conditions upon which the permit is issued. Variations from these representations shall be unlawful unless the permit holder first makes application to the Texas Commission on Environmental Quality (commission) Executive Director to amend this permit in that regard and such amendment is approved. [Title 30 Texas Administrative Code § 116.116 (30 TAC § 116.116)]

2. **Voiding of Permit.** A permit or permit amendment is automatically void if the holder fails to begin construction within 18 months of the date of issuance, discontinues construction for more than 18 months prior to completion, or fails to complete construction within a reasonable time. Upon request, the executive director may grant an 18-month extension. Before the extension is granted the permit may be subject to revision based on best available control technology, lowest achievable emission rate, and netting or offsets as applicable. One additional extension of up to 18 months may be granted if the permit holder demonstrates that emissions from the facility will comply with all rules and regulations of the commission, the intent of the TCAA, including protection of the public's health and physical property; and (b)(1)the permit holder is a party to litigation not of the permit holder's initiation regarding the issuance of the permit; or (b)(2) the permit holder has spent, or committed to spend, at least10% of the estimated total cost of the project up to a maximum of $5 million. A permit holder granted an extension under subsection (b)(1) of this section may receive one subsequent extension if the permit holder meets the conditions of subsection (b)(2) of this section.[30 TAC § 116.120(a), (b) and (c)]

3. **Construction Progress.** Start of construction, construction interruptions exceeding 45 days, and completion of construction shall be reported to the appropriate regional office of the commission not later than 15 working days after occurrence of the event. [30 TAC § 116.115(b)(2)(A)]

4. **Start-up Notification.** The appropriate air program regional office shall be notified prior to the commencement of operations of the facilities authorized by the permit in such a manner that a representative of the commission may be present. The permit holder shall provide a separate notification for the commencement of operations for each unit of phased construction, which may involve a series of units commencing operations at different times. Prior to operation of the facilities authorized by the permit, the permit holder shall identify to the Office of Permitting, Remediation, and Registration the source or sources of allowances to be utilized for compliance with Chapter 101, Subchapter H, Division 3 of this title (relating to Mass Emissions Cap and Trade Program). [30 TAC § 116.115(b)(2)(B)]

5. **Sampling Requirements.** If sampling is required, the permit holder shall contact the commission's Office of Compliance and Enforcement prior to sampling to obtain the proper data forms and procedures. All sampling and testing procedures must be approved by the executive director and coordinated with the regional representatives of the commission. The permit holder is also responsible for providing sampling facilities and conducting the sampling operations or contracting with an independent sampling consultant. [30 TAC § 116.115(b)(2)(C)]

6. **Equivalency of Methods.** The permit holder must demonstrate or otherwise justify the equivalency of emission control methods, sampling or other emission testing methods, and monitoring methods proposed as alternatives to methods indicated in the conditions of the permit. Alternative methods shall be applied for in writing and must be reviewed and approved by the executive director prior to their use in fulfilling any requirements of the permit. [30 TAC § 116.115(b)(2)(D)]

7. **Recordkeeping.** The permit holder shall maintain a copy of the permit along with records containing the information and data sufficient to demonstrate compliance with the permit, including production records and operating hours; keep all required records in a file at the plant site. If, however, the facility normally operates unattended, records shall be maintained at the nearest staffed location within Texas specified in the application; make the records available at the request of personnel from the commission or any air pollution control program having jurisdiction; comply with any additional recordkeeping requirements specified in special conditions attached to the permit; and retain information in the file for at least two years following the date that the information or data is obtained. [30 TAC § 116.115(b)(2)(E)]

8. **Maximum Allowable Emission Rates.** The total emissions of air contaminants from any of the sources of emissions must not exceed the values stated on the table attached to the permit entitled "Emission Sources--Maximum Allowable Emission Rates." [30 TAC § 116.115(b)(2)(F)]

9. **Maintenance of Emission Control.** The permitted facilities shall not be operated unless all air pollution emission capture and abatement equipment is maintained in good working order and operating properly during normal facility operations. The permit holder shall provide notification for upsets and maintenance in accordance with § §101.201, 101.211, and 101.221 of this title (relating to Emissions Event Reporting and Recordkeeping Requirements; Scheduled Maintenance, Startup and Shutdown Reporting and Recordkeeping Requirements; and Operational Requirements). [30 TAC § 116.115(b)(2)(G)]

10. **Compliance with Rules.** Acceptance of a permit by an applicant constitutes an acknowledgment and agreement that the permit holder will comply with all rules, regulations, and orders of the commission issued in conformity with the TCAA and the conditions precedent to the granting of the permit. If more than one state or federal rule or regulation or permit condition are applicable, the most stringent limit or condition shall govern and be the standard by which compliance shall be demonstrated. Acceptance includes consent to the entrance of commission employees and agents into the permitted premises at reasonable times to investigate conditions relating to the emission or concentration of air contaminants, including compliance with the permit. [30 TAC § 116.115(b)(2)(H)]

11. This permit may be appealed pursuant to 30 TAC § 50.139.

12. This permit may not be transferred, assigned, or conveyed by the holder except as provided by rule. [30 TAC § 116.110(e)]

13. There may be additional special conditions attached to a permit upon issuance or modification of the permit. Such conditions in a permit may be more restrictive than the requirements of Title 30 of the Texas Administrative Code. [30 TAC § 116.115(c)]

14. **Emissions** from this facility must not cause or contribute to a condition of "air pollution" as defined in TCAA § 382.003(3) or violate TCAA § 382.085, as codified in the Texas Health and Safety Code. If the executive director determines that such a condition or violation occurs, the holder shall implement additional abatement measures as necessary to control or prevent the condition or violation.

PERMIT 76402

Date: October 7, 2005

Glenn Shankle
Executive Director
Texas Commission on Environmental Quality

SPECIAL CONDITIONS

Permit Number 76402

EMISSION STANDARDS

1. This permit covers only those sources of emissions listed in the attached table entitled "Emission Sources - Maximum Allowable Emission Rates," and those sources are limited to the emission limits and other conditions specified in the attached table.

2. All equipment shall comply with all requirements of the U.S. Environmental Protection Agency (EPA) regulations on Standards of Performance for New Stationary Sources promulgated for Nonmetallic Mineral Processing Plants in Title 40 Code of Federal Regulations Part 60, Subparts A and OOO except as otherwise represented in the permit application.

OPACITY/VISIBLE EMISSION LIMITATIONS

3. Opacity of emissions from any transfer point on belt conveyors or any screen shall not exceed 10 percent and from any crusher shall not exceed 15 percent, averaged over a six-minute period as determined by EPA Test Method (TM) 9 or equivalent.

4. No visible fugitive emissions from the crusher, generator, screens, transfer points on belt conveyors, or stockpiles shall leave the property. Visible emissions shall be determined by a standard of no visible emissions exceeding 30 seconds in duration in any six-minute period as determined using EPA TM 22 or equivalent. If this condition is violated, additional controls or process changes may be required to limit visible particulate matter (PM) emissions.

OPERATIONAL REPRESENTATIONS

5. The company has represented the following to comply with all Texas Commission on Environmental Quality (TCEQ) rules and regulations:

   A. Permanently mounted spray bars shall be installed at the inlet and outlet of the crusher, at all shaker screens, and at all material transfer points. Area-type water sprays shall be installed at all stockpiles and active work areas. All water spray systems shall be operated as necessary to control dust.

   B. Plant roads and aggregate stockpiles shall be sprinkled with water and/or environmentally sensitive chemicals to maintain compliance with all TCEQ rules and regulations.

C. Raw material stockpile heights are site specific and shall not exceed 45 feet in height unless approved by the TCEQ Regional Office and/or any appropriate local air programs with delegation.

D. This permit does not authorize the operation of an internal combustion engine in conjunction with this facility. The holder of this permit shall obtain prior authorization for any engine which remains or will remain at a single point or location for more than 12 consecutive months. Any portable engine which remains or will remain at a single point or location for less than or equal to 12 consecutive months is not considered stationary and no authorization is required.

DETERMINATION OF COMPLIANCE

6. Upon request of the TCEQ Regional Director, the holder of this permit shall perform high volume air sampling, one and/or three-hour tests, for net ground level concentrations of total PM. The tests shall be performed during normal operation of the facilities and shall be performed in accordance with TCEQ Sampling Procedures Manual.

RECORDKEEPING REQUIREMENTS

7. Records shall be kept for a rolling two-year period and maintained which reflect compliance with General Condition No. 7, the maximum allowable emission rates table, and New Source Performance Standards requirements, including the following:

A. Daily and annual amounts of materials processed;

B. Daily application of road dust control;

C. Records of all repairs and maintenance of abatement systems.

Dated October 7, 2005

EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

Permit Number 76402

This table lists the maximum allowable emission rates and all sources of air contaminants on the applicant's property covered by this permit. The emission rates shown are those derived from information submitted as part of the application for permit and are the maximum rates allowed for these facilities. Any proposed increase in emission rates may require an application for a modification of the facilities covered by this permit.

AIR CONTAMINANTS DATA

Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates * lb/hr	TPY
1	Impact Crusher (4)	PM	0.12	0.04
		PM_{10}	0.06	0.02
2	Screening Operations (4)	PM	0.18	0.07
		PM_{10}	0.08	0.03
F1	Material Handling (4)	PM	0.04	0.02
		PM_{10}	0.02	0.01
F2	Loading/Unloading Operations (4)	PM	0.03	0.01
		PM_{10}	0.01	<0.01
F5	Stockpiles (4)	PM	---	0.41
		PM_{10}	---	0.21

(1) Emission point identification - either specific equipment designation or emission point number from plot plan.
(2) Specific point source name. For fugitive sources use area name or fugitive source name.
(3) PM - particulate matter, suspended in the atmosphere, including PM_{10}.
PM_{10} - particulate matter equal to or less than 10 microns in diameter. Where PM is not listed, it shall be assumed that no particulate matter greater than 10 microns is emitted.
(4) Fugitive emissions are an estimate only.

* Emission rates are based on and the facilities are limited by the following maximum operating schedule and production rates:

5 Hrs/day 5 Days/week 30 Weeks/year or 750 Hrs/year

Impact Crusher: 100 Tons/hour 75,000 Tons/year
Total Facility: 75,000 Tons/year

Dated October 7, 2005

Construction Permit
Review Analysis & Technical Review

Company:	Davis Tommy Dba Slick Machines	Permit No.:	76402
City:	Valera	Record No.:	116831
County:	Coleman	Account No.:	
Project Type:	CRVW	Regulated Entity No.:	RN104458187
Project Reviewer:	Mr. Aaron Kempf	Customer Reference No.:	CN602877276
Facility Name:	Rock Crushing Plant		

Authorization Checklist

Will a new policy/precedent be established? (ED signature required if yes) ..... No
Is a state or local official opposed to the permit?(ED signature required if yes) ..... No
Is waste or tire derived fuel involved? (ED signature required if yes) ..... No
Are waste management facilities involved?(ED signature required if yes) ..... No
Will action on this application be posted on the Executive Director's agenda? ..... Yes
Have any changes to the application or subsequent proposals been required to increase protection of public health and the environment during the review? ..... No

Project Overview

This project will issue a construction permit for a rock crushing plant operated by Davis Tommy dba Slick Machines. The plant will operate one impact crusher at a maximum rate of 100 tons/hour and 75,000 tons/year, with hours of operation being set at 5 hours/day, 5 days/week and 30 weeks/year. This plant will employ the use of a diesel generator, but this generator will not be authorized in this construction permit. The applicant's public notice did not include the products of combustion; therefore Davis Tommy dba Slick Machines will apply for a PBR within 12 months of issuance of this permit for authorization of the generator.

Compliance History

In compliance with 30 TAC Chapter 60, a compliance history report was prepared on: 09/21/2005
Was an evaluation for Federal Orders conducted on this company? ..... Yes
Was the application received after September 1, 2002? ..... Yes
If yes, what was the site rating? 3.01 (average by default) Company rating? 3.01 (average by default)
Is the permit recommended to be denied or has the permit changed on the basis of compliance history or rating? ..... No

Public Notice Information

§39.403 Public notification required? ..... Yes
A. Date application received: 07/18/2005 Date Administrative Complete: 07/28/2005
B. Small Business source? ..... Yes
§39.418 C. Date 1st Public Notice /Admin Complete/Legislators letters mailed: 07/28/2005
§39.603 D. Pollutants: particulate matter including particulate matter less than 10 microns in diameter.
E. Date Published: 08/18/2005 in Coleman Chronicle and Democrat Voice
Date Affidavits/Copies received: 08/23/2005
F. Bilingual notice required? ..... No
Comment: There is no bilingual program required by the ISD, applicant conducted a diligent search for a bilingual publication with no results.
§39.419 2nd Public Notification required? ..... No
If no, give reason: There were no comments or requests for hearings during the first public notice.

Emission Controls

§116.111(a)(2)(G) Is the facility expected to perform as represented in the application? ..... Yes
§116.140 Permit Fee: $ 900 Fee certification provided? ..... Yes

Sampling and Testing

§116.111(a)(2)(A)(i) Are the emissions expected to comply with all TCEQ air quality rules and regulations, and the intent of the Texas Clean Air Act? ..... Yes
§116.111(a)(2)(B) Will emissions be measured? ..... Yes
Method: Record keeping for production as stated in permit special conditions. Emissions can be calculated based on these production figures.

Federal Program Applicability

§116.111(a)(2)(D) Compliance with applicable NSPS expected? ..... Yes
Subparts A and OOO
§116.111(a)(2)(E) Compliance with applicable NESHAP expected? ..... N/A
§116.111(a)(2)(F) Compliance with applicable MACT expected? ..... N/A
§116.111(a)(2)(H) Is nonattainment review required? ..... No
A. Is the site located in a nonattainment area? ..... No
116.111(a)(2)(I) Is PSD applicable? ..... No
A. Is the site a federal major source (100/250 tons/yr)? ..... No
B. Is the project a federal major source by itself? ..... No
C. Is the project a federal major modification? ..... No
1. Did project emission increases, without decreases, for pollutant of concern, minus the two-year average actual emissions trigger netting? ..... No
2. Was contemporaneous increase significant? ..... N/A
3. Change excluded by 40 CFR 52.21(b)(2)(iii)? ..... No

Mass Cap and Trade Applicability

§116.111(a)(2)(L) Is Mass Cap and Trade applicable? ..... No
Did the proposed facility, group of facilities, or account obtain allowances to operate? ..... No

Title V Applicability

§122.10(13)(A) Is the site a major source under FCAA Section 112(b)? ..... No
(i). The site emits 10 tons or more of any single HAP? ..... No
(ii). The site emits 25 tons or more of a combination ..... No
§122.10(13)(C) Does the site emit 100 tons or more of any air pollutant? ..... No
§122.10(13)(D) Is the site a non-attainment major source? ..... No
Note: Fugitive emissions are not included in total emissions unless the site is named in 30 TAC 122.10(13)(C).

Request for Comments

Region:	3	Reviewed by:	Michael Taylor
Compliance:	Yes	Reviewed by:	Aaron Kempf

Process Description

Raw, uncrushed material is stockpiled until needed. Raw material is loaded into a feed hopper by front-end loader. Material drops from the feed hopper to a conveyer belt which delivers to the impact crusher. Crushed material exits the crusher by conveyer and travels to a screen. Depending on size, the screen will send crushed material to one of two conveyer belts. Each conveyer belt exiting the screen will drop material to stockpiles, each a different size.

Sources, Controls, Source Reduction and BACT [§116.111(a)(2)(C)]
All sources are fugitive and consist of the impact crusher, screen, loading and unloading operations, stockpiles, and material handling (feed hopper loading, material drop points and conveyer drops.) This permit authorizes the crushing plant to utilize water sprays at the following locations: feed hopper, conveyer transfers, inlet and outlet of crusher, screens, stockpiles and plant roads. Raw material stockpiles will be limited to 45 feet in height unless approved by the TCEQ Regional Office. This plant will utilize current BACT (water suppression) to abate fugitive emissions.

Impacts Evaluation

1. Was modeling done? No
2. Will GLC of any air contaminant cause violation of NAAQS? ..... No
   Comment: This plant was compared to those of similar design and production rates, as well as those of the standard permit for rock crushing plants, and will not be at risk for violation of NAAQS or state standards.
3. Is this a sensitive location with respect to nuisance? ..... No
4. Is the site within 3000 feet of any school? ..... No
5. Toxics Evaluation: There are no toxics associated with rock crushing plants.

Miscellaneous

1. Is applicant in agreement with special conditions? ..... Yes
   Company representative? ..... Mary Rausch of Turner Biological Consulting
2. Emission reductions from source reduction or pollution prevention ..... None
3. Emissions reductions resulting from the application of BACT required by state rules, avoidance of potential impacts problems, and voluntary reductions ..... None
4. Other permit(s) affected by this action? ..... None

Ann Kemp	09/26/05	Michael D. Smith	9/26/05
Project Reviewer	Date	Team Leader/Section Manager/Backup	Date

Attachment No. 2

Kathleen Hartnett White, *Chairman*
Larry R. Soward, *Commissioner*
H. S. Buddy Garcia, *Commissioner*
Glenn Shankle, *Executive Director*

RECEIVED
SEP 07 2007
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
ABILENE REGION

3

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 24, 2007

MR TOMMY DAVIS
OWNER
SLICK MACHINES
762 SPILLWAY RD
BROWNWOOD TX 76801

Re: Change of Location
Permit Number: 82199L001
Rock Crushing Plant
Desdemona, Eastland County
Regulated Entity Number: RN105244461
Customer Reference Number: CN602877276

Dear Mr. Davis:

A permit for your facility is enclosed. We appreciate your cooperation in sending us the information necessary to evaluate your application.

You are reminded, however, that this facility must be in compliance with all air quality rules and regulations of the Texas Commission on Environmental Quality (TCEQ) and the requirements of this permit at all times. The permit contains several general and special conditions that define the level of operation and allowable emissions. In addition, the construction and operation of the facilities must be as represented in the application. This permit will be in effect for ten years from the date of approval.

You are advised that we will void the Permit Number 76402 file upon relocation of your facility. If you desire to move back to the previous site, it will be necessary to obtain a permit to operate at that site.

This permit authorization will be automatically void upon the occurrence of any of the following, as indicated in Title 30 Texas Administrative Code § 116.120(a) [30 TAC § 116.120(a)]:

1. Failure to begin construction of the changes authorized by this letter within 18 months from the date of this authorization.
2. Discontinuance of construction of the changes authorized by this letter or a period of 18 consecutive months or more.
3. Failure to complete the changes authorized by this letter within a reasonable time.

Re: Permit Number 82199L001

Upon request, the TCEQ Executive Director may grant extensions as allowed in 30 TAC § 116.120(b).

You may file a **motion to overturn** with the Chief Clerk. A motion to overturn is a request for the commission to review the TCEQ Executive Director's approval of the application. Any motion must explain why the commission should review the TCEQ Executive Director's action.

A motion to overturn must be received by the Chief Clerk within 23 days after the date of this letter. An original and 11 copies of a motion must be filed with the Chief Clerk in person or by mail. The Chief Clerk's mailing address is Office of the Chief Clerk (MC-105) Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087. On the same day the motion is transmitted to the Chief Clerk, please provide copies to Mr. Robert Martinez, Director, Environmental Law Division (MC-173), and Mr. Blas J. Coy, Jr., Public Interest Counsel (MC-103), both at the same TCEQ address above. If a motion is not acted on by the commission within 45 days after the date of this letter, then the motion shall be deemed overruled.

If you need further information or have any questions, please contact Mr. Larry Buller, P.E., at (512) 239-1890 or write to the Texas Commission on Environmental Quality, Office of Permitting, Remediation, and Registration, Air Permits Division (MC-163), P.O. Box 13087, Austin, Texas 78711-3087.

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

Sincerely,

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

RAH/LB/skm

Enclosures

cc: Air Section Manager, Region 3 - Abilene

Project Number: 130208

SPECIAL CONDITIONS

Permit Number 82199L001

EMISSION STANDARDS and FUEL SPECIFICATIONS

1. This permit covers only those sources of emissions listed in the attached table entitled "Emission Sources - Maximum Allowable Emission Rates," and those sources are limited to the emission limits and other conditions specified in the attached table.

2. All equipment shall comply with all requirements of the U.S. Environmental Protection Agency (EPA) regulations in Title 40 Code of Federal Regulations Part 60 (40 CFR 60), Subparts A and OOO on Standards of Performance for New Stationary Sources (NSPS) promulgated for Nonmetallic Mineral Processing Plants except as otherwise represented in the permit application.

OPACITY/VISIBLE EMISSION LIMITATIONS

3. No visible fugitive emissions from the crusher, screen, transfer points on belt conveyors, stockpiles, or internal roads and work areas shall leave the property. Visible emissions are defined as emissions that exceed a cumulative 30 seconds in duration in any six-minute period as determined using EPA Test Method (TM) 22 or equivalent. If this condition is violated, additional controls or process changes may be required to limit visible particulate matter (PM) emissions. **(8/07)**

4. Opacity of emissions from any transfer point on belt conveyors or the screen shall not exceed 10 percent and from any crusher shall not exceed 15 percent, averaged over a six-minute period as determined by EPA TM 9 or equivalent.

OPERATIONAL REPRESENTATIONS

5. As represented by the applicant, the following shall occur:

   A. Production at this facility is limited to 100 tons per hour (tph) and 75,000 tons per year (tpy) in any rolling 12-month period with capacity limits on the crusher as listed in the attached table entitled "Emission Sources - Maximum Allowable Emission Rates." **(8/07)**

B. Permanently mounted spray bars shall be installed at the inlet and outlet of the crusher, at the shaker screen, and at all material transfer points. Area-type water sprays shall be installed at all stockpiles and active work areas. All water spray systems shall be operated as necessary to maintain compliance with TCEQ rules and regulations.

C. All in-plant roads and traffic areas, active work areas and aggregate stockpiles shall be sprayed with water and/or environmentally sensitive chemicals upon detection of visible particulate emissions to maintain compliance with all TCEQ rules and regulations. **(8/07)**

D. Raw material stockpile heights are site specific and shall not exceed 45 feet in height unless approved by the TCEQ Regional Office and/or any appropriate local air programs with delegation.

E. This permit does not authorize the operation of an internal combustion engine in conjunction with this facility. The holder of this permit shall obtain prior authorization for any engine which remains or will remain at a single site for more than 12 consecutive months. Any portable engine which remains or will remain at a single site for less than or equal to 12 consecutive months is not considered stationary and no authorization is required.

6. All stationary equipment authorized by this permit shall be prominently marked to show the assigned TCEQ regulated entity number or permit number, excluding the location suffix (example: L001). These markings must be clearly visible. These identification markings shall be removed from the equipment when it is no longer authorized by the TCEQ. **(8/07)**

MOVEMENT OF A PORTABLE FACILITY

7. The following are requirements for movement of this portable plant: **(8/07)**

A. Prior to moving permitted plants or sources to any new site (even if authorization for the site has previously been granted), the holder of the permit shall request relocation or change of location authorization and obtain written approval from a delegated representative of the TCEQ Executive Director. Additionally, once construction has

begun at any site, the applicant shall notify the appropriate TCEQ Regional Office and local air pollution control programs in writing of the actual dates of start of construction and operation.

B. The appropriate TCEQ regional office may approve the following types of relocations:

(1) A permitted plant and associated equipment to be located temporarily* in the right-of-way, or contiguous to the right-of-way, of a public works project, or

**Note: A temporary plant is one that occupies a designated site for not more than 180 consecutive days or supplies materials for a single project (single contract or same contractor for related project segments, but not other unrelated projects.)*

(2) A portable plant moving to a site where a portable plant has been located at the site at any time during the previous two years.

C. If the holder of the permit meets either 7B(1) or 7B(2) above, then they shall submit a request letter to the appropriate TCEQ Regional Office prior to relocating. After evaluating the relocation request, the TCEQ Regional Office will send a written response to the permit holder. The permit holder shall submit the following information to the TCEQ Regional Office:

(1) Company name, address, company contact, and telephone number;

(2) Copy of existing permit conditions and the maximum allowable emission rates table that are in effect for the permitted facilities;

(3) TCEQ account number, regulated entity number (RN), customer reference number (CN), and permit number;

(4) Location description of the proposed site (city, county, and exact location description);

(5) A plot plan to scale, marked with north orientation, that identifies the location of all equipment and stockpiles and demonstrates that the required distances to the property lines can be met;

(6) A scaled area map that identifies the distance and direction to the closest off property receptor (if required) and clearly indicates how the facility is contiguous or adjacent to a public works project right of way (if required);

(7) Proposed date for start of construction and expected date for start of operation;

(8) Expected time period at the proposed site; and

(9) If applicable, the permit number of the portable plant that was located at the proposed site in the last two years.

D. To move a permitted plant and associated equipment to a site that does not meet either 7B(1) or 7B(2), the holder of this permit shall submit a change of location request to the TCEQ Air Permits Division, Air Permits Initial Review Team, MC-161, P.O. Box 13087, Austin, Texas 78711-3087 using Form PI-1, along with all supporting documents. In accordance with the Texas Health and Safety Code § 382.056, the applicant may be required to publish public notice prior to being authorized for a change of location to a new site.

E. All relocation and change of location applications shall comply with the following conditions:

(1) The rock crushing plant and all associated sources (screens, transfer points on belt conveyors, feed bins, and work areas that are only associated with the facility) shall be located a minimum of 200 feet from the property line and at least 550 feet from any other rock crushing plant, concrete batch plant, or hot mix asphalt plant.

(2) Any rock crusher that is crushing concrete shall be located a minimum of 440 yards (1/4 mile) from any single or multi family residence, school, or place of worship, unless the crusher is:

a. at a location authorized for crushing concrete on or prior to September 1, 2001; or

b. at a location that satisfies this distance requirement at the time the initial application is filed with the TCEQ, and a single or multi family residence, school, or place of worship is subsequently built or put to use within 440 yards of the facility; or

c. engaged, for not more than 180 days, in crushing concrete produced by the demolition of a structure at the location of the structure and the concrete is being crushed primarily for use at that location. *(This exception not authorized if the facility is located in a county with a population of 2.4 million or more or in a county adjacent to such a county. According to 2000 census, counties that fit this are Brazoria, Chambers, Fort Bend, Galveston, Grimes, Harris, Liberty, Montgomery, and Waller.)*

(3) Stockpiles and vehicle traffic areas (except for entrance and exit to the site) shall be located at least 25 feet from any property line. In lieu of meeting the distance requirements for roads and stockpiles, the following must occur:

a. Roads and other traffic areas within the buffer distance must be bordered by dust suppressing fencing or other dust suppressing barrier along all traffic routes or work areas. These borders shall be constructed to a height of at least twelve feet; and

b. Stockpiles within this buffer distance must be contained within a three-walled bunker which extends at least two feet above the top of the stockpile.

DETERMINATION OF COMPLIANCE

8. Upon request of the TCEQ Regional Director having jurisdiction, the holder of this permit shall perform ambient air monitoring, or other testing as required to establish the actual pattern and quantities of air contaminants being emitted into the atmosphere. The tests shall be performed during normal operation of the facilities and shall be performed in accordance with accepted TCEQ practices and procedures. **(8/07)**

RECORDKEEPING REQUIREMENTS

9. In addition to the recordkeeping requirements specified in General Condition No. 7 and 40 CFR 60, Subparts A and OOO, the following records shall be kept and maintained on site for a rolling 24-month period: **(8/07)**

   A. Daily, monthly and annual amounts of materials processed, summarized in tons per hour, tons per month and tons per year;

   B. Hours of operation;

   C. Daily application of road dust control; and

   D. Records of all repairs and maintenance of abatement systems.

Dated August 24, 2007

EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

Permit Number 82199L001

This table lists the maximum allowable emission rates and all sources of air contaminants on the applicant's property covered by this permit. The emission rates shown are those derived from information submitted as part of the application for permit and are the maximum rates allowed for these facilities. Any proposed increase in emission rates may require an application for a modification of the facilities covered by this permit.

AIR CONTAMINANTS DATA

Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates * lb/hr	TPY**
1	Impact Crusher (4)	PM	0.12	0.05
		PM_{10}	0.06	0.02
2	Screening Operation (4)	PM	0.18	0.07
		PM_{10}	0.08	0.03
MHFUG	Material Handling (4)	PM	0.04	0.02
		PM_{10}	0.02	0.01
LDFUG	Loading/Unloading Operations (4)	PM	0.03	0.01
		PM_{10}	0.01	<0.01
SPFUG	Stockpiles (4)	PM	-.--	0.41
		PM_{10}	-.--	0.21

(1) Emission point identification - either specific equipment designation or emission point number from a plot plan.
(2) Specific point source names. For fugitive sources, use an area name or fugitive source name.
(3) PM - particulate matter, suspended in the atmosphere, including PM_{10} and $PM_{2.5}$
PM_{10} - particulate matter equal to or less than 10 microns in diameter
(4) Fugitive emissions are an estimate only
* Emission rates are based on and the facilities are limited by the following maximum operating schedule:

5 Hrs/day 5 Days/week 30 Weeks/year or 750 Hrs/year

** Compliance with annual emission limits is based on a rolling 12-month period.

Impact Crusher:	100 Tons/hour	75,000 Tons/year
Total Facility:	100 Tons/hour	75,000 Tons/year

Dated August 24, 2007

Change of Location
Review Analysis & Technical Review

Company:	Davis Tommy	Permit No.:	82199L001
City:	Desdemona	Record No.:	130208
County:	Eastland	Account No.:	
Project Type:	CLOC	Regulated Entity No.:	RN105244461
Project Reviewer:	Mr. Larry Buller	Customer Reference No.:	CN602877276
Facility Name:	Portable Rock Crusher		

Authorization Checklist

Will a new policy/precedent be established? (ED signature required if yes) ..... No
Is a state or local official opposed to the permit?(ED signature required if yes) ..... No
If yes, please provide name and title of official:
Is waste or tire derived fuel involved? (ED signature required if yes) ..... No
Are waste management facilities involved?(ED signature required if yes) ..... No
Will action on this application be posted on the Executive Director's agenda? ..... Yes
Have any changes to the application or subsequent proposals been required to increase protection of public health and the environment during the review? ..... No

Project Overview

Davis Tommy dba Slick Machines has submitted a request to change the location of the rock crushing operation from their current location near Valera in Coleman County to a location near Desdemona in Eastland County. The permit number has been changed from the previous permanent Permit Number 76402 to the present portable Permit Number 82199L001. The RN number was also changed from RN104458187 to RN105244461. No other changes were made.

The Special Conditions for this permit have been updated to include current language and instructions for the Movement of a Portable Facility. Both the Special Conditions and the MAERT include the new portable permit number.

Hours of operation will remain at 5 hours/day, 5 days/week and 30 weeks per year for a total of 750 hours per year. Throughput will remain at 100 tons per hour with an annual throughput of 75,000 tons per year. Emissions are expected to be 0.55 tons per year of PM which includes 0.28 tons per year of PM_{10}.

Compliance History

In compliance with 30 TAC Chapter 60, a compliance history report was prepared on: ..... July 26, 2007
Was the application received after September 1, 2002? ..... Yes
If yes, what was the site rating? 1.6 [Avg.] Company rating? 1.6 [Avg.] based on previous RN104458187
3.02 [Avg. by Default] Company rating? 1.6 [Avg.] based on present RN105244461
Is the permit recommended to be denied or has the permit changed on the basis of compliance history or rating? ..... No

Public Notice Information

§39.403 Public notification required? ..... Yes
A. Date application received: June 15, 2007 Date Administrative Complete: ..... July 6, 2007
B. Small Business source? ..... Yes
§39.418 C. Date 1st Public Notice /Admin Complete/Legislators letters mailed: ..... July 6, 2007
§39.603 D. Pollutants: PM including PM_{10}
E. Date Published: July 19, 2007 in DeLeon Free Press
Date Affidavits/Copies received: August 6, 2007
F. Bilingual notice required? ..... No
A bilingual education program is not required by the Texas Education Code in this district.
§39.604 G. Certification of Sign Posting / Application availability ..... Yes, Received Aug. 14, 2007
H. Public Comments Received? No
Meeting requested? No
Hearing requested? No
§39.419 2nd Public Notification required? ..... No
If no, give reason: No hearing requests received during first public notification period.

H. Final action: Issue permit Letters enclosed? ..... No

Emission Controls

§116.111(a)(2)(G) Is the facility expected to perform as represented in the application? ..... Yes

§116.140 Permit Fee: $0 Fee certification provided? ..... NA

Sampling and Testing

§116.111(a)(2)(A)(i) Are the emissions expected to comply with all TCEQ air quality rules and regulations, and the intent of the Texas Clean Air Act? ..... Yes

§116.111(a)(2)(B) Will emissions be measured? ..... Yes

Method: Records of daily, monthly and annual production will be maintained from which emissions can be calculated.

Federal Program Applicability

§116.111(a)(2)(D) Compliance with applicable NSPS expected? ..... Yes

Subparts A and OOO [Standards of Performance for Nonmetallic Mineral Processing Plants]

§116.111(a)(2)(E) Compliance with applicable NESHAP expected? ..... NA

§116.111(a)(2)(F) Compliance with applicable MACT expected? ..... NA

§116.111(a)(2)(H) Is nonattainment review required? ..... No

A. Is the site located in a nonattainment area? ..... No

116.111(a)(2)(I) Is PSD applicable? ..... No

A. Is the site a federal major source (100/250 tons/yr)? ..... No

B. Is the project a federal major source by itself? ..... No

C. Is the project a federal major modification? ..... No

Mass Cap and Trade Applicability

§116.111(a)(2)(L) Is Mass Cap and Trade applicable? ..... No

Did the proposed facility, group of facilities, or account obtain allowances to operate? ..... NA

Title V Applicability

§122.10(13)(A) Is the site a major source under FCAA Section 112(b)? ..... No

(i). The site emits 10 tons or more of any single HAP? ..... No

(ii). The site emits 25 tons or more of a combination ..... No

§122.10(13)(C) Does the site emit 100 tons or more of any air pollutant? ..... No

§122.10(13)(D) Is the site a non-attainment major source? ..... No

Note: Fugitive emissions are not included in total emissions unless the site is named in 30 TAC 122.10(13)(C).

Request for Comments

Region: 3 Reviewed by: Mr. Michael Taylor

Process Description

Raw uncrushed material is stockpiled until needed. The raw material is then loaded into a feed hopper by a front-end loader. The material drops from the feed hopper to a conveyor belt which delivers the material to the impact crusher. Crushed material exits the crusher by conveyor and travels to a screen. Depending on the size, the screen will send crushed material to one of two conveyor belts. Each conveyor belt exiting the screen will drop material to separate stockpiles.

Sources, Controls, Source Reduction and BACT [§116.111(a)(2)(C)]

All sources are fugitive and consist of the impact crusher, screen, load and unloading operations, stockpiles and material handling (feed hopper loading, material drop points and conveyor drops). This permit authorizes the crushing plant to utilize water sprays at the feed hopper, conveyor transfer points, inlet and outlet of the crusher, screens, stockpiles and plant roads. Raw material stockpiles will be limited to 45 feet in height unless approved by the TCEQ Regional Office This plant will utilize current BACT to abate fugitive emissions.

Review Analysis & Technical Review

Permit No. 82199L001
Page 3

Regulated Entity No. RN105244461

Impacts Evaluation

1. Was modeling done? No. Protective distance requirement was taken from old Tier I & II modeling work.
2. Will GLC of any air contaminant cause violation of NAAQS? . . . . . No
3. Is this a sensitive location with respect to nuisance? . . . . . No
   [per site review conducted by Mr. Charles Smith; Region 3]
4. Is the site within 3000 feet of any school? . . . . . No
5. Toxics Evaluation: There are no toxic emissions emanating from this site.

Miscellaneous

1. Is applicant in agreement with special conditions? . . . . . Yes
   Company representative? . . . . . Mr. Tommy Davis
2. Other permit(s) affected by this action? . . . . . Yes
   If YES, list permit number(s) and actions required or taken. Permit No. 76402 will be void upon issuance of this permit

Larry Buller 8-20-07 Michael D. Field 8/20/07

Project Reviewer Date Team Leader/Section Manager/Backup Date

Attachment No. 3

copy

Texas Commission on Environmental Quality
Form PI-1 General Application for Air Preconstruction Permit and Amendments

Update: The TCEQ requires that a Core Data Form be submitted on all incoming applications unless a Regulated Entity and Customer Reference Number have been issued by the TCEQ and no core data information has changed. For more information regarding the Core Data Form, call (512) 239-5175 or go to the TCEQ Web site at www.tceq.state.tx.us/permitting/central_registry/guidance.html.

I. APPLICANT INFORMATION		
A. Company or Other Legal Name: Thomas Davis DBA Slick Machines		
Texas Secretary of State Charter/Registration Number (*if applicable*):		
B. Company Official Contact Name: Tommy Davis		
Title:Owner		
Mailing Address: 762 Spillway Road		
City:Brownwood	State: TX	Zip Code: 76801
Telephone No: 325-784-8030	Fax No.:	E-mail Address: slickmachines@peoplepc.com
C. Technical Contact Name:Tommy Davis		
Title:		
Company Name: Slick Machines		
Mailing Address: 762 Spillway Road		
City: Brownwood	State: TX	Zip Code: 76801
Telephone No.: 325-784-8030	Fax No.:	E-mail Address: slickmachines@peoplepc.com
D. Facility Location Information: 11209 US Highway 67 (200 yards east)		
Street Address: 11209 US Highway 67 (200 yards east)		
If no street address, provide clear driving directions to the site in writing:		
Where Hwy 67 intersects with Erath/Somervell county line – ¼ mile east on 67 – north side of road		
City: Glen Rose	County: Somervell	Zip Code: 76043
E. TCEQ Account Identification Number (leave blank if new site or facility):		
F. Is a TCEQ Core Data Form (TCEQ Form No. 10400) attached? yes		YES
G. TCEQ Customer Reference Number *(leave blank if unknown)*: *CN602877276*		
H. TCEQ Regulated Entity Number *(leave blank if unknown)*: *RN105244461*		
II. IMPORTANT GENERAL INFORMATION		
A. Is confidential information submitted with this application?		NO
If "YES," is each "confidential" page marked "**CONFIDENTIAL**" in large red letters?		NO

Texas Commission on Environmental Quality
Form PI-1 General Application for
Air Preconstruction Permit and Amendments

II. IMPORTANT GENERAL INFORMATION *(continued)*		
B. Is this application in response to a TCEQ investigation or enforcement action? If "YES", attach a copy of any correspondence from the TCEQ		NO
C. Number of New Jobs: permanent		
D. Names of the State Senator and district number for this facility site: Kip Averitt District 22		
Names of State Representative and district number for this facility site: Sid Miller District 59		
E. For Concrete Batch Plants, name of the County Judge for this facility site:		
Mailing Address:		
City:	State:	Zip Code:
F. For Concrete Batch Plants, is the facility located in a municipality or an extraterritorial jurisdiction of a municipality? If "YES," list the name(s) of the Presiding Officer(s) for this facility site:		☐ YES ☐ NO
Mailing Address:		
City:	State:	Zip Code:
III. FACILITY AND SOURCE INFORMATION		
A. Site Name: Chalk Mountain Pit		
B. Area Name/Type of Facility: Chalk Mountain, Texas Rock Pit		Portable
C. Principal Company Product or Business: Rock Crusher		
Principal Standard Industrial Classification Code: SIC 1422		
D. Projected Start of Construction Date: August 1, 2008_____	Projected Start of Operation Date: August 1, 2008_____	
IV. TYPE OF PERMIT ACTION REQUESTED		
A. Permit Number *(if existing)*: 82199L001		
B. Is this an initial permit application? No		YES

If "YES," check the type of permit requested *(check all that apply)*:

State Permit
☐ Flexible Permit
☐ Multiple Plant Permit
Other:_____

☐ Nonattainment Federal Permit
☐ Prevention of Significant Deterioration Federal Permit
☐ Hazardous Air Pollutants Permit Federal Clean Air Act § 112(g)

Oct 01 08 08:44a 4SameDay 7818465636 p.2

IV. TYPE OF PERMIT ACTION REQUESTED *(continued)*	
C. Is this a permit amendment? If "YES," check the type of permit requested *(check all that apply)*: **X State Permit Amendment** ☐ Flexible Permit Amendment ☐ Multiple Plant Permit Amendment ☐ Nonattainment Major Modification ☐ Prevention of Significant Deterioration Major Modification ☐ Hazardous Air Pollutants Permit Federal Clean Air Act § 112(g) Modification Other:_____	YES
D. Is a permit renewal application being submitted in conjunction with this amendment in accordance with Senate Bill 1673? [THSC 382.055(a)(2)](80th Legislative)	NO
E. Is this application for a change in location of previously permitted facilities?	YES
If "YES," answer E. 1. and E. 2.	
1. Current location of facility: Valera, Texas	
Street Address *(If no street address, provide clear driving directions to the site in writing.)*: CR 420 – North of Valera – ½ mile from State Highway 503 – rock pit	
City: Valera / County: Coleman / Zip Code: 76884	
2. Will the proposed facility, site, and plot plan meet all current technical requirements of the permit special conditions? If "NO," attach detailed information.	YES
F. Are there any standard permits, exemptions or permits by rule to be consolidated into this permit?	YES
G. Are you permitting a facility or group of facilities that have planned maintenance, startup and shutdown emissions that cannot be authorized by a permit by rule or standard permit or that are authorized by a permit by rule or standard permit and are being rolled into this permit? If "YES," attach information on any changes to emissions under this application as specified in Section VIII. and Section IXX.	NO
If "YES," answer G. 1 through G. 3.	
1. Are the activities to be included in this permit covered by any previously existing MSS authorizations? If "YES," provide a listing of all other authorizations (permit by rule or standard permit and the associated registration number if any).	☐ YES ☐ NO
2. Have the emissions been previously submitted as part of an emissions inventory?	☐ YES ☐ NO
3. List which years the MSS activities were included in emissions inventory submittals:	

Oct 01 08 08:44a 4SameDay 7818465636 p.3

Texas Commission on Environmental Quality
Form PI-1 General Application for
Air Preconstruction Permit and Amendments

IV. TYPE OF PERMIT ACTION REQUESTED *(continued)*	
H. Federal Operating Permit Requirements (30 TAC Chapter 122 Applicability) Is this facility located at a site required to obtain a federal operating permit under 30 TAC Chapter 122?	NO
1. Identify the requirements of 30 TAC Chapter 122 that will be triggered if this PI-1 application is approved. ☐ FOP Significant Revision ☐ FOP Minor ☐ Application for an FOP Revision ☐ Operational Flexibility/Off-Permit Notification ☐ Streamlined Revision for GOP ☐ To be determined ☐ None	
2. Identify the type(s) of FOP(s) issued and/or FOP application(s) submitted/pending for the site (check all that apply) ☐ SOP ☐ GOP ☐ GOP application/revision application: submitted or under APD review ☐ SOP application/revision application: submitted or under APD review ☐ N/A	
V. PERMIT FEE INFORMATION	
A. Fee paid for this application:	$
1. Is a copy of the check or money order attached to the original submittal of this application?	N/A
2. Is a Table 30 entitled, "Certification of estimated Capital Cost and Fee Verification," attached?	NO
VI. PUBLIC NOTICE APPLICABILITY	
A. Is this a new permit application?	NO
B. Is this an application for a major modification of a PSD, NA or 30 TAC § 112(g) permit?	NO
C. Is this a state permit amendment application?	NO
If "YES," answer C. 1. through C. 3.	
1. Is there any change in character of emissions in this application?	☐ YES ☐ NO
Is there a new air contaminant in this application?	☐ YES ☐ NO
2. Do the facilities handle, load, unload, dry, manufacture, or process grain, seed, legumes, or vegetables fibers (agricultural facilities)?	☐ YES ☐ NO
3. List the total annual emission increases associated with the application (*list all that apply*): Volatile Organic Compounds (VOC):_____ tpy Particulate Matter (PM):_____ tpy Sulfur Dioxide (SO_2):_____ tpy Lead (Pb):_____ tpy Carbon Monoxide (CO):_____ tpy Nitrogen oxides (NO_x):_____ tpy Other air contaminants not listed above:_____ tpy List:_____ tpy	

Oct 01 08 08:44a 4SameDay 7818466636 p.4

Texas Commission on Environmental Quality
Form PI-1 General Application for Air Preconstruction Permit and Amendments

VI. PUBLIC NOTICE APPLICABILITY *(continued)*	
D. Is this a change of location application?	YES
If "YES," answer D. 1. through D. 3.	
1. Is the new facility site located in or contiguous to the right-of-way of a public works project?	NO
2. Is there a permitted facility occupying the new site? If "YES," please list the permit number:	NO
3. Have portable facilities occupied the new site at any time in the last two years?	NO

VII. PUBLIC NOTICE INFORMATION *(complete if applicable)*		
A. Responsible Person:		
Name:	Title:	
Mailing Address:		
City:	State:	Zip Code:
Telephone No.:	Fax No.:	E-mail Address:
B. Technical Contact:		
Company Name:		
Name:	Title:	
Mailing Address:		
City:	State:	Zip Code:
Telephone No.:	Fax No.:	E-mail Address:
C. Application in Public Place:		
Name of Public Place:		
Physical Address:	City:	County:

The public place has granted authorization to place the application for public viewing and copying?	☐ YES ☐ NO
D. Is a bilingual program **required** by the Texas Education Code in the School District?	☐ YES ☐ NO
Are the children who attend either the elementary school or the middle school closest to your facility eligible to be enrolled in a bilingual program provided by the district?	☐ YES ☐ NO
If yes, which language is **required** by the bilingual program?	☐ YES ☐ NO

Oct 01 08 08:45a 4SameDay 7818466636 p.5

Texas Commission on Environmental Quality
Form PI-1 General Application for
Air Preconstruction Permit and Amendments

VIII. SMALL BUSINESS CLASSIFICATION *(required)*	
A. Does this company (including parent companies and subsidiary companies) have fewer than 100 employees or less than $6 million in annual gross receipts?	YES
B. Is the site a major source under 30 TAC Chapter 122, Federal Operating Permit Program?	NO
C. Are the site emissions of any individual air contaminant greater than 50 tpy?	NO
D. Are the site emissions of all air contaminants combined greater than 75 tpy?	NO
IX. TECHNICAL INFORMATION	
A. Is a current area map attached?	YES
Are any schools located within 3,000 feet of this facility?	NO
B. Is a plot plan of the plant property attached?	YES
C. Is a process flow diagram and a process description attached?	YES
D. Maximum Operating Schedule: _8_ Hours/Days _5 Days/Week 30 Weeks/Year_____	
Seasonal Operation? If "YES," please describe	NO
E. Are worst-case emissions data and calculations attached?	YES
1. Is a Table 1(a) entitled, "Emission Point Summary Table," attached?	NO
2. Is a Table 2 entitled, "Material Balance Table," attached?	NO
3. Are equipment, process, or control device tables attached?	NO
F. Are actual emissions for the last two years (determination federal applicability) attached?	NO
X. STATE REGULATORY REQUIREMENTS *Applicants must be in compliance with all applicable state regulations to obtain a permit or amendment.*	
A. The emissions from the proposed facility will comply with all rules and regulations of the TCEQ and details are attached?	YES
B. The proposed facility will be able to measure emissions of significant air contaminants and details are attached?	YES
C. A demonstration of Best Available Control Technology (BACT) is attached?	YES
D. The proposed facilities will achieve the performance in the permit application and compliance demonstration or record keeping information is attached?	YES
E. Is atmospheric dispersion modeling attached?	NO

Oct 01 08 08:45a 4SameDay 7818466636 p.6

X. STATE REGULATORY REQUIREMENTS *(continued)*	
Applicants must be in compliance with all applicable state regulations to obtain a permit or amendment.	
F. Does this application involve any air contaminants for which a "disaster review" is required? If "YES," details must be attached.	NO
Note: For a list of air contaminants for which a "disaster review" will be required, refer to the NSRPD Disaster Review Guidance Document at www.tceq.state.tx.us/permitting/air/rules/federal/63/63hmpg.html.	
G. Is this facility or group of facilities located at a site within the Houston/Galveston nonattainment area? (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, or Waller Counties)	NO
1. Does the facility or group of facilities located at this site have an uncontrolled design capacity to emit 10 tpy or more of NO_X?	NO
2. Is this site subject to 30 TAC Chapter 101, Subchapter H, Division 3 (Mass Emissions Cap and Trade)?	YES
3. Does this action make the site subject to 30 TAC Chapter 101, Subchapter H, Division 3 (Mass Emissions Cap and Trade)?	NO
4. Does this action require the site to obtain additional emission allowances?	NO
XI. FEDERAL REGULATORY REQUIREMENTS **Applicants must be in compliance with all applicable federal regulations to obtain a permit or amendment.** ***If any of the following questions is answered "YES, the application must contain detailed attachments addressing applicability, identify federal regulation Subparts, show how requirements are met, and include compliance information.***	
A. Does a Title 40 Code of Federal Regulations Part 60, (40 CFR Part 60) New Source Performance Standard (NSPS) apply to a facility in this application?	YES
B. Does 40 CFR Part 61, National Emissions Standard for Hazardous Air Pollutants (NESHAP) apply to a facility in this application?	NO
C. Does a 40 CFR Part 63, Maximum Achievable Control Technology (MACT) standard apply to a facility in this application?	NO
D. Does nonattainment permitting requirements apply to this application?	NO
E. Does prevention of significant deterioration permitting requirements apply to this application?	NO
F. Does Hazardous Air Pollutant Major Source [FAA § 112(g)] requirements apply to this application?	NO
XII. COPIES OF THIS APPLICATION	
A. Has the required fee been sent separately with a copy of this Form PI-1 to the TCEQ Revenue Section? *(MC 214, P.O. Box 13088, Austin, Texas 78711).*	NA
B. Are the Core Data Form, Form PI-1, and all attachments being sent to the TCEQ in Austin?	YES
OPTIONAL: Has an extra copy of the Core Data Form, Form PI-1 and all attachments been sent to the TCEQ in Austin? If "YES," please mark this application as "COPY."	YES

Oct 01 08 08:46a 4SameDay 7818466636 p.7

Texas Commission on Environmental Quality
Form PI-1 General Application for Air Preconstruction Permit and Amendments

XII. COPIES OF THIS APPLICATION *(continued)*	
C. Is a copy of the Core Data Form, the Form PI-1, and all attachments being sent to the appropriate TCEQ regional office	YES
D. Is a copy of the Core Data Form, the Form PI-1, and all attachments being sent to each appropriate local air pollution control program(s)?	NO
List all local air pollution control program(s):	
E. Is a copy of the Core Data Form, Form PI-1, and all attachments (without confidential information) being sent to the EPA Region 6 office in Dallas, Texas? (federal applications only)	NO
F. This facility is located within 100 kilometers of the Rio Grande River and a copy of the application was sent to the International Boundary Water Commission (IBWC):	NO
G. This facility is located within 100 kilometers of a federally-designated Class I area and a copy of the application was sent to the appropriate Federal Land Manager:	NO
XIII. PROFESSIONAL ENGINEER (P.E.) SEAL	
Is the estimated capital cost of the project greater than $2 million dollars? If "YES," the application must be submitted under the seal of a Texas licensed Professional Engineer (P.E.).	NO
XIV. DELINQUENT FEES AND PENALTIES	
Notice: This form will not be processed until all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the "Delinquent Fee and Penalty Protocol." For more information regarding Delinquent Fees and Penalties, go to the TCEQ Web site at: www.tceq.state.tx.us/agency/delin/index.html.	
XV. SIGNATURE	
The signature below confirms that I have knowledge of the facts included in this application and that these facts are true and correct to the best of my knowledge and belief. I further state that to the best of my knowledge and belief, the project for which application is made will not in any way violate any provision of the Texas Water Code (TWC), Chapter 7, Texas Clean Air Act (TCAA), as amended, or any of the air quality rules and regulations of the Texas Commission on Environmental Quality or any local governmental ordinance or resolution enacted pursuant to the TCAA. I further state that I understand my signature indicates that this application meets all applicable nonattainment, prevention of significant deterioration, or major source of hazardous air pollutant permitting requirements. I further state that I have read and understand TWC §§ 7.177-7.183, which defines CRIMINAL OFFENSES for certain violations, including intentionally or knowingly making or causing to be made false material statements or representations in this application, and TWC § 7.187, pertaining to CRIMINAL PENALTIES.	
NAME: Tommy Davis **SIGNATURE:** _____ **DATE:** _____ Original Signature Required	

Oct 01 08 08:46a 4SameDay 7818465636 p.8

copy

TCEQ Core Data Form

TCEQ Use Only

For detailed instructions regarding completion of this form, please read the Core Data Form Instructions or call 512-239-5175.

SECTION I: General Information

1. Reason for Submission *(if other is checked please describe in space provided)*

☐ New Permit, Registration or Authorization *(Core Data Form should be submitted with the program application)*

☐ Renewal *(Core Data Form should be submitted with the renewal form)* ☒ Other

2. Attachments ☒ Yes ☐ No

Describe Any Attachments: *(ex. Title V Application, Waste Transporter Application, etc.)*

PI-1; general location map; site map; emission calc. & process description

3. Customer Reference Number *(if issued)*: CN 602877276

Follow this link to search for CN or RN numbers in Central Registry**

4. Regulated Entity Reference Number *(if issued)*: RN 105244461

SECTION II: Customer Information

5. Effective Date for Customer Information Updates (mm/dd/yyyy)

6. Customer Role (Proposed or Actual) – *as it relates to the Regulated Entity listed on this form. Please check only one of the following:*

☒ Owner ☐ Operator ☐ Owner & Operator
☐ Occupational Licensee ☐ Responsible Party ☐ Voluntary Cleanup Applicant ☐ Other:

7. General Customer Information

☐ New Customer ☐ Update to Customer Information ☐ Change in Regulated Entity Ownership
☐ Change in Legal Name (Verifiable with the Texas Secretary of State) ☒ No Change**

If "No Change" and Section I is complete, skip to Section III – Regulated Entity Information.

8. Type of Customer: ☐ Corporation ☐ Individual ☒ Sole Proprietorship- D.B.A
☐ City Government ☐ County Government ☐ Federal Government ☐ State Government
☐ Other Government ☐ General Partnership ☐ Limited Partnership ☐ Other:

9. Customer Legal Name *(If an individual, print last name first: ex: Doe, John)*: Davis, Thomas DBA Slick Machines

If new Customer, enter previous Customer below | *End Date:*

10. Mailing Address: 762 Spillway Road

City: Brownwood State: TX ZIP: 76801 ZIP + 4:

11. Country Mailing Information *(if outside USA)*

12. E-Mail Address *(if applicable)*

13. Telephone Number: (325) 784-8030

14. Extension or Code

15. Fax Number *(if applicable)*: ( ) -

16. Federal Tax ID *(9 digits)*: 462411253

17. TX State Franchise Tax ID *(11 digits)*

18. DUNS Number *(if applicable)*

19. TX SOS Filing Number *(if applicable)*

20. Number of Employees
☒ 0-20 ☐ 21-100 ☐ 101-250 ☐ 251-500 ☐ 501 and higher

21. Independently Owned and Operated? ☒ Yes ☐ No

SECTION III: Regulated Entity Information

22. General Regulated Entity Information *(If 'New Regulated Entity' is selected below this form should be accompanied by a permit application)*

☐ New Regulated Entity ☐ Update to Regulated Entity Name ☒ Update to Regulated Entity Information ☒ No Change** *(See below)*

**"If "NO CHANGE" is checked and Section I is complete, skip to Section IV, Preparer Information.

23. Regulated Entity Name *(name of the site where the regulated action is taking place)*

Slick Machines

Attachment No. 4

Texas Commission on Environmental Quality
Form PI-1 General Application for
Air Preconstruction Permit and Amendments

TABLE OF CONTENTS

INSTRUCTIONS

Introduction....2
How to Contact the Texas Commission on Environmental Quality (TCEQ)....3
Small Business Information....4

Instructions for Form PI-1

I. Applicant Information....4
II. Important General Information....5
III. Facility and Source Information....6
IV. Type of Permit Action Requested....6
V. Permit Fee Information....9
VI. Public Notice Applicability....9
VII. Public Notice Information....11
VIII. Small Business Classification....11
IX. Technical Information....12
X. State Regulation Requirements....15
XI. Federal Regulatory Requirement....18
XII. Copies of this Application....20
XIII. Submittal by Texas Licensed Professional Engineer....22
XIV. Delinquent Fees and Penalties....22
XV. Signature....22

Texas Commission on Environmental Quality
Form PI-1 General Application for
Air Preconstruction Permit and Amendment

Overview

This form supersedes all previous versions of the Form PI-1 and replaces the PI-1M (Multiple Plant Permits). Other forms and instructions are available for the following applications: Form PI-1R (Permit Renewal Application), Form PI-1S (Standard Permit Registrations), Form PI-1D (De Minimis Case-by-Case Reviews), Form PI-E (Notification or Changes to Qualified Facilities), and Form PI-7 (Registrations for Permit by Rule), and can be obtained from the TCEQ Air Permits Division (APD) Web site at www.tceq.state.tx.us/nav/permits/air_permits.html.

The instructions and tables contained in this document are intended to be comprehensive and cover the permitting requirements appropriate for a large and/or complex facility. Not all items apply to every application. Many applications for smaller and simpler facilities will not require the submittal of all of the forms and information described. Pre-permit communication between the applicant, applicant's consultant (if any), and APD is important to ensure a complete permit application and prevent time delays.

Facilities that may release air contaminants, even in small amounts, are regulated by the Texas Commission on Environmental Quality (TCEQ) under its air permit rules. These rules require owners or operators of facilities that may emit air contaminants to obtain a permit prior to constructing a new facility or making changes to an existing facility. Most permit applications must be reviewed and approved by the TCEQ Air Permits Division (APD) through information submitted on the Form PI-1, "General Application for Air Preconstruction Permits and Permit Amendments." The primary purpose of this form is to provide all administrative and technical information needed by the TCEQ to evaluate several types of permit applications, including:

1. **Initial state permits reviews and amendments** for preconstruction, flexible, and multiple plant permits. A new state permit or amendment to an existing state permit is required when:

   a. Building a new facility and it cannot meet the conditions of a permit by rule (PBR), standard permit, or other available authorization mechanisms as identified in Title 30 Texas Administrative Code § 116.110 (30 TAC § 116.110).
   b. Changing an existing facility and the changes cannot meet the conditions of a PBR, standard permit, qualified facility changes, or other available authorization mechanisms as identified in 30 TAC § 116.116.
   c. Including emissions from an existing facility and related activities from planned maintenance, start up and shutdown (MSS). Owners or operators should submit an application for the inclusion of emissions from planned MSS facilities and related activities according to the following schedule:

Deadline for Submittal	Industry
January 5, 2007	Petroleum Refining
January 5, 2008	Chemical Products
January 5, 2010	Carbon Black Plants
January 5, 2011	Electric Service
January 5, 2012	Crude Oil and Natural Gas Production
January 5, 2013	All Other Industries

   Until the application is submitted the affirmative defense procedures under the Emission Events Rules in 30 TAC 101 apply. After the application is submitted, the affirmative defense procedures under the emission event rules in 30 TAC 101 continue to apply until the permit is issued, denied, or one year (2 years for chemical plants) has passed since the application was submitted. Early application submittals are discouraged.

2. **Initial federal reviews and major modification reviews** for nonattainment, prevention of significant deterioration, and major sources of hazardous air pollutants. A new federal permit or major modification to an existing federal permit is required when:

   a. Building a new facility or group of related facilities, which result in emissions greater than major source thresholds. A summary of these emissions thresholds can be found on the TCEQ. Air Permits Division Web site at www.tceq.state.tx.us/nav/permits/air_permits.html.

b. Changing an existing facility or authorizing MSS emissions at an existing facility and related activities, which result in emissions greater than significance thresholds. A summary of these emissions thresholds can be found on the Air Permit D Web site at www.tceq.state.tx.us/nav/permits/air_permits.html.

3. **Change of location of previously permitted facilities** which are usually designated as portable facilities. A change of location authorization is required when a facility, which has a state air permit, is moving to a new site and cannot meet (or does not contain) the permit special conditions and current laws for moving to different sites, cannot meet the conditions of a PBR, standard permit, or other available authorization mechanism.

To apply for a permit, permit amendment, or change of location you should:

1. Read the requirements of 30 TAC § 116.111 and the Form PI-1 Instructions.
2. Determine if the facility meets all state and federal requirements to obtain a permit or permit amendment.
3. Complete the TCEQ Core Data Form, Form PI-1 and attach all requested information. Send the application to the TCEQ as indicated in the Form PI-1 instructions.
4. Not begin construction until you are notified by the TCEQ and receive a permit unless you can meet the requirements under the Texas Health and Safety Code Section 382.004 (THSC § 382.004) Construction While Permit Application Pending. The THSC is also referred to as the Texas Clean Air Act (TCAA). If you are already operating, you still need an air authorization. You should begin steps to seek an authorization as soon as you become aware that this requirement applies to you. *Also see Section III. D.*

Introduction

The primary purpose of the Form PI-1 entitled, "General Application for Air Preconstruction Permits and Amendments" is to provide all administrative and technical information needed by the Air Permit Division (APD) to evaluate new permit and permit amendment applications. These instructions are intended for use by applicants and consultants to submit a complete permit or amendment application to the Texas Commission on Environmental Quality (TCEQ). Review of applications and issuance of permits will be expedited by ensuring you have the most current version of the Form PI-1 and supplying all necessary documents and information with the application forms, including required permit fees.

Who Needs a Permit

The Texas Health and Safety Code Section 382.0518 (THSC § 382.0518), also referred to as the Texas Clean Air Act (TCAA), and Title 30 Texas Administrative Code Chapter 116 (30 TAC Chapter 116) requires that any person who plans to construct or modify a facility which may emit air contaminants into the atmosphere shall apply for and obtain a construction permit or a permit amendment before any actual work can begin on the facility unless the person can meet the requirements included in the THSC § 382.004. Construction While Permit Application Pending. Title 30 TAC Chapter 116 specifies the requirements for obtaining a construction permit.

Forms and Tables

Various forms and tables have been developed to assist applicants in providing pertinent data about the type of operation, abatement device specification, air contaminants emitted, and material balances applicable to the air contaminants associated with the proposed facility. Special attention should be directed to providing adequate information for the evaluations; otherwise, valuable time may be lost due to repeated correspondence.

Application Format

To allow the TCEQ to efficiently review an air permit application, all claims should have numbered pages, and labeled tables and figures. Whenever possible, please submit the required information on 8½ x 11 inch paper. Use larger sheets, when necessary, to show sufficient detail on area maps, plot plans, and flow diagrams, and they should be folded to 8½ x 11 inch size, do not fax oversized documents to the TCEQ.

Pre-permit Contact

A pre-permit meeting or conference with APD staff is recommended for all applications for new permits and permit amendments, even if the applicant has hired a consultant to assist in the preparation of the application. If a consultant has been selected, both the applicant and the consultant should attend these meetings.

Administrative Completeness

All applications will undergo an administrative review and must be administratively complete before a formal technical review of the application begins. To be considered administratively complete, applications must include a completed and signed Form PI-1, Core Data Form (if applicable), appropriate attachments and documentation, and the correct fee. Once an application is determined to be administratively complete, if required, a public notice (Notice of Intent to Obtain a Permit) is authorized by the TCEQ, which must be published by the applicant within 30 days as required by law.

Technical Information

One of the most common deficiencies found in applications for existing facilities which require new permits and in applications for amendments to existing permits, is that the data contained in the TCEQ data bases and files is not consistent with that proposed data submitted by the applicant. Any discrepancies should be identified and discussed prior to the submittal of an application. Information contained in the TCEQ emissions inventory should be consistent with the data contained in the permit files and any proposed changes. Files relating to emissions inventories and permits are available at the TCEQ in Austin. Copies may be made and/or requested, upon payment of the required copying fees. Please contact the TCEQ Air Records File Room in Austin at (512) 239-1540 for a schedule of copying fees.

Additional Information

Applicants may be required to submit additional information, as necessary. Any additional information becomes part of the application.

How to Contact the TCEQ

Question	Who	Phone	Web
TCEQ Air Rules	Air Permits Division	(512) 239-1250	www.tceq.state.tx.us/nav/rules/rules_rulemaking.html
Core Data Form Requirements	Central Registry	(512) 239-5175	www.tceq.state.tx.us/permitting/central_registry/guidance.html
Form PI-1 Requirements	Air Permits Division	(512) 239-1250	www.tceq.state.tx.us/nav/permits/air_permits.html
Receipt and Initial Review	Air Permits Initial Review Team	(512) 239-1250	www.tceq.state.tx.us/nav/data/permit_data.html
Permit Tables and Guidance	Air Permits Division	(512) 239-1250	www.tceq.state.tx.us/nav/permits/air_permits.html
Confidential Information	Office of Legal Services (Mail Code 173)		written requests only
Emissions Cap and Trade	Banking & Trading Team, Air Quality Division	(512) 239-4900	www.tceq.state.tx.us/permitting/air/nav/air_banking.html
Federal Operating Permits	Operating Permit Section Air Permits Division	(512) 239-1250	www.tceq.state.tx.us/nav/permits/air_permits.html
Small Business Assistance	Small Business and Local Government Assistance	(800) 447-2827	www.tceq.state.tx.us/assistance/sblga/sblga.html
Copies of Records and Permits Previously Filed with TCEQ	Records Services, Customer Service Center	(512) 239-2900	
Reports from TCEQ Program Databases	Production Control & Reporting Services, Customer Service Center	(512) 239-3282	

Small Business Information

The TCEQ Small Business and Local Government Assistance Office are available to assist a business owned or operated by a person employing 100 or fewer employees. If you are currently operating without authorization, you may be in violation of environmental regulations. See above for contact information for this office.

INSTRUCTIONS FOR FORM PI-1

I. APPLICANT INFORMATION

A. Company or Other Legal Name: Permits are issued to either the owner or operator of the facility, commonly referred to as the applicant or permit holder. List the legal name of the company, corporation, or person who is applying for the permit. The legal name will be verified with the Texas Secretary of State at (512) 463-5555. The applicant may be asked to correct the name provided on the Form PI-1, if found to be different. In some cases, a copy of the legal document forming the entity may be requested to verify the legal name (i.e., general partnership, or trust filed with the county).

B. Company Official Contact Name and Title: Please provide the name, title, address, telephone number, fax numbers, and e-mail address of the company official contact person.

C. Technical Contact Name and Title: Please provide the name, company, address, telephone number, fax number, and e-mail address of the person the TCEQ should contact for technical questions, and who has the authority to make binding agreements and representations on behalf of the applicant. This technical contact may be a consultant.

D. Facility Location Information: Provide the street address of the facility, if available. If there is no street address, provide driving directions in writing to the site. Identify the location by distance and direction from well-known landmarks, such as major highway intersections. Enter the city or town where the facility is located. If the address is not located in a city, then enter the city or town closest to the facility even if it is not in the same county as the facility. Enter the county where the facility is physically located. Please include the zip code of the physical facility site, not the zip code of the applicant's mailing address.

E. TCEQ Account Identification Number: This number is assigned by the TCEQ to the entire property owned or controlled by the applicant at a specific location. A typical example of an air quality account number is JB-1234-R. Portable facilities are assigned account identification numbers which begin with a number, such as 92-1234-K. These identification numbers are being phased out by the TCEQ and will be replaced with a TCEQ Regulated Entity Number. Until you have been officially notified by TCEQ Central Registry of the Regulated Entity Number, you must provide the account number. You may call (512) 239-1250 for assistance to obtain or verify the account number.

F. TCEQ Core Data Form: The TCEQ **requires** that a Core Data Form (TCEQ No. 10400) be submitted on all incoming applications unless **all** of the following are met:

- A Regulated Entity and Customer Reference Number have been issued by the TCEQ;
- The Regulated Entity and Customer Reference Numbers are known by the applicant and are indicated on the Form PI 1;
- No core data information has changed.

Note: The company and facility site information provided on the Core Data Form must be the same as provided on the Form PI 1.

The Central Registry is a centralized area to record common information about TCEQ customers and regulated activities, such as the company names, addresses, and telephone numbers. The Central Registry provides the regulated community with a central access point within the agency to check on their core data and to make changes when necessary. When core data about your facility is migrated to the Central Registry two new identification numbers are assigned: the Customer Reference Number and the Regulated Entity Reference number. The Core Data

Form is required if your records are not yet part of the central registry or if the core data for your facility is changing. In other words, if this is the initial application, permit or license for a facility site, then the Core Data Form must be completed. If you are amending, modifying or otherwise updating an existing record for your site, the Core Data Form is not required unless the core data has changed. For more information on the Central Registry go to the TCEQ Web site at www.tceq.state.tx.us/permitting/central_registry/guidance.html.

G. TCEQ Customer Reference Number (CN): This is a unique TCEQ assigned number given to each business, governmental body, association, individual, or other entity that owns, operates, is responsible for, or is affiliated with a regulated entity. This number is assigned by the TCEQ when a Core Data Form is submitted to the TCEQ Central Registry.

H. TCEQ Regulated Entity Number (RN): This is a unique TCEQ assigned number given to each person, organization, place or thing that is of environmental interest to the TCEQ and where regulated activities will occur. This number is assigned by the TCEQ when a Core Data Form is submitted to the TCEQ for the Central Registry. The Regulated Entity Number will be replacing existing air account numbers. For portable units, the Regulated Entity Number will be assigned to the unit. The same Regulated Entity Number should be used when applying for authorization at a different location.

II. IMPORTANT GENERAL INFORMATION

A. Confidential Information: [THSC § 382.041] Any information related to secret or proprietary processes or methods of manufacture must be marked "CONFIDENTIAL" if you do not want this information in the public file. Confidential information must be separated from non-confidential information and submitted in a separate packet or envelope. Each page of information considered confidential must be marked "CONFIDENTIAL" when submitted to the TCEQ, preferably in large red letters at the bottom of each page. Such information must not appear on the same page with information that cannot be held confidential, such as the type of air contaminant or rate of emissions. You must present the confidential information in an abbreviated non-confidential format (process description, flow diagram, etc.) for inclusion in the public file and state in the public file that a confidential submittal exists. This is needed to maintain continuity in the public file. Information marked "CONFIDENTIAL" will be kept in a locked file separate from that part of the application considered to be "public records" under the Texas Public Information Act, Texas Government Code Chapter 552. Information designated confidential will not be disclosed to anyone other than an authorized permit holder or other agencies as otherwise provided by law. Company representatives may, upon presenting dated proof of affiliation and authorization, be given access to any files pertaining to their company.

The submittal of confidential information is governed by the Texas Clean Air Act § 382.041(a) and the Texas Public Information Act. The TCAA states in part: "[A] member, employee, or agent of the Commission may not disclose information submitted to the Commission relating to secret processes or methods of manufacture or production that is identified as confidential when submitted." In addition, the Texas Attorney General Opinion Number H-836 (dated June 14, 1976) addresses the type of information that may be treated as confidential and who may access such data. The TCEQ policy regarding confidential information submitted in support of a permit application/request is summarized below.

- The specific names and amounts of air contaminants emitted into the atmosphere from a permitted facility CANNOT be classified as confidential.
- The amount paid by an applicant for the permit application fee cannot be held confidential; however, if no estimate of capital cost is included with a permit application, the applicant shall pay a fee of $75,000.00.
- Information which a company desires the agency to treat as confidential must be clearly labeled "CONFIDENTIAL" on EACH PAGE. The information must be marked at the time of submittal. Confidential information should be separated from non-confidential information in a separate packet or envelope. The company should submit an appropriate non-confidential version that can be placed in the appropriate section of the public portion of the application to provide continuity and a complete review.

B. Investigation or Enforcement Action: Indicate whether the application is being submitted in response to, or related to, a TCEQ investigation, notice of violation (NOV), or enforcement action for this facility. If so, please attach copies of any correspondence regarding the investigation or enforcement action from the TCEQ.

C. Number of New Jobs: Estimate the anticipated number of new jobs which will be created in the community as a result of the new facility or changes to an existing facility in this application.

D. Name of State Senator and Representatives: The TCAA §§ 382.0516 and 382.056 require the TCEQ to notify the state representative and senator of the area when a permit or permit amendment application is received. Provide the names and district numbers for these state officials who represent the location where the facility is or will be located. This information can be obtained at www.capitol.state.tx.us/ or www.legis.state.tx.us/.

E. Name and address of County Judge (for Concrete Batch Plants): The TCAA § 382.0516 requires the TCEQ to notify the county judge of the area when a permit or permit amendment application for a concrete batch plant is received. Please provide the name and mailing address of the county judge for the location where the facility is or will be located. This information can be obtained at www.txdirectory.com.

F. Name and address of Presiding Officer (for Concrete Batch Plants): The TCAA § 382.0516 requires, if the facility is or will be located in a municipality or the extraterritorial jurisdiction of a municipality, the TCEQ to notify the presiding officer of the municipality's governing body of the area when a permit or permit amendment application for a concrete batch plant is received. Indicate whether the facility is located in a municipality or the extraterritorial jurisdiction of a municipality. If it is, please provide the name(s) and mailing address of the presiding officer(s) (i.e., mayor, city manager) for the location where the facility is or will be located.

III. FACILITY AND SOURCE INFORMATION

A. Site Name: Enter the name of the site for which the application is being submitted.

B. Area Name/Type of Facility: Indicate the name of the area to be permitted. This name should be descriptive and indicate the general type of operation, manufacturing process, equipment or facility which would be authorized under the permit (include any numerical designation, if appropriate). Examples of acceptable names are, "Sulfuric Acid Plant," "No. 5 Steam Boiler," "Electric Arc Furnace #2," and "Fiberglass Boat Manufacturing Facility." Vague names such as, "Chemical Plant" and "North Process Area" are not acceptable names. Also, check the appropriate box indicating whether the facility is permanent or portable. Hot mix asphalt plants and trench burners are typical portable facilities; a petroleum storage tank would be considered a permanent facility.

C. Principal Company Product or Business and Standard Industrial Classification (SIC) Code: All industries should have a SIC code which describes the main business activity at the site. A list of SIC codes can be found through the Federal Government's Web site at www.osha.gov/oshstats/sicser.html.

D. Projected Start of Construction and Projected Start of Operation Dates: **You must obtain an air authorization before beginning construction.** Construction is broadly interpreted as anything other than site clearance or site preparation. Land clearing, soil load-bearing tests, leveling of the area, sewers and utility lines, road building, power line installation, fencing, construction shack building, etc., are considered "site clearance/preparation." Equipment may be received at a plant site and stored, provided no attempt is made to assemble the equipment or to connect it into any electrical, plumbing, or other utility system. All work, such as excavation, form erection, or foundations upon which facilities will rest is considered construction. Questions regarding the definition of "start of construction," should be submitted in writing to the TCEQ APD with copies to the appropriate TCEQ regional office and any local air pollution control program(s). Each request for clarification must be in writing with sufficient detail to identify the specific activity in question, and the TCEQ response to this request must be in writing for the authorization to be valid.

IV. TYPE OF PERMIT ACTION REQUESTED

A. Permit Number: If the application is for an existing permitted facility, please list the current permit number. Please confirm that the permit number is accurate before submitting your application. For more assistance call (512) 239-1250.

B. Initial Permit Application: Please mark the appropriate box indicating what type of action is requested by the application. Please check all boxes that apply in this section of the application. Please indicate the type of permit being requested, if known. If a new multiple plant permits is being requested, the applicant is required to attach additional pages describing all facilities to be covered for each of the remaining portions of the Form PI-1.

C. Permit Amendment: Amendments are required if changes are proposed to occur to a permitted facility and representations vary from the original application and cause:

- a change in the method of control of emissions;
- a change in the character of the emissions (new criteria pollutant or new specie); or
- an increase in the emission rate of any air contaminant (any criteria pollutant or any specie on any averaging time).

Amendments are also required if the facility is a previously exempted PBR which, as a result of proposed modifications, will no longer qualify for exempt/PBR. Please check all boxes that apply in this section of the application.

Permit Type: It is important to indicate the type of permit being amended by the proposed construction or modification.

D. Permit Renewal Option: The adoption of Senate Bill 1673 [THSC 382.055(a)(2)](80th Texas Legislature) has made it possible to process a renewal application at the same time as an amendment for preconstruction permits under the Clean Air Act. The legislation states that the amendment application must be filed not more than three years before the date the permit is scheduled to expire. It also states that submittal of the renewal application in conjunction with an amendment application is optional for the applicant, and the amendment application must be subject to notice requirements under the Texas Health and Safety Code, § 382.056. If you wish to pursue this option, you will need to submit a Form PI-1R, Table 30R, and application fee and a complete permit renewal application.

E. Change in Location of Permitted Facility: Portable facility permits are designated by a TCEQ Account Identification Number which begins with a 9 (ex: 94-1234-X) instead of the standard alphabetic nomenclature (XY-1234-Z) used to designate permanent facilities. These portable permits also contain "relocation conditions" which typically contain control requirements, distance limitations, and instructions for seeking approval from the appropriate regional office. Some of these permit conditions have been superceded by new laws.

1. Current Location: To properly track how facilities move throughout the state, the address from which the facility is moving should be included on the application form.

2. Current Technical Requirements: In a general change of location reviews are performed when a facility is moving to a new site, but all other technical and operational conditions listed in the permit can still be met. If other changes are requested, a permit amendment may be required.

Additional instructions for change of location applications: All other sections of the Form PI-1 should be completed with the exception of Section V and Section VIII. No fee is required for a change of location or relocation application. Technical Information and Table 1(a) is not required since only the site of the facility should be changing through a change of location application. If a process flow diagram, process description or material balance is modified a permit amendment review will be required.

F. Consolidation into this Permit: To ensure protectiveness, and in some cases best available control technology is used, previously issued authorizations (exemptions, PBRs, or standard permits) are consolidated into a permit either by incorporation or by reference. Incorporation is voluntary and referencing is mandatory.

G. Permitting of Emissions from Planned Maintenance, Startup, and Shutdown (MSS) Facilities and Related Activities: An application for authorization of planned MSS activities should be submitted by the schedule found in the Overview Section. Planned MSS activities may also be included in new permit or amendment applications. However, early amendment applications only for planned MSS activities are discouraged. Indicate if this permit action will include a facility or group of facilities that have planned maintenance, startup and shutdown emissions that cannot be authorized by a permit by rule or standard permit or that are authorized by a permit by rule or standard permit and are being rolled into this permit.

1. Existing MSS Authorizations: If the application seeks to authorize emissions from previously existing MSS activities, provide a list of the sources/activities and the associated permit by rule and/or standard permit registration number.

2. Inclusion in Emission Inventory Submittals: Provide a list of each source/activity that has been previously submitted as a part of an emissions inventory if the site is subject to emission inventory requirements under 30 TAC 101.10.

3. Dates of Emission inventory Submittals: List which years the MSS activities have been included in emission inventories.

H. Federal Operating Permit (FOP) Requirements (30 TAC Chapter 122 Applicability):

1. Information and guidance on applicability of 30 TAC Chapter 122 can be accessed at the following address: www.tceq.state.tx.us/permitting/air/titlev/pro_applicability.html

   Please note that the authorization approved pursuant to this PI-1 application may trigger the requirements of 30 TAC Chapter 122. For sites with existing FOP(s), authorization and approval of this PI-1 may require the submission of an appropriate revision application or notification according to the timelines outlined in 30 TAC Chapter 122, Subchapter C. For example, if approval of this PI-1 includes PSD or NA review OR a Title V review of an existing PSD or NA permit, a significant revision of the FOP is required. In addition, the approved construction or modification that is covered under the PSD or NA review cannot be operated until the new applicable requirements are codified in the FOP and the FOP is issued. In other cases, the FOP holder may be required to submit a minor revision and meet certain conditions to operate the facilities or changes approved pursuant to this PI-1 application. The qualification criteria for FOP revisions and timelines for submission are outlined in 30 TAC Chapter 122, Subchapter C, Division 2. For sites with existing GOPs, authorization and approval of the PI-1 may result in the site no longer qualifying for the GOP. The qualifications for a GOP are available at www.tceq.state.tx.us/permitting/air/nav/air_genoppermits.html

   The requirements of 30 TAC Chapter 122 pertaining to FOP revisions are explained in APD guidance available at: www.tceq.state.tx.us/permitting/air/guidance/titlev/tv_fop_guidance.html

   If authorizations approved pursuant to this PI-1 increase the site's potential-to-emit and render the site a "major source" as defined in 30 TAC Chapter 122, an FOP application is required. 30 TAC Chapter 122, Sec. 122.130 includes timelines for submission of an FOP application. Mark the appropriate box if you are uncertain if the emissions that will be authorized pursuant to this PI-1 will subject the site to the requirements of 30 TAC Chapter 122. APD guidance on submitting an FOP application is available at: http://www.tceq.state.tx.us/permitting/air/nav/air_titlevopperm.html.

2. Identify the type(s) of FOP(s) issued for the site by checking the appropriate box. In addition, check the appropriate box if any GOP/SOP application(s) for the site including revision applications are currently under review by APD. Check the appropriate box if you are submitting an SOP/GOP application or SOP/GOP revision application pursuant to this PI-I application

If you have questions about the applicability of 30 TAC Chapter 122 or impact of this PI-1 on your existing FOP, please contact the TCEQ APD at (512) 239-1250.

V. PERMIT FEE INFORMATION

A. Permit Fees: [30 TAC § 116.141 or § 116.163] Most permit and amendment applications require an application fee at the time of application submittal. Applications for special permits amendments and change of locations do not require a fee. In addition, recent legislation has provided for exemptions from fee payment for research projects by state agencies or institutions of higher education. Review of an application will not begin until required fees are received. The minimum fee is $900.00 and the maximum fee is $75, 000.00. For most actions, the required fee and Table 30 entitled, "Certification of Estimated Capital Cost and Permit Application Fee" is required to ensure the application is consistent with the requirements of 30 TAC § 116.141 or § 116.163. Checks or money orders should be made payable to TCEQ. Please note that the State Treasury will not accept checks drawn on foreign banks.

1. Is a copy of the check or money order attached to the original submittal of this application?

2. Is a Table 30 entitled, "Certification of estimated Capital Cost and Fee Verification," attached?

- If the application is for a multiple plant permit (MPP) the fee is $900.00 per application (not per plant site).
- If the application is for a flexible permit the fee shall be based on the total annual allowable emissions from the permitted facility, group of facilities, or account for which the flexible permit is being sought. The fee shall be $32.00 per ton with the minimum fee being $900.00 and the maximum fee $75,000.00. For flexible permit amendments, the fee shall be calculated based on $32.00 per ton for the incremental increase with the minimum fee being $900.00 and the maximum fee being $75,000.00
- Copies of Table 30 are available through the APD Web site at www.tceq.state.tx.us/nav/permits/air_permits.html. Table 30 must bear an original signature in ink.
- The amount of the application fee cannot be held as confidential. Applicants who choose not to disclose the estimated capital cost of the project are not required to submit Table 30; however, in this case, the applicant must pay the maximum fee pursuant to 30 TAC § 116.141(d) of $75,000.00.
- Questions relating to what constitutes "direct costs" and "indirect costs" as defined by 30 TAC § 116.141 should be discussed at a pre-permit meeting and, if unresolved, further inquiries should be made in writing to the TCEQ Office of Legal and Regulatory Services.

To expedite the processing of the application, please provide a copy of the check or money order with the application package. To verify receipt of payment or any other questions regarding payment of fees to the TCEQ, please call the Financial Administration Division, Cashiers Office at (512) 239-0357.

VI. PUBLIC NOTICE APPLICABILITY

Overview of Requirements: The TCAA § 382.056 requires that an applicant publish a "notice of intent" to obtain a permit and in certain circumstances, "notice of preliminary decision." These notices must be published in a newspaper of general circulation in the municipality where the proposed facility is/will be located. The notice must include a description of the facility, the fact that a person who may be affected by emissions from the facility may request a public hearing and any other information the TCEQ requires by rule. The TCEQ adopted rules for these requirements in 30 TAC Chapter 39 (Public Notification). Additional information regarding public notice can be found on the TCEQ, APD Web site at www.tceq.state.tx.us/nav/permitts/air_permits.html.

The Form PI-1 requests the following information to determine whether public notice is required:

A. New Permit Application: All new state or federal permit applications must go through public notice.

B. Major Modification of a Prevention of Significant Deterioration (PSD), Nonattainment or 30 TAC § 112(g) permit: All federal permit major modification applications must go through public notice.

C. Permit Amendment Application: In certain circumstances, permit amendment applications must go through public notice. The requirements for a permit amendment public notice are listed in 30 TAC § 39.402. The following specific issues determine whether notice is required.

1. Change in Character of Emission or New Air Contaminant: It is important to indicate whether there will be any new air contaminants or a change in character of emissions associated with the amendment application. This

determination should be based on a specific chemical compound (example: formaldehyde), not a class of chemicals (ex: aldehydes) or a category of criteria air pollutants (ex: VOC).

2. Agricultural Facilities: Indicate if the facilities are considered agricultural facilities under the TCAA § 382.020.

3. Emission Changes: Summarize the proposed emission changes which are a result of the application. To determine the total emissions increase in an amended permit, applicants should include:

   - increases in emissions as a result of construction of new facilities at an existing permitted site;
   - changes to permitted allowable emission rates as a result of physical or operational changes and modifications to existing facilities;
   - changes to allowable emission rates as a result of incorporation of a previous authorization when above that authorization's current limitations or authorized actual emission rates;
   - changes to allowable emission rates identified by sampling of the waste stream when above that facility's current limitations or authorized actual emission rates;
   - emissions due to routine maintenance, start-ups or shutdowns not currently authorized; and subtraction of permitted and enforceable emission reductions which are included as a part of the permit amendment application.

The TCEQ does not intend the total emissions increase in an amended permit to include:

- consolidation or incorporation of any previously authorized facility or activity (permits by rule, standard permits, existing facility permits, etc.);
- changes to permitted allowable emission rates when exclusively due to changes to standardized emission factors; or
- reductions in emissions which are not enforceable through the amended permit.

Thus, the total emissions increase would be the sum of emissions increases under the amended permit and the emissions decreases under the amended permit for each air contaminant.

D. Change of Location Application: In certain circumstances, change of location must go through public notice. The requirements for change of location public notice are listed in TCAA § 382.056. Recent changes by the 77th Texas Legislature are effective for all pending and new requests and applications as of September 1, 2001 and supercedes previous TCEQ rules and regulations [30 TAC § 116.130(b)], individual permit conditions, and all other policies and practices. See Mechanical Guidance Document page for additional information on change of location reviews or call the Mechanical/Combustion Section, APD through (512) 239-1250.

Examples of Public Notice Applicability for change of location:

1. Is the site in or contiguous to the right of way of a public works project?

   If "YES," the new portable facility application will **NOT** be required to complete public notice.
   If "NO," the new portable facility application will be required to complete public notice.

2. Is there a permitted facility at the location?

   If "NO," the new portable facility application will be required to complete a public notice.
   If "YES," go to Section C.

3. Has there been a portable facility at the site during the past 2 years?

   If "YES," the new portable facility application will be required to complete a public notice.
   If "NO," the new portable facility application will **NOT** be required to complete a public notice.

VII. PUBLIC NOTICE INFORMATION *(if applicable)*

If public notice is required, additional information is needed to process the application. If you are unsure whether public notice will be required, the TCEQ would encourage you to complete this section to expedite review of the application.

A. Responsible Person: A designated representative for the applicant should be identified as the person responsible for ensuring public notice is properly published in any appropriate newspaper and signs are posted at the facility site. This person will be contacted directly when the TCEQ is ready to authorize public notice for the application. To expedite contact, e-mail and fax numbers are requested.

B. Technical Contact: The TCAA § 382.056 requires that each public notice contain a technical contact to represent the applicant during the public comment period. This person is responsible for answering any questions from the general public regarding the application and their name and phone number will be listed in the public notice. This person may or may not be the technical contact for the permit application review.

C. Application in Public Place: The TCAA § 382.056 also requires that applicants place a copy of the application at a public place in the county where the facilities are/will be located. Applicants are asked where in the county they are going to make the application available for public review and comment. The location must be a public place and described in the notice. A public place is a location which is owned and operated by public funds (such as libraries, county courthouses, city halls) and cannot be a commercial enterprise. **Applicants are required to pre-arrange this availability with the public place indicated on the Form PI-1.**

The application must remain available from the first day of publication through the designated comment period. If the application is submitted to the TCEQ with information marked as confidential, applicants are required to indicate which specific portions of the application are not being made available to the public. These portions of the application must be accompanied with the following statement:

"Any request for portions of this application that are marked as confidential must be submitted in writing, pursuant to the Public Information Act, to the TCEQ Public Information Coordinator, MC 197, P.O. Box 13087, Austin, Texas 78711 3087."

D. Bilingual Notice: In some cases, public notice in an alternate language is required. The questions on the Form PI-1 are designed to assist applicants to determine if a bilingual notice is necessary. If an elementary or middle school nearest to the facility offers a bilingual program a bilingual notice will be required. If there is not, but children who would normally attend those schools are eligible to attend bilingual programs elsewhere in the school district, the bilingual notice will also be necessary. If it is determined that alternate language notice is required, applicants are responsible for ensuring that the publication in the alternate language is complete and accurate in that language. Electronic versions of the Spanish template examples and glossary of air contaminant terms are also available through the TCEQ Web site at www.tceq.state.tx.us/permitting/air/nav/air_publicnotice.html.

VIII. SMALL BUSINESS CLASSIFICATION (*required*)

Small Business Classification: [HB3430 changed Texas Government Code § 2006.001(2) and (3)] (80th Legislative). If a permit is being requested by a small business, the rules allow for alternative public notification requirements if **all** of the following are met:

A. The company has fewer than 100 employees or less than $6 million in annual gross receipts;

B. The source is not a major stationary source under the federal operating permit requirements;

C. The site does not emit 50 tons per year or more of any individual regulated air contaminant; and

D. The site does not emit 75 tons per year or more of all regulated air contaminants combined.

If these requirements are met, public notice does not have to include publication of the prominent (15 in^2) newspaper notice, which has been found to be a significant cost of newspaper publication.

IX. TECHNICAL INFORMATION

A. Area Map: Provide an area map that should be adequate for a person who has never visited the area to be able to find the proposed site. If an effects review is required, significant landmarks such as buildings, residences, schools, parks, churches, hospitals, parks, day care centers, etc., should be noted. Please note the name and location of all schools within 3,000 feet of the site boundary. Texas law requires that these schools are reviewed for potential emissions impacts. Please check the appropriate box on Form PI-1 to indicate whether there are any schools within 3,000 feet of the facility.

The APD prefers that applicants submit a representation of the site property line on 7.5 minute series United States Geological Survey (U.S.G.S.) topographical maps (scale is equal to 1:24,000). If the site is sufficiently, large that it is impractical to depict the site property on a 1:24,000 scale map, other U.S.G.S. topographical maps of larger scales (1:100,000 or 1:250,000) may be acceptable. Paper maps can be obtained directly from the U.S.G.S. or through local map suppliers. For more information on how to order paper maps or locates your nearest U.S.G.S. map suppliers go to www.usgs.gov, phone toll-free (888)-ASK-USGS (275-8747), or phone (303) 202-4700. Electronic versions of the paper maps can be obtained free of charge from the Texas Natural Resource Information Service at www.tnris.org.

Should the applicant not use a U.S.G.S. map, the area map must show all of the same features present on a U.S.G.S. map which include a true north arrow, a scale, the entire plant property and the location of the property relative to prominent geographical features such as highways, roads, streams, and significant landmarks such as buildings, residences, schools, parks, and churches.

B. Plot Plan: Provide a plot plan that should clearly show a scale, a north arrow, all property lines, emission points, buildings, tanks, process vessels, other process equipment and two bench march locations (preferably UTM coordinates). Should you submit the plot plan in electronically the preferred format to use is *.dxf or *.dwg or any other computer aided drawing (CAD) format. Labeling listing identification of emission points, buildings, tanks, etc., must be consistent with other representations in the permit application such as emission calculations, process flow diagrams, Table 1(a), air dispersion modeling, air quality analysis reports, etc. and, if required, the separately filed TCEQ Emissions Inventory.

All emission points on the affected property must be identified. This includes all authorizations, e.g., construction permits, permits by rule, standard permits, etc. Please provide a table of emission points indicating the authorization type and authorization identifier, such as a permit number or rule citation under which each emission point is currently authorized. A review of TCEQ files for this site may be necessary to determine this information.

If dispersion modeling is required for an air quality analysis, a separate table cross-referenced to the plot plan should be submitted listing building, tank, and other down-wash structure heights.

C. Process Flow Diagram and Process Description: A process flow diagram is required for all permit applications so that the APD permit reviewer can verify all technical information regarding the affected facility. Permit reviewers know only what you tell them about your process or business. It is important that the information you provide is complete and accurate.

After a picture has been developed of your process, describe exactly how your business operates. A good way to do this is by telling the permit reviewer, step by step, what you do with each material that comes into your business. For example, you store it, use all or part of it in a process, create a product, and when and how the product moves out the door. You may have some of the material left as waste. Account for all of the materials you use. Tell the permit reviewer what you do with it at every step. It can be helpful to develop a process flow diagram by linking boxes with lines to visually show the process you are describing.

The process description should assist the permit reviewer through the process with emphasis on where the emissions are generated, why the emissions must be generated, what air pollution controls are used (including process design features that minimize emissions), and where the emissions enter the atmosphere. Your process description should tell the permit reviewer how you will be operating if you produce the maximum possible emissions. This will probably be your highest production rate. Each step in the process should be discussed and should refer to the process flow diagram. When applicable, cycle times, reaction times, temperatures, pressures, material flow rates

and production rates should be discussed. Be specific, and do not use generalities such as "a small amount," "sometimes,"and "occasionally opened." The process description should also include how the facility is operated during periods of planned MSS, what emission reduction techniques will be used to limit emissions, changes in character of emissions, and the frequency and duration of each type of planned MSS activity.

Detailed piping and instrumentation drawings are usually not required. Only those system components directly relevant to the evaluation of air quality impacts need be included. Block flow diagrams generally are not sufficient except for very simple facilities such as boilers. The flow diagram should be sufficiently descriptive to enable the reviewing permit engineer to determine the raw materials to be used in the process, all major processing steps, all major equipment items, individual emission points associated with each process step, the location and identification of all emission abatement devices, and the location and identification of all waste streams (including wastewater streams that may have associated emissions). Alternate material flows, changes in routing of emission during periods of planned MSS should be depicted as well as any alternate emission control devices that will be used during these periods. The reviewing permit engineer will evaluate the project based on a total material balance (all streams into the system and all streams out). The reference equipment numbers, process nomenclature and emission point numbers on the flow diagrams must be consistent with the information on Table 1(a), Table 2, plot plan and TCEQ emission inventory.

D. Maximum Operating Schedule: Provide the maximum operating schedule of the facility in terms of maximum hours per day, maximum days per week, maximum weeks per year, and total hours per year. If process units are operated at varying schedules throughout the year, the overall schedule must account for these variations. For example, if a facility which is normally operated 8 hours per day and 5 days per week and is operated on a weekend, or more than 8 hours per day, list the schedule which will provide adequate flexibility. If the facility only operates seasonally, please provide a short description on when operations occur, for example; "March through September 10 hr/day, 7 day/wk; October through February 2 hr/day, 1 day/wk."

E. Maximum Emissions Data and Calculations: At a minimum, the application must represent the **maximum hourly and total annual emission rates** of the new or changed facility, including emission rates for planned MSS facilities and related activities. These rates, once verified and reviewed, will be included in the Maximum Allowable Emission Rate Table (MAERT) issued with the permit or permit amendment.

Maximum **hourly** emission rates (pounds per hour) should be based on the maximum (design) production capacity of the facility or the emissions from MSS. Dividing the average annual emissions (tons per year) by the annual hours of operation in order to determine hourly emissions (pounds per hour) is often unacceptable. Maximum hourly emission rates from planned MSS activities should be listed separately and any emission points unique to these activities should also be noted.

Annual emission rates (tons per year) should be reflective of the average operation throughout any consecutive 12-month period. Planned MSS activity emission rates should be listed separately and any emission points unique to these activities should also be noted.

Include a discussion of the hours of operation and how they relate to emission rates on a short-tem (maximum pounds per hour) and long-term (maximum tons per year) basis. The frequency and duration of planned MSS activities and their effect on emission rates should be presented.

Variations in emissions must be clearly identified and accounted for in the maximum hourly and annual emission rates, if the process is a non-continuous batch operation, or there are widely varying operating scenarios. Additional information should be supplied to describe the emission variations, particularly for emissions from MSS facilities and related activities.

In most cases, supporting calculations and technical bases for the estimates are required. Include copies of the calculations and discuss any assumptions made.

Emission rate information for **each air contaminant** during production operations and during periods of planned MSS maintenance startup and shutdown must be included.. Chemicals must be identified specifically, for example; "Methanol" rather than "hydrocarbons" or "polyester/styrene resin dust" and "iron dust" rather than "dust." Material Safety Data Sheets, Air Quality Data Sheets, or equivalent supporting documents should be supplied for all mixtures which contain potential air contaminants.

The applicant must provide an adequate demonstration of expected continuous compliance with the permitted emission rates including MSS emissions. The reviewing permit engineer must be able to duplicate all emissions calculations with the information supplied by the applicant.

1. Emission Point Summary Table 1(a): The Table 1(a) summarizes all emission points and associated hourly and annual emissions and describes the physical parameters of each emission point during production operations as well as planned MSS. These values will be the basis of the technical review of the Form PI-1 and, ultimately, the development of maximum allowable emission rates (MAER). Table 1(a) is located on the APD, TCEQ Web site at www.tceq.state.tx.us/nav/permits/air_permits.html.

   - An emission point is defined as the point from which air contaminants enter the ambient air. This point should be identified with a unique alphanumeric identification of no more than ten characters.
   - For a modified facility, all emission sources, existing as well as new, must be listed in the emissions table.
   - For MSS, all emission points, existing as well as new, must be listed in the emissions table.
   - Chemicals must be identified specifically. Examples: "Methanol" rather than "hydrocarbons," "polyester/styrene resin dust" or "iron dust" or "limestone dust" or "silica sand dust" rather than "dust." Material Safety Data Sheets or Air Quality Data Sheets should be supplied for all materials which contain potential air contaminants unless an alternative method of identification and quantification of specific air contaminants has been approved prior to submittal of the application. Large groups of data may be attached to the application as appendices.
   - Clearly discuss and document the total emissions in tons per year of each pollutant (e.g., SO_2, PM, etc.) for which the application is to be evaluated. Facilities with a large number of emission points as well as multiple species of air contaminants per emission point may provide a separate table which contains the emission rates by emission point broken into separate species.
   - Emission points must be identified by UTM coordinates (in meters) on Table 1(a). Location of individual emission points by latitude and longitude on Table 1(a) is not sufficiently precise because one second of latitude or longitude is on the order of 100 feet. UTM reference coordinates may be obtained from U.S.G.S. topographical maps. Accuracy in specifying the coordinates of all emission points is critical in maintaining the integrity of the TCEQ emissions inventory.

2. Material Balance Table 2: A material balance is required for all applications to confirm technical emissions information. Table 2 is adequate for many process material balances, and additional sheets may be used if necessary. Values in Table 2 must be consistent with those in Table 1(a) and other application information. Complex material balances may be presented on spreadsheets or indicated on process flow diagrams where the material balance stream numbers are consistent with the stream numbers in the process flow diagram. All materials in the process should be addressed whether or not they directly result in the emission of an air contaminant. Table 2 is located on the APD, TCEQ Web site at www.tceq.state.tx.us/nav/permits/air_permits.html.

3. Equipment, Process, or Control Device Tables: To facilitate review of applications, the TCEQ has developed tables to identify important parameters for some common equipment types. Depending on the type of facility to be permitted, one or more of these tables may be required as a part of the application. These tables are available through the APD Web site at www.tceq.state.tx.us/nav/permits/air_permits.html.

F. Actual facility emissions: [30 TAC 116.150 and 30 TAC 116.160] Actual emissions for existing facilities must be reviewed for potential federal permit applicability. The applicability of nonattainment to a specific new source or a modification of an existing source is addressed in Part I of the TCEQ publication, Nonattainment New Source Review Guidance Document, available through the APD Web site. The applicability of PSD to a specific new source or a modification of an existing source is addressed in the TCEQ publication, PSD Air Quality Guidance Document, also available through the APD Web site at www.tceq.state.tx.us/nav/permits/air_permits.html. In order to allow evaluation of federal applicability, please submit baseline emissions (in tons per year). The applicant should clearly identify the actual emissions from each component of normal operation: production and planned MSS.

X. STATE REGULATORY REQUIREMENTS

Applicants are required to submit itemized information and/or analysis that will demonstrate that all general application requirements as specified in 30 TAC § 116.111 are met. Each requirement in 30 TAC § 116.111 must be addressed.

A. Protection of Public Health and Welfare: [30 TAC § 116.111(a)(2)(A)]. The applicant must address each of the air quality rules and regulations for applicability and explain the basis for expected compliance. If any particular rule or regulation is not applicable, please give the basis for nonapplicability. Not all air quality regulations are appropriate for every application. It is not the intent here to require lengthy justifications as to why each and every rule is or is not applicable to the proposed facility. However, 30 TAC Chapter 116 does require demonstration of compliance with all air quality rules and regulations by the proposed facility, even if that demonstration is by reason of its nonapplicability.

- 30 TAC Chapter 101 General Rules
- 30 TAC Chapter 111 Visible Emissions and Particulate Matter
- 30 TAC Chapter 112 Sulfur Compounds
- 30 TAC Chapter 113 Toxic Materials
- 30 TAC Chapter 115 Volatile Organic Compounds - applicable only in certain counties
- 30 TAC Chapter 117 Nitrogen Compounds - applicable only in certain counties
- 30 TAC Chapter 122 Federal Operating Permits

B. Measurement of Significant Air Contaminants: [30 TAC § 116.111(a)(2)(B)]. The applicant must propose how significant emissions will be measured (stack sampling, ambient monitoring, continuous emissions monitoring, leak detection and repair program for fugitive emissions, etc.) to demonstrate initial and ongoing compliance with permit limitations. Enforceable permit conditions will be based on measures which will provide for adequate demonstration of continuous compliance. These conditions are a critical part of the permit.

C. Best Available Control Technology (BACT): [30 TAC § 116.111(a)(2)(C)]. The applicant must provide a demonstration that the facilities will use the "best available control technology with consideration given to the technical practicability and the economic reasonableness of reducing or eliminating emissions from the facility." The information required to demonstrate BACT is described in great detail in the APD BACT Guidance Document on the APD Web site and summarized in Appendix A (Required Content of a BACT Analysis) of that guidance. A listing of current BACT requirements is located at www.tceq.state.tx.us/permitting/air/nav/bact_index.html.

An applicant's BACT analysis must address all air contaminants subject to review from the affected emission units under normal production operating conditions as well as during planned MSS activities. For each contaminant, an applicant must identify the emission reduction option(s) proposed to satisfy BACT. Describe in detail the technique used for emission reduction, discuss proposed performance of the option(s) chosen, and provide supporting information as necessary for the proposal.

Generally, a BACT determination would be made based on evaluation of:

- emission reduction performance levels accepted as BACT in recent permit reviews for the same process/industry if no new technical developments have been made which indicate that additional reductions are economically or technically reasonable; or

- those emission reduction performance levels accepted as BACT in recent permits for similar air emission streams in a different process or industry; or

- a detailed technical and quantitative economic analysis of all emission reduction options available for the process or emission unit under review. Permit applicants may find it helpful to meet with APD staff in Austin to discuss possible BACT proposals for specific facilities.

Any of the following or combination of the following may be proposed for BACT:

- pollution prevention (process controls/changes, source reduction);
- equipment specification/equipment monitoring;
- add-on abatement equipment; and/or
- good engineering practice/best management practice

Consistent with our emphasis on "pollution prevention," applicants are encouraged to address pollution prevention as an emission reduction option. Pollution prevention is the most preferred option for emission reduction because it can become an integral part of a facility's process. Pollution prevention is best when accomplished with process control methods or process changes that eliminate emissions. However, process controls or changes may be proposed to simply reduce emissions or result in an emission stream that is more amenable to control.

The final determination of acceptability of an emission reduction proposal is based on the proposal's overall ability to reduce or eliminate emissions from the facility. To determine overall ability, the following elements of performance are evaluated for the proposed emission reduction option(s):

- capture efficiency;
- emission reduction efficiency or resulting emission level;
- reliability;
- on-stream time; and
- enforceability

Again, the process of determining BACT is described in great detail in the APD BACT Guidance Document on the APD Web site and the applicant is encouraged to use that document to assist in developing a BACT proposal.

D. Achieve Performance: [30 TAC § 116.111(a)(2)(G)]. Sufficient information must be submitted representing a clear technical justification that the facility will perform as indicated. All assumptions and calculation bases should be provided. This information should include (but is not limited to) useful life of the equipment and proper maintenance programs and original design criteria such as process flow diagrams, material balances, emissions calculations, vendor data on pollution control equipment, control efficiencies, or test data from similar facilities.

Describe how process and abatement equipment operational parameters will be monitored. If a specific capture or collection efficiency is proposed, data must be submitted to support this claim, including design drawings on hoods, etc. Explain how captured emissions will be handled and procedures to be followed during upsets, spills, etc. It must be clearly understood by the applicant that the facilities covered by a permit must continuously perform as represented. This means that proper equipment maintenance procedures must be implemented and followed, spills cleaned up promptly, fugitive emissions reduced, equipment covers maintained in place, leaks fixed, etc. The design of emission capture systems must be adequate to ensure that good emission capture techniques are constructed initially. Design calculations and drawings must be provided demonstrating that good capture techniques will be used. Other areas that should be addressed in the application (when applicable) include bagfilter dust disposal, scrubber waste disposal, cleanup of spills, plant roads and parking areas, storage pile maintenance, general plant housekeeping, and maintenance of air pollution control equipment.

E. Atmospheric Dispersion Modeling: [30 TAC § 116.111(a)(2)(J)]. Section 382.002 of the TCAA states, "The policy of this state and the purpose of this chapter are to safeguard the state's air resources from pollution by controlling or abating air pollution and emissions of air contaminants, consistent with the protection of public health, general welfare, and physical property, including the aesthetic enjoyment of air resources by the public and the maintenance of adequate visibility." Title 30 TAC § 116.111(1) states in part, "The emissions from the proposed facility will comply with all rules and regulations of the TCEQ and with the intent of the Texas Clean Air Act, including protection of the health and physical property of the people."

Permit applications for new construction or modifications may be required to include air dispersion modeling in order for the TCEQ staff to evaluate the impact of emissions from the proposed facility upon the health, general welfare and property of the public, and for the applicant to demonstrate compliance with all air quality rules and regulations and the intent of the Texas Clean Air Act. In all cases, applicants should contact the TCEQ APD staff prior to performing air quality dispersion modeling for submission as part of a permit application.

In almost all cases, an air quality analysis should be performed by the permit applicant and should be submitted to the APD as requested before the application will be considered technically complete and a permit issued. The air quality analysis is normally performed with approved state and/or federal atmospheric dispersion models. In a limited number of cases, screening models or other screening procedures may be used at the discretion of the APD staff. Alternative methods of performing the analysis should be approved by the staff prior to use.

Prior to performing the air quality analysis for a federal permit application for PSD, a written modeling protocol should be submitted to both the APD and U.S. Environmental Protection Agency (EPA) Region 6 modeling contacts. Because of the costs associated with any modeling exercise, it is the APD's recommendation that modeling not be performed until the modeling protocol has been approved and all emission rates and other technical issues which might affect the results are resolved. These issues can be discussed at a pre-permit meeting or conference. In most cases, modeling would not need to be submitted with the application. The absence of modeling results from an application will not affect the determination of administrative completeness; however, the applicant should be prepared to submit modeling results as quickly as possible once required by the permit reviewer. See the current version of the TCEQ's Air Quality Modeling Guidelines for detailed modeling requirements and report format on the TCEQ APD web site www.tceq.state.tx.us/nav/permits/air_permits.html.

In addition to determining whether predicted emissions impacts will comply with applicable state and federal air quality standards, it may be necessary for the applicant to perform special dispersion modeling in order to assess potential toxic and odorous impacts of certain chemicals in abnormal release scenarios. Impacts resulting from a catastrophic release will be reviewed against concentrations that are immediately dangerous to life and health, whereas routine and upset emissions impacts will be reviewed against effects screening levels determined by the Toxicology and Risk Assessment Section. The approvable impact level of a given chemical may be obtained by calling the TCEQ Toxicology and Risk Assessment Section in Austin. While the value given in such a contact could change during the review process, such a change is not likely.

F. Disaster Review: If the proposed facility will handle sufficient quantities of certain chemicals which, if released accidentally, would cause off-property impacts that could be immediately dangerous to life and health, a disaster review analysis may be required as part of the application. The applicant should consult the NSRPD Disaster Review Guidance Document prior to preparing the application for preliminary insights on possible disaster review requirements. This document can be found at www.tceq.state.tx.us/assets/public/permitting/air/Guidance/NewSourceReview/disasrvw.pdf.

Please note that if the proximity of citizens and the project proposal is such that it is not expected that the applicant can incorporate sufficient prevention and mitigation measures relative to a catastrophic release, the agency may not recommend issuance of the permit and may recommend that the applicant propose an alternative site for the project.

G. Certain areas of the State have concentrations of specific pollutants that are of concern to the TCEQ. The TCEQ Toxicology Section has designated these portions of the State as Air Pollutant Watch List (APWL) areas. The location of the areas and pollutants of interest are located at; www.tceq.state.tx.us/implementation/tox/AirPollutantMain/APWL.html.

1. If the site is located in an APWL area, what is the APWL Site number?
2. Does the site emit a pollutant of concern for the APWL area in which the site is located?
3. If the site emits one or more of the pollutants of concern, what are the pollutants emitted?

H. Emissions Cap and Trade: [30 TAC § 101(H)(3)] A facility or group of facilities located at a site in the Houston/Galveston nonattainment area with the potential for nitrogen oxides (NO_x) emissions, may be subject to 30 TAC Chapter 101, Subchapter H, Division 3 [30 TAC § 101(H)(3)], entitled, "Mass Emissions Cap and Trade." These rules apply to all stationary facilities at sites in the eight-county Houston/Galveston nonattainment area (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller) that have a combined uncontrolled design capacity to emit 10 tons per year or more of NO_x and are subject to the emission specifications under 30 TAC §§ 117.106, 117.206, and 117.475. Authorized NO_x emissions increases at sites subject to the Mass Emissions Cap and Trade program may need to obtain allowances.

1. Does the facility or group of facilities located at this site have an uncontrolled design capacity to emit 10 tpy or more of NO_x?
2. Is this site subject to 30 TAC Chapter 101, Subchapter H, Division 3 (Mass Emissions Cap and Trade)?
3. Does this action make the site subject to 30 TAC Chapter 101, Subchapter H, Division 3 (Mass Emissions Cap and Trade)?
4. Does this action require the site to obtain additional emission allowances?

XI. FEDERAL REGULATORY REQUIREMENTS

A. New Source Performance Standards (NSPS): [30 TAC § 116.111(a)(2)(D)]. The applicant must show if any requirements of Title 40 Code of Federal Regulations Part 60 (40 CFR Part 60) apply to the permitted facility and demonstrate that the permitted facility can or is complying with the applicable NSPS requirements. The NSPS requires certain facilities and activities to operate within specific limitations and, during permit review, applicants should list how compliance with the standards will be met. This should include; a discussion of how the emission controls (if any are required) meet rule requirements; how work practices meet rule requirements; calculations or sampling/test data demonstrating compliance with any numerical standards (ppm, lb/MMBtu, g/hp-hr, lb VOC/gallon solids etc.); or continuous emissions monitoring system (CEMS) data.

A list of NSPS subparts may be found on the TCEQ New Source Review Web site at www.tceq.state.tx.us/nav/permits/air_permits.html and is subject to change without notice. Applicants should refer to the current version of 40 CFR Part 60 for specific details concerning applicability of the standards. Generally, the effective date of an NSPS subpart is the date of proposal. Copies of these standards can be found on the Government Printing Office Web site at www.gpoaccess.gov/cfr/.

B. National Emission Standards for Hazardous Air Pollutants (NESHAP): [30 TAC § 116.111(a)(2)(E)]. The applicant must show if any requirements of 40 CFR Part 61 apply to the permitted facility and demonstrate that the permitted facility can or is complying with the applicable NESHAP requirements. The NESHAPs requires certain facilities and activities to operate within specific limitations and, during permit review, applicants should list how compliance with the standards will be met. This should include; a discussion of how the emission controls (if any are required) meet rule requirements; how work practices meet rule requirements; calculations or sampling/test data demonstrating compliance with any numerical standards (ppm, lb/MMBtu, tpy of benzene throughput etc.); or continuous emissions monitoring system (CEMS) data.

A list of NESHAP subparts may be found on the TCEQ New Source Review Web site at www.tceq.state.tx.us/nav/permits/air_permits.html and is subject to change without notice. Applicants should refer to the current version of 40 CFR Part 61 for specific details concerning applicability of the standards. Copies of these standards can be found on the Government Printing Office Web site at www.gpoaccess.gov/cfr/.

C. Maximum Achievable Control Technologies (MACT): [30 TAC § 116.111(a)(2)(F)]. The applicant must show if any requirements of 40 CFR Part 63 apply to the permitted facility and demonstrate that the permitted facility is complying with the applicable NESHAP requirements. The NESHAPs require certain facilities and activities to operate within specific limitations and, during permit review, applicants should list how compliance with the standards will be met. This should include; a discussion of how the emission controls (if any are required) meet rule requirements; how work practices meet rule requirements; calculations or sampling/test data demonstrating compliance with any numerical standards (ppm, lb/MMBtu, lb VOC/gallon solids, lb VOC /lb coating etc.); or continuous emissions monitoring system (CEMS) data.

A list of MACT subparts may be found on the TCEQ New Source Review Web site at www.tceq.state.tx.us/nav/permits/air_permits.html and is subject to change without notice. Applicants should refer to the current version of 40 CFR Part 63 for specific details concerning applicability of the standards. Copies of these standards can be found on the Government Printing Office website at www.gpoaccess.gov/cfr/.

D. Nonattainment Permitting Requirements: [30 TAC § 116.111(a)(2)(H)]. Applicants are encouraged to consult the Nonattainment New Source Review Guidance Document available through the APD Web site for detailed guidance in determining the applicability and requirements of nonattainment review in Texas. If the facility is located or proposed to be located in a designated nonattainment area of Texas, 30 TAC §§ 116.150 and 116.151 must be addressed for the affected pollutants. Planned MSS emissions must also be taken into consideration in this review. By signing the Form PI-1, the applicant certifies compliance with all applicable nonattainment permitting requirements. Additional information on major source thresholds for nonattainment reviews is located on the APD Web site at www.tceq.state.tx.us/nav/permits/air_permits.html.

E. Prevention of Significant Deterioration (PSD) permitting requirements: [30 TAC § 116.111(a)(2)(I)] **If the facility is located or proposed to be located in an attainment or unclassified area of Texas, 30 TAC §§ 116.160-116.162 must be addressed for the affected pollutants.** New sources and modifications classified as major under the PSD rules must submit additional information required for review pursuant to those rules. Planned MSS emissions must also be taken into consideration in this review. More information on these major source thresholds can be found on the APD Web site at www.tceq.state.tx.us/nav/permits/air_permits.html.

Effective July 24, 1992, TCEQ has full delegation of PSD permitting in Texas. The PSD rules are provided in 40 CFR § 52.21. Monitoring, modeling, and BACT requirements will vary with the magnitude, location and type of emissions of a new source or modification. These considerations also apply to Planned MSS emissions. It is extremely important that communication between the applicant and the APD staff be initiated well in advance of submittal of an application subject to PSD review. If you have any questions about PSD applicability to the proposed new source or modification, please contact the APD staff for assistance.

Title 30 TAC § 116.160 addresses the applicability of the PSD air quality regulations at 40 CFR § 52.21 and protection of visibility at 40 CFR § 51.301. By signing the Form PI-1, the applicant certifies compliance with all provisions of 30 TAC § 116.160.

In accordance with 30 TAC § 116.160, the TCEQ may not issue a permit to a new major source or major modification located in an area designated as attainment or unclassifiable if the ambient air impacts from such source or modification exceeds the **de minimis** impact levels specified in 30 TAC § 116.12 at any locality in the state designated as non-attainment or predicted to be non-attainment for the applicable standard.

F. Hazardous Air Pollutant Major Source [FCAA § 112(g)]: [30 TAC § 116.111(a)(2)(K)] If the facility for which a permit is sought is a major source of hazardous air contaminants and EPA has not promulgated a MACT standard under 40 CFR Part 63 for a required source category, the FCAA § 112(g) requires states to perform a case-by-case control technology review. Any construction or reconstruction of a facility which has the potential to emit major amounts of hazardous air contaminants must comply with the requirements in 30 TAC Chapter 116, Subchapter C. If necessary, all required documentation and analysis must be part of the permit application. The signature on the Form PI-1 indicates compliance with these requirements. A major source of hazardous air contaminants is a site where there is 10 tpy of any particular hazardous air pollutant, or 25 tpy of any combination of hazardous air pollutants. The list of 187 HAPS may be found on the TCEQ New Source Review Web site at www.tceq.state.tx.us/nav/permits/air_permits.html and is subject to change without notice.

XII. COPIES OF THIS APPLICATION

Retain at least one copy of the application for your own records. Please mark the appropriate boxes on Form PI-1 to indicate all of the copies sent to the TCEQ. Failure to distribute copies of the registration may delay processing. Also, all subsequent correspondence should be copied to the TCEQ regional office and local Air Pollution Control Program(s), as appropriate. Please indicate to whom copies have been sent on the cover letter of any subsequent correspondence. Please do not attach a copy of Form PI-1 to subsequent correspondence unless specifically requested, as this may cause another registration file to be created. Please indicate the assigned TCEQ permit number, TCEQ air quality account number, and permit reviewer, if known, on all subsequent correspondence.

OPTIONAL: In order to expedite processing of permit applications, an applicant may send an additional copy of the Form PI-1, Core Data Form and all attachments to the PAR section. This copy will be forwarded to the permitting section for the technical review. Please mark the Form PI-1, Core Data Form, and all attachments as "COPY."

A. Has the required fee been sent separately with a copy of this Form PI-1 to the TCEQ Revenue Section

B. Are the Core Data Form, Form PI-1, and all attachments being sent to the TCEQ in Austin?

C. Is a copy of the Core Data Form, the Form PI-1, and all attachments being sent to the appropriate TCEQ regional office?

D. Is a copy of the Core Data Form, the Form PI-1, and all attachments being sent to each appropriate local air pollution control program(s)?

E. Is a copy of the Core Data Form, Form PI-1, and all attachments (without confidential information) being sent to the EPA Region 6 office in Dallas, Texas?

EPA Region 6 office has requested that all applications submitted to EPA be provided in electronic format on a readable Compact Disk (CD). Microsoft Word for text, Excel for spreadsheets, or a searchable Adobe Acrobat (pdf) file is the preferred formats. **Do not submit any files with an ".exe" extension or confidential information**. No hard copies of the information contained in the application would be necessary if submitted electronically with the exception of any document that requires an original signature.

Please contact Ms. Bonnie Braganza (braganza.bonnie@epa.gov) at (214) 665-7340 or Mr. Matthew Loesel (loesel.matthew@epa.gov) at (214) 665-8544 if you have any questions pertaining to electronic submittals.

Who	*Where*	*What*
Revenue Section, TCEQ	**Regular, Certified, Priority Mail** MC 214, P.O. Box 13088, Austin, Texas 78711-3088 or **Hand Delivery, Overnight Mail** Mail Code 214, 12100 Park 35 Circle, Building A, Third Floor, Austin, Texas 78753	Fee, 1 copy of Form PI-1 and 1 copy of the Core Data Form
Air Permits Initial Review Team (APIRT), TCEQ	**Regular, Certified, Priority Mail** Mail Code 161, P.O. Box 13087, Austin, Texas 78711-3087 or **Hand Delivery, Overnight Mail** Mail Code 161, 12100 Park 35 Circle, Building C, Third Floor, Room 300 W, Austin, Texas 78753 *Note: The official application cannot be faxed to the TCEQ*	Original Form PI-1; Original Core Data Form; Original attachments; and 1 copy of check or money order *OPTIONAL* 1 copy of Form PI-1; 1 copy of Core Data Form; and 1 copy of all attachments
Appropriate TCEQ regional office	To find your regional office address go to www.tceq.state.tx.us/about/directory/region/reglist.html or call (512) 239-1250	1 copy of the Form PI-1; 1 copy of the Core Data Form; and 1 copy of all attachments
Appropriate local air pollution control program(s)	To find your local air pollution control programs go to www.tceq.state.tx.us/nav/permits/air_permits.html	1 copy of the Form PI-1; 1 copy of the Core Data Form; and1 copy of all attachments
U.S. Environmental protection Agency (federal permit and major modification applications only)	EPA Region 6, Air Permits Division 1445 Ross Avenue Dallas, Texas 75202-2733	See Section XI.E

F. The International Boundary Water Commission (IBWC) has requested that they be notified of any new construction that is done within 100 kilometers (62.14 miles) of the Rio Grande River. If your construction is within that area, please notify the IBWC at the following address:

ATTN: EMD Division Chief
International Boundary Water Commission
United States Section
4171 N. Mesa, Suite C-100
El Paso, Texas 79902-1441
1-800-262-8857

G. Federal Land Manager: If the proposed facilities are located within 100 kilometers of a Class I Area, federal regulations require notification of the appropriate Federal Land Manager. Class I areas are areas of special national or regional value from a natural, scenic, recreational, or historic perspective. If a facility may affect the Class I area, the applicant must send a copy of the application to Air Resources Division, P.O. Box 25287, Denver, Colorado 80225. Class I areas in and around Texas include the following:

National Parks:	Big Bend National Park, Texas Guadalupe Mountains National Park, Texas Carlsbad Caverns National Park, New Mexico	Fish & Wildlife Parks: Wilderness Area:	Wichita Mountains, Oklahoma Salt Creek, New Mexico Caney Creek, Arkansas

XIII. SUBMITTAL BY TEXAS LICENSED PROFESSIONAL ENGINEER

Applications for which the estimated capital cost of the project (as defined by 30 TAC § 116.141) exceeds $2 million dollars must be submitted under seal of a Texas licensed professional engineer, pursuant to 30 TAC § 116.110(d). If an exemption from this requirement is being claimed pursuant to the Texas Engineering Practice Act (TEPA), please cite the TEPA section under which exemption is claimed.

XIV. DELINQUENT FEES AND PENALTIES

Notice: This form will not be processed until all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the "Delinquent Fee and Penalty Protocol." For more information regarding Delinquent Fees and Penalties, go to the TCEQ Web site at: www.tceq.state.tx.us/agency/delin/index.html.

XV. SIGNATURE

Application for authority to construct must be made by the owner or operator of the facility. The appropriate company official (owner, plant manager, president, vice president or environmental director) must sign all copies of the application. It is not appropriate for the applicant's consultant to sign the application.

Note: Signatures must be original in ink, not reproduced by photocopy, fax or other means and must be received by the TCEQ prior to any permit being issued.

Customers may use the TCEQ Web site to determine application receipt and status throughout the process, as well as obtain guidance and application documents relating to air permitting at www.tceq.state.tx.us/nav/permits/air_permits.html.

For questions relating to the initial receipt and administrative review of the application, please contact: Air Permits Initial Review Team at (512) 239-1250, Fax: (512) 239-4500.

For questions relating to the technical review or any other questions relating to air permitting, please contact: Air Permits Division at (512) 239-1250, Fax: (512) 239-1300.

Texas Commission on Environmental Quality
Form PI-1 General Application for
Air Preconstruction Permit and Amendments

Update: The TCEQ **requires** that a Core Data Form be submitted on all incoming applications unless a Regulated Entity and Customer Reference Number have been issued by the TCEQ and no core data information has changed. For more information regarding the Core Data Form, call (512) 239-5175 or go to the TCEQ Web site at www.tceq.state.tx.us/permitting/central_registry/guidance.html.

I. APPLICANT INFORMATION		
A. Company or Other Legal Name:		
Texas Secretary of State Charter/Registration Number (*if applicable*):		
B. Company Official Contact Name:		
Title:		
Mailing Address:		
City:	State:	Zip Code:
Telephone No:	Fax No.:	E-mail Address:
C. Technical Contact Name:		
Title:		
Company Name:		
Mailing Address:		
City:	State:	Zip Code:
Telephone No.:	Fax No.:	E-mail Address:
D. Facility Location Information:		
Street Address:		
If no street address, provide clear driving directions to the site in writing:		
City:	County:	Zip Code:
E. TCEQ Account Identification Number (leave blank if new site or facility):		
F. Is a TCEQ Core Data Form (TCEQ Form No. 10400) attached?		☐ YES ☐ NO
G. TCEQ Customer Reference Number *(leave blank if unknown):*		
H. TCEQ Regulated Entity Number *(leave blank if unknown)*:		
II. IMPORTANT GENERAL INFORMATION		
A. Is confidential information submitted with this application?		☐ YES ☐ NO
If "YES," is each "confidential" page marked "**CONFIDENTIAL**" in large red letters?		☐ YES ☐ NO

Texas Commission on Environmental Quality
Form PI-1 General Application for
Air Preconstruction Permit and Amendments

II. IMPORTANT GENERAL INFORMATION ***(continued)***		
B. Is this application in response to a TCEQ investigation or enforcement action? If "YES", attach a copy of any correspondence from the TCEQ		☐ YES ☐ NO
C. Number of New Jobs:		
D. Names of the State Senator and district number for this facility site:		
Names of State Representative and district number for this facility site:		
E. For Concrete Batch Plants, name of the County Judge for this facility site:		
Mailing Address:		
City:	State:	Zip Code:
F. For Concrete Batch Plants, is the facility located in a municipality or an extraterritorial jurisdiction of a municipality? If "YES," list the name(s) of the Presiding Officer(s) for this facility site:		☐ YES ☐ NO
Mailing Address:		
City:	State:	Zip Code:
III. FACILITY AND SOURCE INFORMATION		
A. Site Name:		
B. Area Name/Type of Facility:		☐ Permanent ☐ Portable
C. Principal Company Product or Business:		
Principal Standard Industrial Classification Code:		
D. Projected Start of Construction Date:_____	Projected Start of Operation Date:_____	
IV. TYPE OF PERMIT ACTION REQUESTED		
A. Permit Number *(if existing)*:		
B. Is this an initial permit application?		☐ YES ☐ NO
If "YES," check the type of permit requested *(check all that apply)*: ☐ State Permit ☐ Nonattainment Federal Permit ☐ Flexible Permit ☐ Prevention of Significant Deterioration Federal Permit ☐ Multiple Plant Permit ☐ Hazardous Air Pollutants Permit Federal Clean Air Act § 112(g) Other:_____		

IV. TYPE OF PERMIT ACTION REQUESTED *(continued)*	
C. Is this a permit amendment? If "YES," check the type of permit requested *(check all that apply)*: ☐ State Permit Amendment ☐ Flexible Permit Amendment ☐ Multiple Plant Permit Amendment ☐ Nonattainment Major Modification ☐ Prevention of Significant Deterioration Major Modification ☐ Hazardous Air Pollutants Permit Federal Clean Air Act § 112(g) Modification Other:_____	☐ YES ☐ NO
D. Is a permit renewal application being submitted in conjunction with this amendment in accordance with Senate Bill 1673? [THSC 382.055(a)(2)](80th Legislative)	☐ YES ☐ NO
E. Is this application for a change in location of previously permitted facilities?	☐ YES ☐ NO
If "YES," answer E. 1. and E. 2.	
1. Current location of facility:	
Street Address *(If no street address, provide clear driving directions to the site in writing.)*:	
City: / County: / Zip Code:	
2. Will the proposed facility, site, and plot plan meet all current technical requirements of the permit special conditions? If "NO," attach detailed information.	☐ YES ☐ NO
F. Are there any standard permits, exemptions or permits by rule to be consolidated into this permit?	☐ YES ☐ NO
G. Are you permitting a facility or group of facilities that have planned maintenance, startup and shutdown emissions that cannot be authorized by a permit by rule or standard permit or that are authorized by a permit by rule or standard permit and are being rolled into this permit? If "YES," attach information on any changes to emissions under this application as specified in Section VIII. and Section IXX.	☐ YES ☐ NO
If "YES," answer G. 1 through G. 3.	
1. Are the activities to be included in this permit covered by any previously existing MSS authorizations? If "YES," provide a listing of all other authorizations (permit by rule or standard permit and the associated registration number if any).	☐ YES ☐ NO
2. Have the emissions been previously submitted as part of an emissions inventory?	☐ YES ☐ NO
3. List which years the MSS activities were included in emissions inventory submittals:	

IV. TYPE OF PERMIT ACTION REQUESTED *(continued)*	
H. Federal Operating Permit Requirements (30 TAC Chapter 122 Applicability) Is this facility located at a site required to obtain a federal operating permit under 30 TAC Chapter 122?	☐ YES ☐ NO ☐ To be Determined
1. Identify the requirements of 30 TAC Chapter 122 that will be triggered if this PI-1 application is approved. ☐ FOP Significant Revision ☐ FOP Minor ☐ Application for an FOP Revision ☐ Operational Flexibility/Off-Permit Notification ☐ Streamlined Revision for GOP ☐ To be determined ☐ None	
2. Identify the type(s) of FOP(s) issued and/or FOP application(s) submitted/pending for the site (check all that apply)	
☐ SOP ☐ GOP ☐ GOP application/revision application: submitted or under APD review	
☐ SOP application/revision application: submitted or under APD review ☐ N/A	
V. PERMIT FEE INFORMATION	
A. Fee paid for this application:	$
1. Is a copy of the check or money order attached to the original submittal of this application?	☐ YES ☐ NO ☐ N/A
2. Is a Table 30 entitled, "Certification of estimated Capital Cost and Fee Verification," attached?	☐ YES ☐ NO
VI. PUBLIC NOTICE APPLICABILITY	
A. Is this a new permit application?	☐ YES ☐ NO
B. Is this an application for a major modification of a PSD, NA or 30 TAC § 112(g) permit?	☐ YES ☐ NO
C. Is this a state permit amendment application?	☐ YES ☐ NO
If "YES," answer C. 1. through C. 3.	
1. Is there any change in character of emissions in this application?	☐ YES ☐ NO
Is there a new air contaminant in this application?	☐ YES ☐ NO
2. Do the facilities handle, load, unload, dry, manufacture, or process grain, seed, legumes, or vegetables fibers (agricultural facilities)?	☐ YES ☐ NO
3. List the total annual emission increases associated with the application (*list all that apply*): Volatile Organic Compounds (VOC):_____ tpy Particulate Matter (PM):_____ tpy Sulfur Dioxide (SO_2):_____ tpy Lead (Pb):_____ tpy Carbon Monoxide (CO):_____ tpy Nitrogen oxides (NO_x):_____ tpy Other air contaminants not listed above:_____ tpy List:_____ tpy	

VI. PUBLIC NOTICE APPLICABILITY *(continued)*	
D. Is this a change of location application?	☐ YES ☐ NO
If "YES," answer D. 1. through D. 3.	
1. Is the new facility site located in or contiguous to the right-of-way of a public works project?	☐ YES ☐ NO
2. Is there a permitted facility occupying the new site? If "YES," please list the permit number:	☐ YES ☐ NO
3. Have portable facilities occupied the new site at any time in the last two years?	☐ YES ☐ NO

VII. PUBLIC NOTICE INFORMATION *(complete if applicable)*		
A. Responsible Person:		
Name:	Title:	
Mailing Address:		
City:	State:	Zip Code:
Telephone No.:	Fax No.:	E-mail Address:
B. Technical Contact:		
Company Name:		
Name:	Title:	
Mailing Address:		
City:	State:	Zip Code:
Telephone No.:	Fax No.:	E-mail Address:
C. Application in Public Place:		
Name of Public Place:		
Physical Address:	City:	County:
The public place has granted authorization to place the application for public viewing and copying?		☐ YES ☐ NO
D. Is a bilingual program **required** by the Texas Education Code in the School District?		☐ YES ☐ NO
Are the children who attend either the elementary school or the middle school closest to your facility eligible to be enrolled in a bilingual program provided by the district?		☐ YES ☐ NO
If yes, which language is **required** by the bilingual program?		☐ YES ☐ NO

Texas Commission on Environmental Quality
Form PI-1 General Application for
Air Preconstruction Permit and Amendments

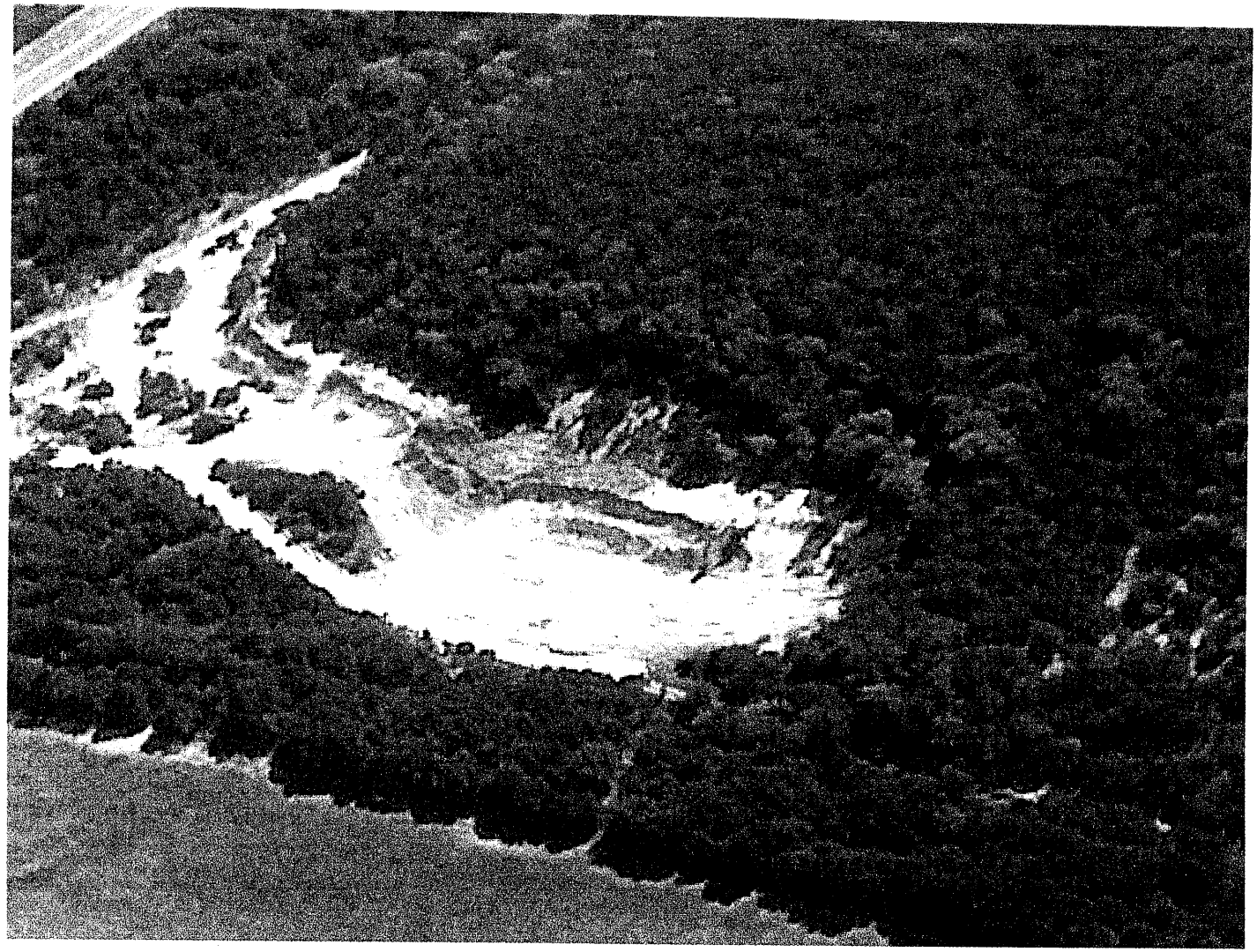
VIII. SMALL BUSINESS CLASSIFICATION ***(required)***	
A. Does this company (including parent companies and subsidiary companies) have fewer than 100 employees or less than $6 million in annual gross receipts?	☐ YES ☐ NO
B. Is the site a major source under 30 TAC Chapter 122, Federal Operating Permit Program?	☐ YES ☐ NO
C. Are the site emissions of any individual air contaminant greater than 50 tpy?	☐ YES ☐ NO
D. Are the site emissions of all air contaminants combined greater than 75 tpy?	☐ YES ☐ NO
IX. TECHNICAL INFORMATION	
A. Is a current area map attached?	☐ YES ☐ NO
Are any schools located within 3,000 feet of this facility?	☐ YES ☐ NO
B. Is a plot plan of the plant property attached?	☐ YES ☐ NO
C. Is a process flow diagram and a process description attached?	☐ YES ☐ NO
D. Maximum Operating Schedule:_____ Hours/Day_____ Days/Week_____Weeks/Year_____	
Seasonal Operation? If "YES," please describe	☐ YES ☐ NO
E. Are worst-case emissions data and calculations attached?	☐ YES ☐ NO
1. Is a Table 1(a) entitled, "Emission Point Summary Table," attached?	☐ YES ☐ NO
2. Is a Table 2 entitled, "Material Balance Table," attached?	☐ YES ☐ NO
3. Are equipment, process, or control device tables attached?	☐ YES ☐ NO
F. Are actual emissions for the last two years (determination federal applicability) attached?	☐ YES ☐ NO
X. STATE REGULATORY REQUIREMENTS *Applicants must be in compliance with all applicable state regulations to obtain a permit or amendment.*	
A. The emissions from the proposed facility will comply with all rules and regulations of the TCEQ and details are attached?	☐ YES ☐ NO
B. The proposed facility will be able to measure emissions of significant air contaminants and details are attached?	☐ YES ☐ NO
C. A demonstration of Best Available Control Technology (BACT) is attached?	☐ YES ☐ NO
D. The proposed facilities will achieve the performance in the permit application and compliance demonstration or record keeping information is attached?	☐ YES ☐ NO
E. Is atmospheric dispersion modeling attached?	☐ YES ☐ NO

X. STATE REGULATORY REQUIREMENTS *(continued)* *Applicants must be in compliance with all applicable state regulations to obtain a permit or amendment.*	
F. Does this application involve any air contaminants for which a "disaster review" is required? If "YES," details must be attached.	☐ YES ☐ NO
Note: For a list of air contaminants for which a "disaster review" will be required, refer to the NSRPD Disaster Review Guidance Document at www.tceq.state.tx.us/permitting/air/rules/federal/63/63hmpg.html.	
G. Is this facility or group of facilities located at a site within an Air Pollutant Watch List (APWL) area?	☐ YES ☐ NO
If "YES," answer G. 1. through G. 3.	
1. List the APWL Site Number	
2. Does the site emit a pollutant of concern for the APWL area in which the site is located?	☐ YES ☐ NO
3. If "YES," list the pollutant(s) of concern emitted by this site:	
H. Is this facility or group of facilities located at a site within the Houston/Galveston nonattainment area? (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, or Waller Counties)	☐ YES ☐ NO
1. Does the facility or group of facilities located at this site have an uncontrolled design capacity to emit 10 tpy or more of NO_X?	☐ YES ☐ NO
2. Is this site subject to 30 TAC Chapter 101, Subchapter H, Division 3 (Mass Emissions Cap and Trade)?	☐ YES ☐ NO
3. Does this action make the site subject to 30 TAC Chapter 101, Subchapter H, Division 3 (Mass Emissions Cap and Trade)?	☐ YES ☐ NO
4. Does this action require the site to obtain additional emission allowances?	☐ YES ☐ NO
XI. FEDERAL REGULATORY REQUIREMENTS **Applicants must be in compliance with all applicable federal regulations to obtain a permit or amendment.** ***If any of the following questions is answered "YES, the application must contain detailed attachments addressing applicability, identify federal regulation Subparts, show how requirements are met, and include compliance information.***	
A. Does a Title 40 Code of Federal Regulations Part 60, (40 CFR Part 60) New Source Performance Standard (NSPS) apply to a facility in this application?	☐ YES ☐ NO☐
B. Does 40 CFR Part 61, National Emissions Standard for Hazardous Air Pollutants (NESHAP) apply to a facility in this application?	☐ YES ☐ NO
C. Does a 40 CFR Part 63, Maximum Achievable Control Technology (MACT) standard apply to a facility in this application?	☐ YES ☐ NO
D. Does nonattainment permitting requirements apply to this application?	☐ YES ☐ NO
E. Does prevention of significant deterioration permitting requirements apply to this application?	☐ YES ☐ NO
F. Does Hazardous Air Pollutant Major Source [FAA § 112(g)] requirements apply to this application?	☐ YES ☐ NO
XII. COPIES OF THIS APPLICATION	
A. Has the required fee been sent separately with a copy of this Form PI-1 to the TCEQ Revenue Section? *(MC 214, P.O. Box 13088, Austin, Texas 78711).*	☐ YES ☐ NO ☐ NA

Texas Commission on Environmental Quality
Form PI-1 General Application for
Air Preconstruction Permit and Amendments

XII. COPIES OF THIS APPLICATION ***(continued)***	
B. Are the Core Data Form, Form PI-1, and all attachments being sent to the TCEQ in Austin?	☐ YES ☐ NO
OPTIONAL: Has an extra copy of the Core Data Form, Form PI-1 and all attachments been sent to the TCEQ in Austin? If "YES," please mark this application as "COPY."	☐ YES ☐ NO
C. Is a copy of the Core Data Form, the Form PI-1, and all attachments being sent to the appropriate TCEQ regional office	☐ YES ☐ NO
D. Is a copy of the Core Data Form, the Form PI-1, and all attachments being sent to each appropriate local air pollution control program(s)?	☐ YES ☐ NO
List all local air pollution control program(s):	
E. Is a copy of the Core Data Form, Form PI-1, and all attachments (without confidential information) being sent to the EPA Region 6 office in Dallas, Texas? (federal applications only)	☐ YES ☐ NO
F. This facility is located within 100 kilometers of the Rio Grande River and a copy of the application was sent to the International Boundary Water Commission (IBWC):	☐ YES ☐ NO
G. This facility is located within 100 kilometers of a federally-designated Class I area and a copy of the application was sent to the appropriate Federal Land Manager:	☐ YES ☐ NO
XIII. PROFESSIONAL ENGINEER (P.E.) SEAL	
Is the estimated capital cost of the project greater than $2 million dollars? If "YES," the application must be submitted under the seal of a Texas licensed Professional Engineer (P.E.).	☐ YES ☐ NO
XIV. DELINQUENT FEES AND PENALTIES	
Notice: This form will not be processed until all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the "Delinquent Fee and Penalty Protocol." For more information regarding Delinquent Fees and Penalties, go to the TCEQ Web site at: www.tceq.state.tx.us/agency/delin/index.html.	
XV. SIGNATURE	
The signature below confirms that I have knowledge of the facts included in this application and that these facts are true and correct to the best of my knowledge and belief. I further state that to the best of my knowledge and belief, the project for which application is made will not in any way violate any provision of the Texas Water Code (TWC), Chapter 7, Texas Clean Air Act (TCAA), as amended, or any of the air quality rules and regulations of the Texas Commission on Environmental Quality or any local governmental ordinance or resolution enacted pursuant to the TCAA. I further state that I understand my signature indicates that this application meets all applicable nonattainment, prevention of significant deterioration, or major source of hazardous air pollutant permitting requirements. I further state that I have read and understand TWC §§ 7.177-7.183, which defines CRIMINAL OFFENSES for certain violations, including intentionally or knowingly making or causing to be made false material statements or representations in this application, and TWC § 7.187, pertaining to CRIMINAL PENALTIES.	
NAME:_____ **SIGNATURE:**_____ **DATE:**_____ Original Signature Required	

Attachment No. 5



Attachment No. 5: Aerial Photograph Taken October 9, 2008 at Proposed Site of Rock Crusher in Somervell County

Attachment No. 6

Attachment No. 6: Aerial Photograph Taken October 9, 2008 at Proposed Site of Rock Crusher in Somervell County

Latitude 32.1539 N
Longitude 97.9035 W
Altitude 1,201 feet
100 yrds
© 2008 Microsoft Corporation © 2008 NAVTEQ
© AND Image courtesy of USGS

Attachment No. 7

Attachment No. 7: Site Clearing Work Observed October 8, 2008 at Proposed Site of Rock Crusher in Somervell County

October 6, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

NSR
64589

PM OPA HR
OCT 10 2008
BY DM

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 10 AM 10: 32
CHIEF CLERKS OFFICE

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres of oak shinnery and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. I fear that the installation and operation of the proposed rock-crushing facility will adversely impact the nesting and occupied habitat of these 2 endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for habitat restoration may be wasted efforts if this facility is permitted for operation.

In addition to potential impacts to 2 federally endangered species of birds, the proposed rock crushing facility will also potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.
I respectfully request a public meeting and hearing on this issue.

Sincerely,

Kathy Moss

Kathy Moss
P.O. BOX 1906
Glen Rose, TX 76043

MW

cc:
LaDonna Castanuela, Chief Clerk, TCEQ

Mike Wilson, Permits Division, TCEQ

Booker Harrison, Environmental Law Division, TCEQ

Dirk Kempthorne, Secretary of Interior

Dale Hall, Director of US Fish & Wildlife Service

Mike Johnson, Chief, U.S. Fish & Wildlife Service, Division of Bird Habitat Conservation

Benjamin Tuggle, Southwest Region , U.S. Fish & Wildlife Service

State Senator Kip Averitt via email kip.averitt@senate.state.tx.us

Representative Sid Miller via email sid.miller@house.state.tx.us

Kathy Moss
PO Box 1906
Glen Rose, TX 76043

FORT WORTH TX 761

06 OCT 2008 PM 6 T

THINK, SPEAK AN
John Adams, 176
powerofthelet

42 USA

MC-175

Booker Harrison, Environmental Law Division
Texas Commission on Environmental Quality
~~MC-105~~, TCEQ
PO Box 13087
Austin, TX 78711-3087

78711+3087

RECEIVED
OCT 08 2008
TCEQ MAIL CENTER
RB

October 6, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

NSR
64589

HR OPA PM

OCT 0 8 2008

BY DM

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 OCT -8 AM 10: 32

CHIEF CLERKS OFFICE

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

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Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.
I respectfully request a public meeting and hearing on this issue.

Sincerely,

Kathy Moss

Kathy Moss
P.O. BOX 1906
Glen Rose, TX 76043

mw

cc:
LaDonna Castanuela, Chief Clerk, TCEQ

Mike Wilson, Permits Division, TCEQ

Booker Harrison, Environmental Law Division, TCEQ

Dirk Kempthorne, Secretary of Interior

Dale Hall, Director of US Fish & Wildlife Service

Mike Johnson, Chief, U.S. Fish & Wildlife Service, Division of Bird Habitat Conservation

Benjamin Tuggle, Southwest Region , U.S. Fish & Wildlife Service

State Senator Kip Averitt via email kip.averitt@senate.state.tx.us

Representative Sid Miller via email sid.miller@house.state.tx.us

Kathy Moss
PO Box 1906
Glen Rose, TX 76043

FORT WORTH TX 761

06 OCT 2008 PM 6 L

[redacted]

THINK, SPEAK A

John Adams, 17

powerofthele

LaDonna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC-105, TCEQ
PO Box 13087
Austin, TX 78711-3087

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RECEIVED
OCT 08 2008
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BY EB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 13 PM 4:07

CHIEF CLERKS OFFICE

February 11, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a Public Meeting in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility, we live within 10 miles of the proposed location.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Endangered Species in and around the proposed facility due to air quality.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Impact to the roads in Somervell County and the cost associated with upgrading the roads to handle Rock Haulers and the dangers posed by heavy trucks ingress and egress to Hwy 67.
- Decreased property values in the area around the proposed facility and in Somervell County.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park.
- The Nuisance created by the proposed facility preventing the enjoyment of the State Roadside Park and surrounding bird watching areas.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

Concerning the Public Meeting we are requesting be held in Glen Rose, we respectfully request a meeting with the TCEQ to understand why:

- Questions that were raised in the first Public Meeting held in Glen Rose on October 23, 2008 have gone unanswered, yet the Permit process is progressing.
- Why the questions were not reviewed as part of the vetting process to determine if the Permit Application was "Administratively Complete" and complied with TCEQ Rules and Regulations when over 20 flaws were noted in the initial permit.
- Why the Permit Application has been allowed to move forward while the Public has not been provided with information as detailed in the TCEQ Public Notices in the *Glen Rose Reporter*.
- Why the TCEQ has not made sure the Applicant filed information in accordance with the requirements of the Second Notice from the first day that the notice was placed in the *Glen Rose Reporter*.
- Why the TCEQ is allowing the process to move forward when the notice was placed in the paper improperly.
- Why the TCEQ is rushing the application through the approval process without having performed tests to identify whether Silica will be present in the air as the result of Rock Crushing operation or if any other known Carcinogens will be released into the atmosphere as a result of Rock Crushing operations.

Please include our name on the permanent mailing list for this permit application 82199L002.

Sincerely,

Kathy Moss
PO Box 1906
Glen Rose, TX 76043

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us
Representative Harvey Hildebran
David Frederick, Attorney

NSK
604589

October 13, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P. O. Box 13087
Austin, TX 78711-3087

OPA
pm
4
OCT 16 2008
BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 16 AM 11:00
CHIEF CLERKS OFFICE

RE: Permit Request No. 82199L002

To Whom It May Concern:

As a citizen of Somervell County, I am opposed to the rock-crushing facility scheduled for construction in the Chalk Mountain area. (Permit Request No. 82199L002)

I am concerned about the following issues: air quality in Somervell County, removal of habitat for endangered species of birds, environmental issues including noise and road and highway destruction, and economic impact due to disruption of tourism in the immediate area.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Kay Myers

Kay Myers
3142 County Road 304
Rainbow, TX 76077

Stan and Kay Myers
Post Office Box 28
Rainbow, TX 76077

PM
OCT 14
2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RECEIVED
OCT 16 2008
TCEQ MAIL CENTER
RB

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 OCT 16 AM 11:00
CHIEF CLERKS OFFICE

4 Letters enclosed

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October 13, 2008

OPA
pm
H OCT 16 2008
BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 16 AM 10:00
CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
P. O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

As a citizen of Somervell County, I am opposed to the rock-crushing facility scheduled for construction in the Chalk Mountain area. (Permit Request No. 82199L002)

I am concerned about the following issues: air quality in Somervell County, removal of habitat for endangered species of birds, environmental issues including noise and road and highway destruction, and economic impact due to disruption of tourism in the immediate area.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Stan Myers
3142 County Road 304
Rainbow, TX 76077

mw

PM
17

OPA

OCT 16 2008

BY BP

Office of the Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087
512-239-1000

October 8, 2008

NSR
641589

2008 OCT 16 AM 10:41
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Permit Application # 82199L002

To Whom It May Concern:

I am apposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. It is my concern this area provides a critical habitat for two federally endangered species of birds; the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range.

In addition, it is my concern the proposed rock crushing facility will also impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns in Somervell County, which presents the greatest health risks to humans due to its ease of respiration, including serious lung disease.

What type of rock crusher is proposed for this operation?

What are the diesel engine emissions for this rock crusher?

What are the permitted limits for the emissions of the operation and that of the diesel engine?

Is this rock crusher equipped with a water spray system for the emission control of particulate matter during the following? Crushing, Loading, and Conveying?

This method of dust suppression for the crushing operation will achieve what percentage of control efficiency?

Furthermore, will the rock crusher promote the element Silica, the pollutants NOx, SOx, CO, TOC, TSP (uncontrolled), TSP (controlled), and HAP?

Opacity limits shall not exceed what percentage from crushing operations, transfer points, conveyors, screens, feedbins, and stockpiles?

What process rate will this rock crusher perform per hour?

Operation hours to consist of how many hours per day, how many days a week, and how many hours permitted per year?

MW

Is there a waste water abatement plan and what is that plan specifically? If this plan fails, what are the ramifications of contaminating the soil and well water?

What affect will this operation have on crops/farming in the area?

What affect will this have on livestock?

I am also concerned of the impact of the 18 wheelers the facility will utilize to the rural area, highway and county roads and not to mention the noise levels created by the operation. What decibel level will this rock crusher emit under operation in an eight hour period and what maximum level may it reach under normal rock crushing operation?

I respectfully request a public meeting and hearing on this issue, not to mention a timely response to my letter.

Sincerely,

MICHAEL OWNER

3131 MAPLE AVE #10F
DALLAS, TX 75201

DALLAS TX 752
14 OCT 2008 PM 3 L

LET US DARE TO READ,
[illegible], SPEAK,
John Adams, 17
poweroftheie

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 16 AM 10:41

CHIEF CLERKS OFFICE

OFFICE OF THE CHIEF CLERK
TCEQ, MC-105
P.O. BOX 13087
AUSTIN, TX 78711-3087

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OCT 16 2008
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FEB 20 2009

BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 20 AM 10: 35

CHIEF CLERKS OFFICE

February 13, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a **Public Hearing** in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

As a member of Fort Worth Audubon Society and/or National Audubon, the opportunities afforded nature lovers at Chalk Mt. are of great importance.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility. Hundreds of tourist, including birdwatchers, come to the Chalk Mt. area to enjoy the native habitat and air quality provided in Somervell County.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Federally Endangered Species in and around the proposed facility due to air quality. We are especially concerned about the effect on the breeding birds of Chalk Mt., specifically the Golden-cheeked warbler and Black-capped vireo.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park. Our enjoyment of this Roadside Park will be effected by dust, debris and noise coming from the proposed facility.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

We feel we are affect parties, because:

- The Nuisance created by the proposed facility and its impact on our enjoyment of the State Roadside Park and the impact to our enjoyment of bird watching in the area in and around the proposed facility. For many years, Fort Worth Audubon Society has enjoyed the gracious hospitality of private landowners, specifically, the adjacent property landowner. We have been allowed access to survey and study the birds, including the Federally Endangered Birds named above.

- Dust and debri in the area will not only affect the health of birdwatchers in the area, it will cover the native habitat which is essential for the breeding population of Chalk Mt. Golden-cheeked warbler and Blck-capped vireos, both listed on Federally Endangered Species.

- Please include Fort Worth Audubon Society on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature Glenn Olsen

Name Glenn Olsen

Address 14730 Forest Trails Dr
Houston, Tx. 77095

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

NSR
64589

PM OPA HR

OCT 07 2008

BY PM

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 OCT -7 AM 10:49

CHIEF CLERKS OFFICE

October 6, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres of oak shinnery and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. I fear that the installation and operation of the proposed rock-crushing facility will adversely impact the nesting habitat and nesting habits of these 2 endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for habitat restoration may be wasted efforts if this facility is permitted for operation.

In addition to potential impacts to 2 federally endangered species of birds, the proposed rock crushing facility will also potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

mw

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Mike and Lynn O'Neil
FM 51, Somervell County.

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Mike Wilson, Permits Division, TCEQ
Booker Harrison, Environmental Law Division, TCEQ
Dirk Kempthorne, Secretary of Interior
Dale Hall, Director of US Fish & Wildlife Service
Benjamin Tuggle, Southwest Region, US Fish & Wildlife Service
Division of Endangered Species, US Fish & Wildlife Service
Division of Bird Habitat Conservation, US Fish & Wildlife Service
State Senator Troy Fraser via email troy.fraser@senate.state.tx.us
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

O'Neil
5956 Sherry Lane #1000
Dallas, Texas
75225

DALLAS, TX 752
06 OCT 2008 PM 4 T

LET US DARE TO READ
THINK, SPEAK AND
John Adams, 1765
powerofthefe

USA First-Class

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT -7 AM 10: 49

CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RECEIVED
OCT 07 2008
TCEQ MAIL CENTER
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1041589

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 SEP -9 AM 10: 08

CHIEF CLERKS OFFICE

OPA
4 SEP 10 2008
BY

Mike and Lynn O'Neil
5956 Sherry Lane, #1000
Dallas, Texas 75225

Office of the Chief Clerk
MC-105, TCEQ
PO BOX 13087
Austin, TX 78711-3087

Dear Sir or Madam:

I am writing in regards to an Air Quality Permit Request (Permit Number 82199L002) in Somervell County. Tommy Davis has requested a permit to allow a rock crushing facility to operate eight hours/day, five days/week, and to crush 100 tons of rock/hour for a total of 75,000 tons/year. The permit seeks approval to allow air contaminants "including particulate matter less than 10 microns in diameter."

I own property in the area to be permitted. One of the unique things about the property is the presence of two species of Federally and State listed Endangered birds, the Golden-Cheeked Warbler and the Black-Capped Vireo. The property to be permitted is likely to also have populations of these birds. If approved, the entire area's population of these protected birds will be negatively impacted by the air contaminants released by the rock crushing facility. The people who are requesting the permit have reportedly stated **"we are going the level that mountain". Referring to the mountain adjacent to their plant. Not only will this have an adverse affect on the air quality for some time, but permanently damage the habitat as a whole, both for humans and endangered species.**

While I understand the permit request is in regards to air quality, I also think that other factors need to be considered. The rock removed from the property will definitely destroy critical habitat required by these two species of birds. If their habitat is destroyed that will be in violation of federal endangered species laws. The noise produced from the activities of this facility will also disturb the birds' nesting behavior, again in violation of federal laws protecting endangered species.

I am requesting that a formal public hearing be held in regards to this permit request. This will allow for a thorough discussion of the issues involved before any decision is made.

Sincerely,

Lynn O'Neil
Mike O'Neil

Lynn and Mike O'Neil
FM 51, 3 miles North of 67

mw

DALLAS TX 752

08 SEP 2008 PM 4 T

USA FIRST-CLASS FOREVER

RECEIVED

SEP 09 2008

TCEQ MAIL CENTER
JR

Office of the Chief Clerk

MC-105, TCEQ

PO BOX 13087

Austin, TX 78711-3087

78711+3087

317 Old Mill Creek Drive
Waco, TX 76712
October 20, 2008

PM OPA
H OCT 22 2008
BY BP

NSR
44589

CHIEF CLERKS OFFICE
2008 OCT 22 AM 9:52
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres of oak shinnery and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. I fear that the installation and operation of the proposed rock-crushing facility will adversely impact the nesting and occupied habitat of these 2 endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for habitat restoration may be wasted efforts if this facility is permitted for operation.

In addition to potential impacts to 2 federally endangered species of birds, the proposed rock crushing facility will also potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Viola Osborn

Viola Osborn

mw

Dr. Viola Osborn
317 Old Mill Creek Dr.
Waco, TX 76712-6448

WACO TX 767
21 OCT 2008 PM 1 L

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 22 AM 9:52
CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
P. O. Box 13087
Austin, TX 78711-3087

RECEIVED
OCT 22 2008
TCEQ MAIL CENTER
RB

78711-3087

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141589

Office of Chief Clerk
TCEQQ
PO Box 13087
Austin Texas 78711-3087

PM
H

OPA
OCT 13 2009
BY

2009 OCT 13 AM 10: 26
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Re Air Quality Permit #82199L002

To Whom It May Concern:

The purpose of this letter is to submit public comments, to request a public meeting and to request a contested case hearing to the Office of the Chief Clerk. An application has been made to the TCEQ for a permit which would authorize a rock crushing facility at 11209 US Hwy. 67, Glen Rose, Texas, Somervell County. Tommy Davis, dba Slick Machines, of Brownwood, Texas is the applicant. I am definitely opposed to this permit being issued because of the following reasons.

Air contaminants and loss of habitat will negatively impact the health and well being of Federally and State listed Endangered Species (Black-Capped Vireos and Golden-Cheeked Warblers). They are on the top 10 endangered list. I feel all wild life will be affected.

I am concerned about air and noise pollution negatively affecting the health and quality of life of residents.

This is a heavily populated area. The speed limit is 70 mi. per hour on the highway. There are steep inclines and many curves. Increased truck traffic will create dangerous conditions in this area.

I fear a negative economic impact on Somervell County because of the loss of tourism and lower home values.

Chalk Mountain, an identifiable historical state landmark, would be forever removed from our landscape. A State Road Side Park considered one of the states most beautiful will be overlooking a rock crushing facility if this permit is granted. There are numerous other historical sites in the area including a church.

We recognized the need for rock crushers and gravel. We simply feel, for the reasons stated above, that the proposed site is the wrong location for a facility of this kind, and we request you assistance in ensuring that this facility is not established.

Sincerely,

Stella Paul

MW

ROUGH CREEK LODGE, INC.
P.O. BOX 2400
GLEN ROSE, TEXAS 76043

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Office of Chief Clerk
TCEQQ mc105
P.O. BOX 13087
Austin, TX 78711-3087

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 13 AM 10:26
CHIEF CLERKS OFFICE

78711-3087

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OPA

OCT 14 2008

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 OCT 13 PM 2:47

CHIEF CLERKS OFFICE

TECQ Office of the Chief Clerk,

82199 L002

We are writing to request a hearing and to also voice our concern about the rock crusher that is proposed for the Chalk Mountain are near Glen Rose. We live within a couple of miles of the site and feel it would be detrimental to our family. We have a large part of our land designated as wildlife habitat since it is a great area for Golden Cheek Warblers and Black Capped Vireos. We have had representatives from Texas Parks and Wildlife and Soil and Water Conservation come to help us with developing our plan and have been working on it for many years. While we respect Mr. Davis and Parham's right to use their land how they want, we feel this would be harmful to the protected wildlife and their habitat in the area. We feel that some coordination between the different agencies and consideration of endangered species of wildlife is needed.

Barry and Claire Payne

Barry Payne Claire Payne

3218 County Road 2013

Walnut Springs, Texas 76690

MW

Payne
3218 CR 2013
Walnut Springs, Tx.
76690

FORT WORTH TX 761
10 OCT 2008 PM 6 T

RECEIVED
OCT 13 2008
TCEQ MAIL CENTER
MM

"LET US DARE TO READ,
THINK, SPEAK AND
John Adams, 1765
poweroftheletter.

USA FIRST-CLASS FOREVER

TCEQ Office of Chief Clerk
MC 105
P.O. Box 13087
Austin, Tx. 78711

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HR/OPA PM
OCT 09 2008
BY SM

2008 OCT -9 AM 10:14
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Office of Chief Clerk
TCEQQ
PO Box 13087
Austin Texas 78711-3087

Re Air Quality Permit #82199L002

To Whom It May Concern:

The purpose of this letter is to submit public comments, to request a public meeting and to request a contested case hearing to the Office of the Chief Clerk. An application has been made to the TCEQ for a permit which would authorize a rock crushing facility at 11209 US Hwy. 67, Glen Rose, Texas, Somervell County. Tommy Davis, dba Slick Machines, of Brownwood, Texas is the applicant. I am definitely opposed to this permit being issued because of the following reasons.

Air contaminants and loss of habitat will negatively impact the health and well being of Federally and State listed Endangered Species (Black-Capped Vireos and Golden-Cheeked Warblers). They are on the top 10 endangered list. I feel all wild life will be affected.

I am concerned about air and noise pollution negatively affecting the health and quality of life of residents.

This is a heavily populated area. The speed limit is 70 mi. per hour on the highway. There are steep inclines and many curves. Increased truck traffic will create dangerous conditions in this area.

I fear a negative economic impact on Somervell County because of the loss of tourism and lower home values.

Chalk Mountain, an identifiable historical state landmark, would be forever removed from our landscape. A State Road Side Park considered one of the states most beautiful will be overlooking a rock crushing facility if this permit is granted. There are numerous other historical sites in the area including a church.

We recognized the need for rock crushers and gravel. We simply feel, for the reasons stated above, that the proposed site is the wrong location for a facility of this kind, and we request you assistance in ensuring that this facility is not established.

Sincerely,

Kathryn Piepho
1200 Crawford Ct. #105
Granbury, TX 76048

mw

K. Piepho
1200 Crawford Ct. #105
Granbury, TX 76048

FORT WORTH TX 761
07 OCT 2008 PM 3 L

THINK, SPEAK AND
John Adams, 1765,
powerofthelette

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT -9 AM 10: 12
CHIEF CLERKS OFFICE

Office of Chief Clerk
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

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OCT 09 2008
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RB

78711-3087

LaDonna Castanuela, Chief Clerk
Commission on Environmental Quality, MC-105

P.O. Box 13087

Austin, Texas 78711-3087

AIRNSR 64589

April 17,2010

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2010 APR 21 PM 2:23

CHIEF CLERKS OFFICE

Regarding: Davis Tommy dba slick Machines Rock Crusher No.1

Permit No. 82199L002

Dear Sirs: **I am an affected person and I am requesting a contested case hearing.**

OPA

H APR 22 2010

BY ol

My name is: Robert K. Portman, Jr., M.D.
Mailing address: 2209 Shadywood Ct. Arlington,Texas 76012-2940
Daytime phone: 817 461-6687

My wife and I own a home within .5 miles of the Parham property where the rock crusher would be located. We have 700 feet of common fence with the Parham property. The prevailing winds would carry significant particles in the air over our common fence. The impact on our property, our health, our cattle, and wildlife would be considerable. We would both be affected by emissions of air contaminants from the facility. Therefore, as stated, I am requesting a contested case hearing.

I have raised disputed issues of fact that are relevant and material to the commission's decision on the application. My request is based on issues that were raised during the comment period and these issues were not withdrawn.

Our health and property were not adequately addressed during the three TCEQ Hearings. We were not given a suitable way to monitor the particles of air coming over our fence from the rock crusher. We have no means to prove if the particles are less than ten microns in diameter. It is my understanding that dust accumulation has impacted the quality of life within at least one mile of the previous location of this rock crusher. Representatives of TCEQ, present at the first public meeting, said they are not able to check the air particle size or amount. The Secondary NAAQS are not protecting my quality of life if they are not monitored at my fence line and house. Thus, decreased visibility and eye and throat irritation are a very likely possibility. Please remember that Tommy Davis has repeatedly stated that he intends to bring down that mountain. **The property that would be called** the mountain **is about 800 feet higher than the property entrance at U.S. Hwy. 67.** The mountain **is where we have the common fence line.**

As stated on Page 18 and Page 31 of the Executive Director's Response to Public Comments, TCEQ has the responsibility to regulate the control and abatement of air quality emissions to the ambient air. I was told, in the informal questioning period of the first meeting, that I would be responsible for monitoring my fence line and could call one of your inspectors if I saw poor visibility. I was also told that your inspectors did not have a way to measure PM levels at my fence line nearest the rock crusher. PM admissions should be monitored by TCEQ to meet federal limits. If PM admissions are not monitored by TCEQ the permit is not protective of my health.

Robert K. Portman, Jr., M.D.

Robert K. Portman, Jr., M.D.

mw

Robert Portman MD
2209 Shadywood Ct
Arlington, TX 76012-2940

FORT WORTH TX 760
19 APR 2010 PM 5 L

USA FIRST-CLASS FOREVER

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

RECEIVED
APR 21 2010
TCEQ MAIL CENTER
RG

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 APR 21 PM 2:23
CHIEF CLERKS OFFICE

78711+3087

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 JUN 24 AM 10: 12

CHIEF CLERKS OFFICE

Texas Commission on Environmental Quality
Office of the Chief Clerk, MC 105
TCEQ
PO Box 13087
Austin, Texas 78711-3087

NSR
64589

HR/OPA

JUN 24 2009

BY DM

Office of the Chief Clerk:

I am submitting additional written public comments in opposition to an Air Quality Permit for proposed permit number 82199L002.

I am an affected person with a home within .25 miles of the Parham land. I have 700 feet of common fence with the Parham property. I did speak at the Glen Rose Public Meeting on Oct. 23, 2008 and I spoke again at the Glen Rose Public Meeting of March 31,2009. I am again requesting a contested case hearing.

I am also requesting explanation of why the permit was found compliant since over twenty flaws were pointed out to TCEQ at the public hearing in Glen Rose on October 23, 2008.

1. My Name: Robert K. Portman, Jr., M.D.
   Mailing address: 2209 Shadywood Ct.
   Arlington, Tx. 76012
   Daytime phone: 817 461-6687
2. Applicants name: Tommy Davis, Slick Machines
   Permit number: 82199L002
3, I request a contested case hearing.
4. I will be affected by the following air contaminants: particulate matter(PM) including PM less than 10 microns in diameter that will be carried over our common fence.
5. My property is immediately adjacent to the proposed rock crushing and my house is less than 1/4 mile from our common fence.
6. My wife and I live in the house during weekdays when the rock crusher would be in operation.
7. Hill Country Environmental (consultant that represents Mr. Tommy Davis/Slick Machines) has apparently not scheduled a survey of the property for endangered Golden Cheeked Warblers and Black Capped Vireos. It appears likely that Hill Country Environmental/Slick Machines does not intend to do a survey this year. Any further digging beyond the old caliche pit and and any further destruction of trees could result in intervention by the U. S. Fish and Wildlife Service. Hill Country Environmental knows that surveys are needed and they have had time to get the surveys completed.

I raised these issues during the public comment periods and the issues have not been withdrawn. I am requesting that the TCEQ Director forward all hearing requests to the TCEQ Commissioners for their consideration at a scheduled commission meeting.

Sincerely,

Robert K. Portman, Jr., M.D.

Robert K. Portman, Jr., M.D

June 22, 2009

Dr & Mrs Robert Portman Jr
2209 Shadywood Ct
Arlington, TX 76012

FORT WORTH TX 761

23 JUN 2009 PM 4 T

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

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TCEQ MAIL CENTER

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 JAN 16 AM 10: 55

CHIEF CLERKS OFFICE

Texas Commission on Environmental Quality
Office of the Chief Clerk, MC 105
TCEQ
PO Box 13087
Austin, Texas 78711-3087

OPA
H
JAN 2 6 2009
PM
BY

Office of the Chief Clerk:

I am submitting additional written public comments within 30 days of the publication of the newspaper publication of the Notice of Application and Preliminary Decision for an Air Quality Permit for proposed permit number 82199L002.

I am an affected person with a home within .25 miles of the Parham land. I have 700 feet of common fence with the Parham property. I did speak at the Glen Rose Public Meeting on Oct. 23, 2008. I am again requesting a contested case hearing.

I am also requesting explanation of why the permit was found compliant since over twenty flaws were pointed out to TCEQ at the public hearing in Glen Rose on October 23, 2008. As a member of the Chalk Mountain Foundation, I am requesting another public meeting in Glen Rose.

1. My Name: Robert K. Portman, Jr., M.D.
   Mailing address: 2209 Shadywood Ct.
   Arlington, Tx. 76012
   Daytime phone: 817 461-6687
2. Applicants name: Tommy Davis, Slick Machines
   Permit number: 82199L002
3, I request a contested case hearing.
4. I will be affected by the following air contaminants: particulate matter(PM) including PM less than 10 microns in diameter that will be carried over our common fence. Map enclosed again.
5. My property is immediately adjacent to the proposed facility and my house is less than .25 miles from our common fence.
6. My wife and I live in the house during weekdays when the rock crusher would be in operation.

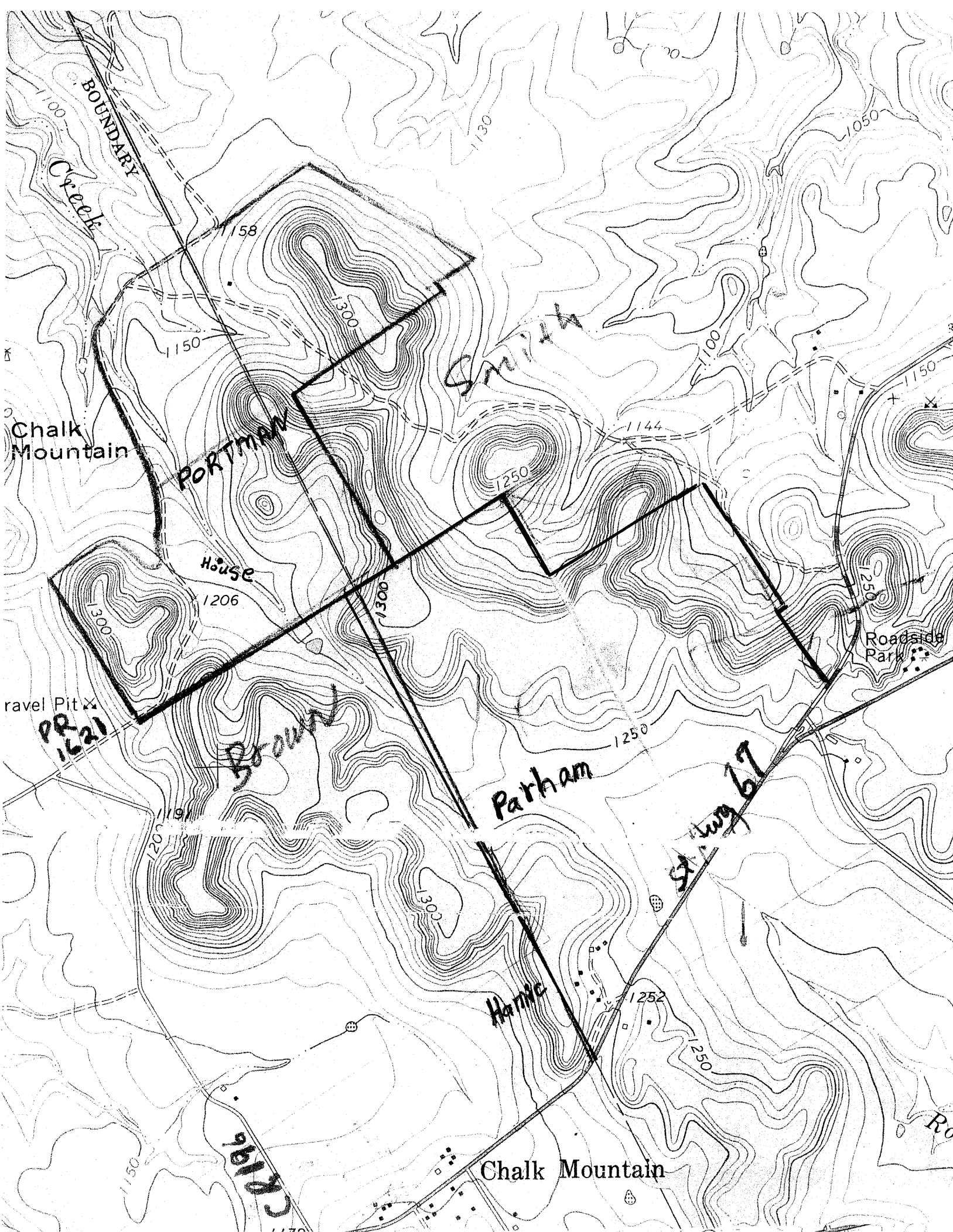
I raised the issues during the public comment period and the issues have not been withdrawn.
I am requesting that the TCEQ Director forward all hearing requests to the TCEQ Commissioners for their consideration at a scheduled commission meeting.

Sincerely,

Robert K. Portman, Jr., M.D.

Robert K. Portman, Jr., M.D
Date_January 14, 2009

mw


BOUNDARY
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CR 196
Chalk Mountain
1150

Dr. & Mrs. Robert Portman
2209 Shadywood Ct.
Arlington, TX 76012-2940

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

FORT WORTH TX 761

14 JAN 2009 PM 5 L

Old Glory
USA 42
For U.S. addresses only

2009 JAN 16 AM 10: 55

CHIEF CLERKS OFFICE

ARLINGTON TX 760 STA
JAN 14 P.M.
USPS

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

RECEIVED
JAN 16 2009
TCEQ MAIL CENTER
RB

NSR
164589

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

HR OPA
OCT 07 2008
BY

10-2-08

2008 OCT -6 AM 10: 23
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Office of the Chief Clerk:

Today I received your booklet "Public Participation in Environmental Permitting". I will speak at the public **meeting** in Glen Rose on Oct. 23, concerning permit 82199L002 (from Tommy Davis, Slick Machines of Brownwood, Tx.) Please refer to my letters of August and September 2008

I am an affected person and I would like to obtain affected party status so that I may speak at any future public **hearing**. I would be personally impacted if this permit is granted and the permit would interfere with the use and enjoyment of my property. Since my wife and I have property at a lower elevation than the proposed rock crushing we would have our creek and ponds contaminated by downstream water from the rock crushing. As I have mentioned, the nesting habitat of the endangered Golden Cheeked Warbler will be destroyed by rock crushing. I will present a topographic map of the area at the public meeting and hearing. Our group may wish to hire an attorney to be sure that our interests are fully represented at any public hearing.

This letter is my request for a contested case hearing. My wife and I own 256 acres of land in Erath and Somervell Counties that is immediately adjacent to the land where rock crushing is proposed.

Sincerely,

Robert K. Portman Jr., M.D.

Robert K Portman, Jr, M.D.
2209 Shadywood Ct.
Arlington, Texas 76012
817 461-6687

Dr. & Mrs. Robert Portman, Jr.
2209 Shadywood Ct
Arlington, TX 76012

[redacted] TX [redacted]

02 OCT 2008 PM 6 T

"LET US DARE [redacted]
[redacted]
John Adams, 1765
powerofthelet[redacted]

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT -6 AM 10:23
CHIEF CLERKS OFFICE

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Texas Commission on Environmental Quality
Office of the Chief Clerk
Mail Code-105, TCEQ
P.O. Box 13087
Austin Texas 78711-3087

PM OPA HR
SEP 03 2008
BY DM

Dear Sirs,

My wife and I own 256 acres of land in Somervell and Erath counties. Yesterday, we became aware that a Rock Crushing Facility is proposed immediately adjacent to our property. The permit number is 82199L002. Our ranch house is about one half mile from the proposed rock crushing site. Prevailing winds from the Southwest will carry particulate matter (less than 10 microns in diameter) from this rock operation over the habitat of the Federally and State listed Endangered Bird Species, Golden-cheeked Warblers and Black-capped Vireos, that nest on the proposed site and surrounding properties including ours. This decreased air quality as well as the noise generated by heavy rock moving equipment, rock crushing, and gravel transport will effect and severely compromise the health, welfare, and breeding capacity of the Endangered Birds in this vicinity. At the proposed site this bird habit will be completely destroyed as trees are removed and mountains are demolished and converted into crushed rock.

My wife and I strongly object to the issuance of this permit and formally request a public meeting and hearing on this issue.

The permit request was submitted by Mr. Tommy Davis (Slick Machines) of Brownwood, Texas. He proposes to move his Rock Crushing operation to 11209 U.S Hwy 67 (200 yards east). This presently scenic Endangered Bird habitat area is overlooked by an attractive Texas State Rest Area on Hwy 67.

Please put us on the mailing list for this application and notify us of any public hearing.

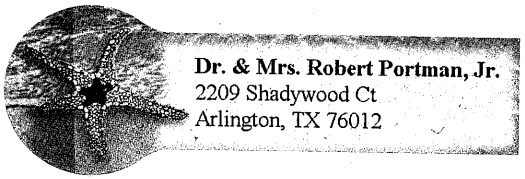
Sincerely,

Robert K. Portman, Jr., M.D.

Robert K. Portman, Jr., MD
2209 Shadywood Ct.
Arlington, Texas, 76012
817-461-6687
Cell 817-929-0988
rkportman@aol.com

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP -2 PM 3:33
CHIEF CLERKS OFFICE

MW



Dr. & Mrs. Robert Portman, Jr.
2209 Shadywood Ct
Arlington, TX 76012

Office of the Chief Clerk
MC-105
TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

(5)

TCEQ Public Meeting Form

Tuesday, March 31, 2009

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 APR -1 PM 2:27
CHIEF CLERKS OFFICE

Tommy Davis dba Slick Machines
Proposed Air Quality Permit No. 82199L002

PLEASE PRINT:

Name: Robert Portman

Mailing Address: 2209 Shadywood Ct.

Physical Address (if different): _____

City/State: Arlington, Texas Zip: 76012

Phone: (817) 461-6687

☐ Please add me to the mailing list.

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

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☑ I wish to provide formal oral comments.

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

Please give this to the person at the information table. Thank you.

MW

Presentation to TCEQ Public meeting of 3-31-09 Regarding Air Quality Permit 82199L002

I am Robert Portman. I am a medical doctor and a rancher.

Our family purchased land adjacent to the Parham property in 1970. Our house is one fourth mile from the common fence line. The terrain of the area of the common fence line requires a 100 ft. climb from our house or a 100 foot climb from Hwy 67 that goes through the Parham property. The mesa top that you reach after that climb is heavily wooded with old growth cedar and oak trees. I have enclosed a copy of a topography map for understanding the area.

When we bought the land we knew that the area contained Indian artifacts and endangered birds. Tarelton State College (now Tarelton State University) sent a archeological team that found numerous Indian artifacts. We invited Dr. Pulich, the author of the most definitive book on the birds of that area to advise us on bird habitat. He explained that the old growth cedar should not be destroyed in that area where we join the Parham and Brown properties because the old growth cedar bark is used by the Golden Cheek Warblers to make their nests.

We have never destroyed the nesting area. I am rather certain that blasting, mining of rock and air borne particles ~~will~~ would destroy the bird habitat.

I feel that your organization has a responsibility to home owners and land owners. I will quote your mission statement. The Texas Commission on Environmental Quality strives to protect our state's human and natural resources consistent with sustainable economic development. Our goal is clean air, clean water, and the safe management of waste.

At the previous TCEQ meeting in Glen Rose you explained that you have no system of metering the quantity of air borne particles that come over our fence. You explained that a TECQ person can come to the site but I should prove that the particles came from the rock crusher. You suggested that I take pictures of the air over my fence when I think the contamination is heavy. All of these measures would likely be after the destruction of the bird habitat if the rock crushing permit is issued.

I am asking the TCEQ Executive Director and Commissioners to deny this permit.

Robert K. Portman, Jr., M.D.

Robert K. Portman, Jr., M.D.

It is my understanding that Mr. Davis needs a permit from U.S. Fish and Wildlife before he turns on a rock chrushing machine in an endangered bird species habitat area. It is my understanding that Mr. Davis does not have a permit from U.S. Fish and Wildlife.

Robert K. Portman, Jr., M.D.

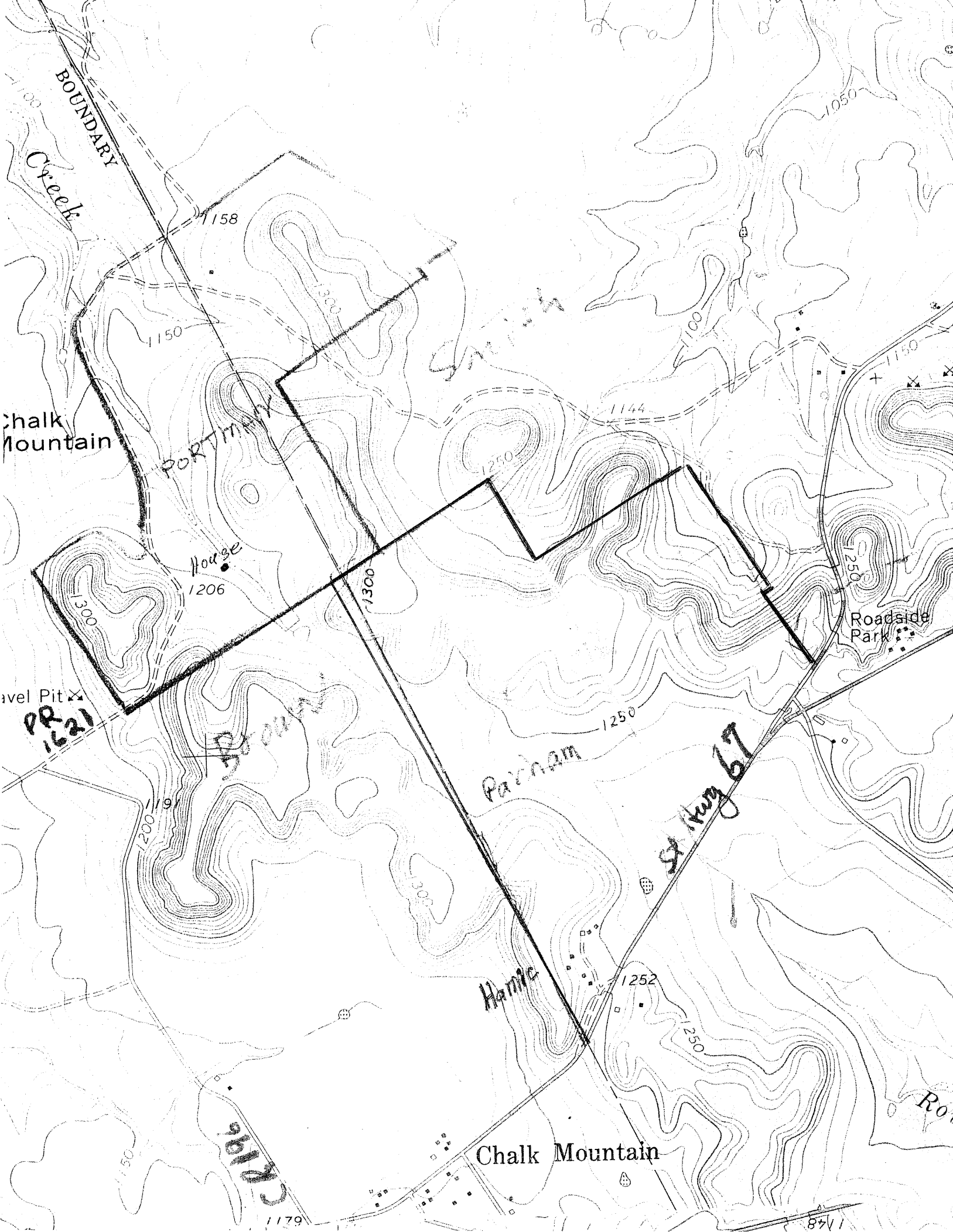
OPA RECEIVED

MAR 31 2009

AT PUBLIC MEETING

BB

MW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Statement at the TCEQ Rock Crushing Meeting at Glen Rose, Texas, March 31, at 7:00 PM by Peggy Portman, 2209 Shadywood Ct., Arlington, Texas. 76012

At the top of your own Texas Commission on Environmental Quality letterhead there is a phrase that I assume is part of the alleged TCEQ philosophy. The phrase reads as follows: **Protecting Texas by Reducing and Preventing Pollution.** Yet, at our last public meeting in October one of your own TCEQ spokespersons said that you have no way to monitor or measure the rock crusher's polluting emissions either on site or how they flow into neighboring properties and local airspace. Thus, what methods do you use to **reduce and prevent** fouling the air and landscape?

(13)

TCEQ Public Meeting Form

Thursday, October 23, 2008

Tommy Davis dba Slick Machines
Proposed Air Quality Permit No. 82199L002

OPA RECEIVED

OCT 23 2008

BP

AT PUBLIC MEETING

PLEASE PRINT:

Name: Robert Portman

Address: 2209 Shadywood Ct.

City/State: Arlington TX Zip: 76012

Phone: (817) 461-6687

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 24 PM 3:23
CHIEF CLERKS OFFICE

☐ Please add me to the mailing list.

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

If yes, which one? Affected Party/
my house is 1/4 mile from Parham Land

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☑ I wish to provide formal oral comments.

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

Please give this to the person at the information table. Thank you.

MW

During informal questions of Tommy Davis, I plan to ask **How far away from neighbor's property lines will the proposed operations of quarrying,**
crushing rock , stockpiling and hauling kept? ★ Permit Request # 82199L002
During the informal questioning period I would like to ask TCEQ the following:1) **Since my land and Charles Brown's land lies at a lower level than the**
1,300 foot mountain on the Parham land, has Mr. Davis received a Storm Water Permit from TCEQ. If no Permit has been obtained and no
plan is in place to protect Rough Creek from runoff of the rock crushing operation, will this affect the TCEQ decision regarding the relocation application? ★
2) Will the agency require any property line air contaminant monitoring for volatile organic compounds (VOC'S) and particles?
3) What is the probable response time for TECQ investigators if neighbors complain regarding the proposed operations on the site?
4) Is a contested case hearing available for affected neighbors on a relocation authorization such as this proposed relocation? What is the deadline to request a contested case hearing?

My statement during the formal period will include: For the past 38 years my wife Peggy and I have owned land with 700 feet of common fence with the Parham land. The common fence slopes down about 100 feet toward our creek and stock ponds. If rock quarrying is allowed on the mountain top, the runoff will contaminate our creek and ponds and pasture★ The Golden Cheek Warblers have occupied habitat on the mountain and mountain slopes and depend on old growth juniper for their nests. There is old growth juniper on the Parham property across from our common fence. Bob Portman

★Water from a rock crusher on the Parham land drains across the Charles Brown land then across the Robert Portman land then across the Dennis Lutes land. Topographic Map Attached.
★IF TCEQ allows mining of rock near the property line, the integrety or my land will not be intact. Taking rock near the common fence would allow my land to fall unto the Parham land.

Robert and Peggy Portman (affected parties .25miles to house from the Parham land)
Robert K. Portman, Jr. M.D ← Comments at public meeting
October 23, 2008
Senior Citizens Center
Glen Rose, Texas

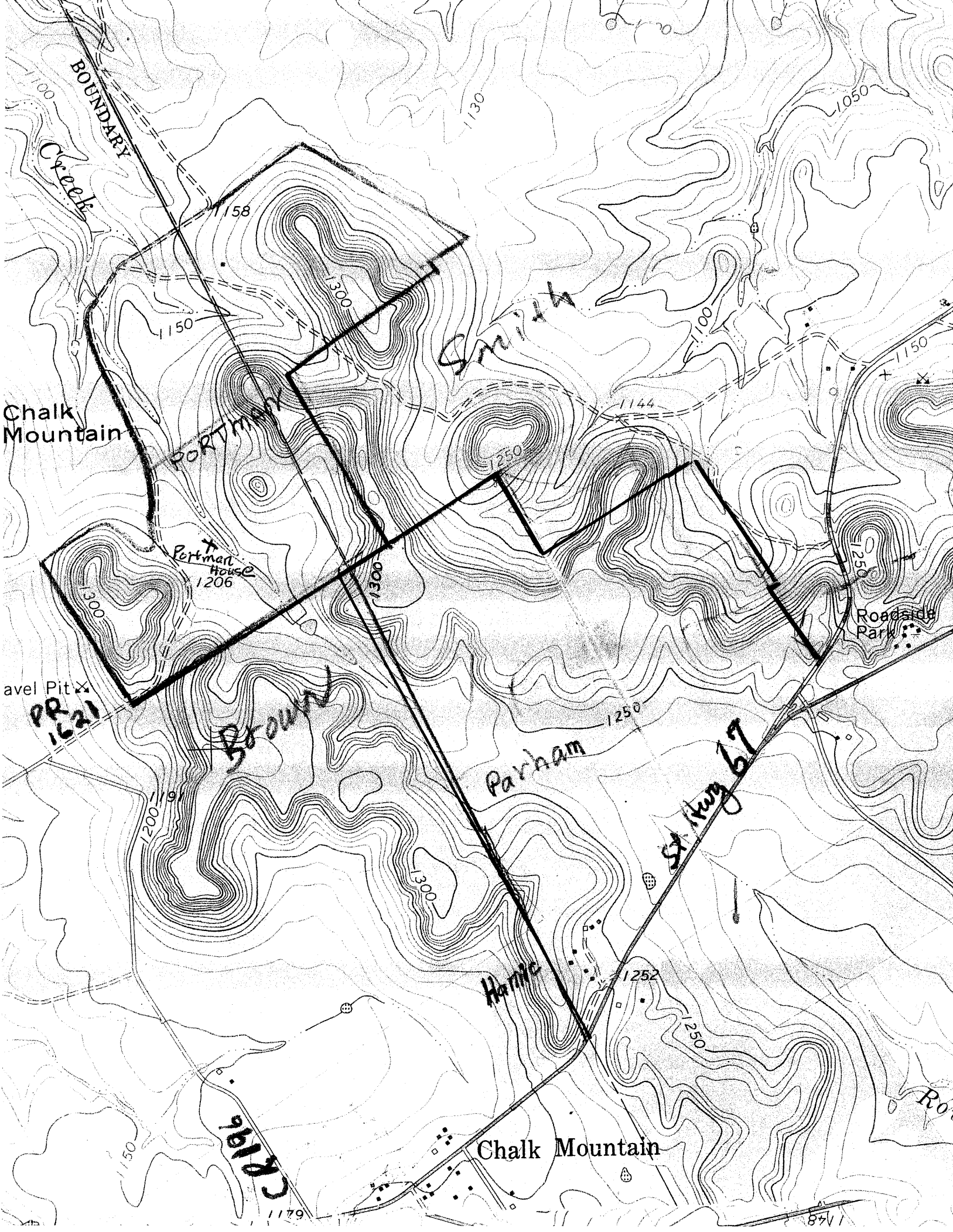
Robert K. Portman, Jr. M.D.
10-23-08

Phone 817 461-6687
Mailing Address: 2209 Shadywood Ct.
Arlington, TX 76012
E-mail rkportman@aol.com

2008 OCT 24 PM 3:24
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Reguarding Permit # 82199L002
Customer # 602777276
Regulated entity # RN 105244461

MW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Portman house .25 miles From Parham land.

Drainage of Rough Creek From Parham Land to Brown and Portman land.

700' of common fence and old growth cedar, endangered bird habitat.

Robert K. Portman, Jr.

2209 Shadywood Ct.

Arlington, Tx 76012

Outline of Qs for Chalk Mtn Public Meeting

1. How were the emission factors for the air contaminants from then portable facility determined, e.g., were manufacture's test data or EPA AP-42 data or what used; were VOCs from haul and customer trucks and on-site diesel engines considered?

2. To what extent were particulate emissions from haul roads and blasting, in addition to the emissions from the rock crushing operations alone, considered?

3. To what extent do the entire operation's (so, quarrying, hauling, crushing, stockpiling, customer pick-up) affect property line impact evaluations, if any, for the operation?

4. What is the composition of the rock that is to be crushed; in particular, what are the silica and heavy metals concentrations and species in the rock?

5. How was the Best Available Control Technology level of emissions determined for was determined for VOCs and particulate emissions (e.g., what percentage control will be considered to be BACT for particulates and VOCVs)?

6. What, if any, consideration does TCEQ give to the impacts of airborne particulate emissions on groundwater or surface water resources?

7. How will the various production weights will be measured and the records of these measures be maintained and reported?

8. What does the agency consider to be the existing background concentrations for PM-10 and PM-2.5 at the site? Why does the agency believe those numbers are credible?

9. Will the agency require any property-line air-contaminant monitoring for VOCs and particulates?

10. What is the experience, if any, of the Slick Machines principals with rock quarrying and crushing; what is the compliance history over the past 10 years of firms in which these individuals were principals?

11. How, if at all, does TCEQ plan to coordinate approval of facility relocation and enforcement efforts related to this site with the county?

12. What is the probable response time for TCEQ investigators, in the event neighbors of the site complain regarding the proposed operation?

13. What is the likely duration of the agency's decisionmaking process regarding the relocation at issue, here?

14. Is there any indication whether Slick Machine (or another Tommy Davis entity) will apply or has applied for an individual permit for a rock crushing operation at the site?

15. How about asphalt production, is there any indication of or plan for an asphalt plant at the site? How about a materials storage operation at the site?

16. If there were an indication of a permit application for an individual rock crusher permit or for an asphalt plant or for a materials storage facility at the site, how would that affect TCEQ's decisionmaking regarding this relocation request?

17. If, as many neighbors believe, Slick Machines or Mr. Davis failed to secure coverage under the agency's general storm water permit for construction, would that affect at all the agency's decisionmaking regarding the relocation request?

18. Does the agency acknowledge any responsibility to consider the more broad "public interest" (e.g., safety issues associated with haul truck traffic on rural roads or consequences for endangered species that nest on the site) in making its relocation decision?

19. If the agency does not impose continuous emissions monitoring requirements (e.g., a requirement to install a PM continuous emission monitoring system or automated periodic filter sampling system) on the facility, how does the agency rationalize that its permit restrictions are enforceable, as a practical matter?

20. Is a contested case hearing available for affected neighbors on a relocation authorization like this one? If not, what is the rule or statute that takes away that right? If so, what is the deadline to make the request?

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Protecting Texas by Reducing and Preventing Pollution

NOTICE OF PUBLIC MEETING ON APPLICATION FOR PROPOSED AIR QUALITY PERMIT NUMBER 82199L002

APPLICATION. Mr. Tommy Davis dba Slick Machines, 762 Spillway Road, Brownwood, Texas 76801, has applied to the Texas Commission on Environmental Quality (TCEQ) for issuance of Air Quality Permit 82199L002, which would authorize the change of location of a Rock Crushing Facility to 11209 U.S. Highway 67 (200 yards east), Glen Rose, Somervell County, Texas. The facility will emit the following air contaminants: particulate matter including particulate matter less than 10 microns in diameter.

The TCEQ Executive Director has determined the application is administratively complete and will conduct a technical review of the application.

PUBLIC COMMENT/PUBLIC MEETING. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. During the Informal Discussion Period, the public is encouraged to ask questions of the applicant and TCEQ staff concerning the application. However, informal comments made during the Informal Discussion Period will not be considered by the TCEQ Commissioners before reaching a decision on the permit and no formal response will be made to the informal comments. During the Formal Comment Period, members of the public may state their formal comments into the official record. A written response to all formal comments will be prepared by the Executive Director and considered by the Commissioners before they reach a decision on the permit. A copy of the response will be sent to each person who submits a formal comment or who requested to be on the mailing list for this application and provides a mailing address. Only relevant and material issues raised during the formal comment period can be considered if a contested case hearing is granted.

The Public Meeting is to be held:
Thursday, October 23, 2008 at 7:00 p.m.
Somervell County Citizens Center
209 SW Barnard
Glen Rose, Texas 76043

INFORMATION. Citizens are encouraged to submit written comments anytime during the meeting or by mail before the meeting to the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, TX 78711-3087. If you need more information, please call the TCEQ Office of Public Assistance, Toll Free, at 1-800-687-4040. *Si desea información en Español, puede llamar 1-800-687-4040.* General information about the TCEQ can be found at our web site at www.tceq.state.tx.us.

The permit application is available for viewing and copying at the TCEQ central office located at 12100 Park 35 Circle, Building E, Room 103, Austin, Texas 78753; the TCEQ Fort Worth regional office located at 2309 Gravel Drive, Fort Worth, Texas 76118 and the Somervell County Library, 108 Allen Drive, Glen Rose, Somervell County, Texas. The facility's compliance file, if any exists, is available for public review in the Fort Worth regional office at the address listed above. Further information may also be obtained from Mr. Tommy Davis dba Slick Machines, 762 Spillway Road, Brownwood, Texas 76801 or by calling Mr. Davis at (325) 784-8030.

Issued: October 7, 2008

Aerial Photo
2008 L.O. Parham Survey A191 Parham 10-1-08 Somervelle Central Appraisal Dist.

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NSR
64589

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 OCT 31 PM 2:49
CHIEF CLERKS OFFICE

Re: Tommy Davis dba Slick Machines/Air Quality Permit #82199L002—Public Meeting Formal Remarks in Glen Rose, Texas, October 23, 7:00 PM by Peggy Portman

10-9-08
Page 1

Formal Complaint to TCEQ
To Ft. Worth OFFice and Austin OFFice

From Robert K. Portman, Jr., M.D.
AFFected party
2209 Shadywoood Ct.
Arlington, TX 76012
Home 817 461-6687
cell 817 929-0988
rKportman@aol.com

NSR
L4589

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 10 AM 10:36
CHIEF CLERKS OFFICE

OPA
OCT 10 2008
BY

Re gas drilling Rock Crushing permit # 82199L002
Customer # 602877276
Regulated Enity # 105244461

Dear Sirs:

on 10-8-08 (yesterday) Heavy Equipment including a tract backhoe and multiple trucks were moved onto the property of Mr. Larry Parham and are in operation. The Public Meeting For permit # 82199L002 has been scheduled in Glen Rose, Texas at 7:00 pm on Oct 23, 2008. The information that I have left with the Ft. Worth TCEQ Office includes pictures of approx. 56 people that wish to speak against the permit at the public meeting Oct 23rd. In addition over 24 ~~phones~~ requests have been received by the Austin TCEQ office asking for a Public Hearing/meeting. These requests include a Texas State Representative and State Senator.

MW

I have included photographs of the tract back hoe digging on the Larry Parham land on 8-8-08. I have included an e-mail from Darrell Best (affected party) explaining the action of the citizens of Glen Rose and Friends of Save Chalk Mountain.

I have asked Mr. Ejaz Baig, P.E. (Compliance Unit 1 Team Leader in the Fort Worth office) to please fax or send copies of the pictures and the Glen Rose Paper to the Austin TCEQ Office.

It is my personal opinion that a rock crusher that begins operation, without waiting for a public meeting, should not receive a permit to operate.

Robert K. Portman, Jr., M.D.

10-9-08

RECEIVED
OCT 09 2008
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Texas Commission on Environmental Quality
Office of the Chief Clerk
Mail Code-105, TCEQ
P.O. Box 13087
Austin Texas 78711-3087

OPA
SEP 15 2008
BY BP
WH
PM

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP 12 PM 2:43
CHIEF CLERKS OFFICE

Office of the Chief Clerk:

Please dismiss my request for a contested case hearing on permit number 82199L002. I still reaffirm my request for a public meeting and my protest against the permit. Please continue mailing information on this case and the date of the public meeting.

Since my first letter, you will probably have received the requests (for a public meeting) from a State Representative and a State Senator. Articles in the Glen Rose newspapers have made numerous neighbors aware of the proposed rock crushing and they are trying to get their letters to your office by 9-14-08.

Sincerely,

Robert K. Portman, Jr., M.D.

Robert K. Portman, Jr., M.D.
2209 Shadywood Ct.
Arlington, Texas 76012
817 461-6687
rkportman@aol.com

mw

Dr. & Mrs. Robert Portman, Jr.
2209 Shadywood Ct
Arlington, TX 76012

FORT WORTH TX 761

11 SEP 2008 PM 5 T

LET US [redacted]
THINK, SPEAK AND [redacted]
John Adams, 1765
powerofthelette[redacted]

USA 42

Texas Commission on Enviromental Quality
Office of the Chief Clerk
Mail Code -105, TCEQ
P.O. Box 13087
Austin Texas, 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP 12 PM 2:43
CHIEF CLERKS OFFICE

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SEP 12 2008
TCEQ MAIL CENTER

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OPA
FEB 19 2009
BY BP

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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 FEB -9 AM 10: 56

CHIEF CLERKS OFFICE

Februrary 6, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres of oak shinnery and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. I fear that the installation and operation of the proposed rock-crushing facility will adversely impact the nesting habitat and nesting habits of these 2 endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for habitat restoration may be wasted efforts if this facility is permitted for operation.

In addition to potential impacts to 2 federally endangered species of birds, the proposed rock crushing facility will also potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

MW

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Ernest Reinke
3165 FM 51
P. O. Box 1049
Glen Rose TX 76043

Ernest W. Reinke, Jr.
P. O. Box 1049
Glen Rose TX 76043

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 FEB -9 AM 10: 56

CHIEF CLERKS OFFICE

GLEN ROSE
FEB.-6.09
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Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

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TCEQ MAIL CENTER
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NSR
64589

November 11, 2008

PM
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OPA

BY

CHIEF CLERKS OFFICE
2008 NOV 17 AM 11:10
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Office of the Chief Clerk
Mail Code 105 TCEQ
P. O. Box 13087
Austin TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area of Somervell County. My families' health will be adversely affected by the emissions from a rock crushing facility. I live within one (1) miles of the proposed site for the rock crusher. The physical address of my property is 5162 FM 51. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Additional environmental impacts of concern include the excessive noise from operation of the facility. Blasting safety is a major concern with the many natural gas pipelines recently installed in the area. I live 2 miles from an existing pipeline. I am also concerned regarding the use of ground water. All residents in the impacted area are on individual water wells which have been drilled at the resident's expense. Will the operator of the rock-crusher be drilling a water well or will he haul water? What hazards will be in the drainage from the used water? I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue. Please use the following address for any correspondence.

Sincerely,

E. Reinke

Ernest Reinke
P. O. Box 1049
Glen Rose TX 760043

mw

Ernest W. Reinke, Jr.
P. O. Box 1049
Glen Rose TX 76043

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 NOV 17 AM 11:10
CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
P. O. Box 13087
Austin TX 78711-3087

78711-3087

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September 9, 2008

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OPA
SEP 12 2008
BY DC

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP 11 PM 3:20
CHIEF CLERKS OFFICE

Office of Chief Clerk
TCEQ
P. O. Box 13087
Austin TX 78711-3087

RE: Air Quality Permit Number 82199L002

To Whom It May Concern:

The purpose of this letter is to submit public comments, to request a public meeting and to request a contested case hearing at the Office of the Chief Clerk

My wife and I live within three miles of the proposed site and we are opposed to the application submitted by Tommy Davis dba Slick Machines. We are opposed because of environmental and air quality issues, issues from the operations that will destroy the habitat of the Golden -cheek Warbler and the Black-capped Vireo, and serious concern for the additional truck traffic, the negligence and disregard in obeying speed limits and laws of the road.

We are also asking to be placed on a mailing list to receive future public notices for this specific application.

We are asking that you grant a public meeting and to allow a contested case hearing to the Office of the Chief Clerk.

Sincerely,

Ernest Reinke Shirley Reinke

Ernest & Shirley Reinke
3165 FM 51
P. O. Box 1049
Glen Rose TX 76043

MW

Ernest W. Reinke, Jr.
P. O. Box 1049
Glen Rose TX 76043

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 SEP 11 PM 3: 20

CHIEF CLERKS OFFICE

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SEP 11 2008

TCEQ MAIL CENTER
A.I

Office of Chief Clerk
TCEQ
P. O. Box 13087
Austin TX 78711-3087

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

NBR pm
6415894

February 6, 2009

OPA
FEB 10 2009
BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 FEB -9 AM 10:56
CHIEF CLERKS OFFICE

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at: 5165 FM 51, Glen Rose TX 76043

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

Air Quality in Somervell County, the proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Endangered Species. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Environmental Issues. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

Economic Impact. Somervell County is a destination location for tourists all over North Texas, including locations such as Dinosaur State Park and Fossil Rim Wildlife Center which are within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Shirley Reinke

Shirley Reinke
3165 FM 51
P. O. Box 1049
Glen Rose Tx 76043

Shirley Reinker.
P. O. Box 1049
Glen Rose TX 76043

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 FEB -9 AM 10: 56

CHIEF CLERKS OFFICE

GLEN ROSE
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Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 NOV 18 AM 10: 54

CHIEF CLERKS OFFICE

November 11, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P. O. Box 13087
Austin TX 78711-3087

PM OPA
H
BY

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area of Somervell County. My families' health will be adversely affected by the emissions from a rock crushing facility. I live within one (1) miles of the proposed site for the rock crusher. The physical address of my property is 5162 FM 51. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Additional environmental impacts of concern include the excessive noise from operation of the facility. Blasting safety is a major concern with the many natural gas pipelines recently installed in the area. I live 2 miles from an existing pipeline. I am also concerned regarding the use of ground water. All residents in the impacted area are on individual water wells which have been drilled at the resident's expense. Will the operator of the rock-crusher be drilling a water well or will he haul water? What hazards will be in the drainage from the used water? I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue. Please use the following address for any correspondence.

Sincerely,

Shirley Reinke

Shirley Reinke
P. O. Box 1049
Glen Rose TX 760043

Shirley Reinke
P. O. Box 1049
Glen Rose TX 76043

GLEN ROSE
NOV. 14. 08
TX

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Office of the Chief Clerk
Mail Code 105 TCEQ
P. O. Box 13087
Austin TX 78711-3087

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78711+3087

February 13, 2009

H OPA

FEB 20 2009

BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 20 AM 10: 33

CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

NSR
141589

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a **Public Hearing** in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

As a member of Fort Worth Audubon Society and/or National Audubon, the opportunities afforded nature lovers at Chalk Mt. are of great importance.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility. Hundreds of tourist, including birdwatchers, come to the Chalk Mt. area to enjoy the native habitat and air quality provided in Somervell County.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Federally Endangered Species in and around the proposed facility due to air quality. We are especially concerned about the effect on the breeding birds of Chalk Mt., specifically the Golden-cheeked warbler and Black-capped vireo.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park. Our enjoyment of this Roadside Park will be effected by dust, debris and noise coming from the proposed facility.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

mw

We feel we are affect parties, because:

- The Nuisance created by the proposed facility and its impact on our enjoyment of the State Roadside Park and the impact to our enjoyment of bird watching in the area in and around the proposed facility. For many years, Fort Worth Audubon Society has enjoyed the gracious hospitality of private landowners, specifically, the adjacent property landowner. We have been allowed access to survey and study the birds, including the Federally Endangered Birds named above.

- Dust and debri in the area will not only affect the health of birdwatchers in the area, it will cover the native habitat which is essential for the breeding population of Chalk Mt. Golden-cheeked warbler and Blck-capped vireos, both listed on Federally Endangered Species.

- Please include Fort Worth Audubon Society on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature Dale Roberts

Name Dale Roberts

Address 5868 Lance Ct
Haltom City, TX
76148

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

Janel Roberts
2621 Hereford Dr
Denton, TX 76210

NSR
041589

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 OCT 13 AM 10: 27

CHIEF CLERKS OFFICE

October 6, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

OPA
PM 4 OCT 13 2008
BY

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres of oak shinnery and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. I fear that the installation and operation of the proposed rock-crushing facility will adversely impact the nesting and occupied habitat of these 2 endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for habitat restoration may be wasted efforts if this facility is permitted for operation.

In addition to potential impacts to 2 federally endangered species of birds, the proposed rock crushing facility will also potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

mw

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and occupied habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Jared Roberts

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Mike Wilson, Permits Division, TCEQ
Booker Harrison, Environmental Law Division, TCEQ
Dirk Kempthorne, Secretary of Interior
Dale Hall, Director of US Fish & Wildlife Service
Benjamin Tuggle, Southwest Region, US Fish & Wildlife Service
Division of Endangered Species, US Fish & Wildlife Service
Division of Bird Habitat Conservation, US Fish & Wildlife Service
State Senator Troy Fraser via email troy.fraser@senate.state.tx.us
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

October 10, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 OCT 15 PM 1:57

CHIEF CLERKS OFFICE

Office of the Chief Clerk

Mail Code 105 TCEQ

P.O. Box 13087

Austin, TX 78711-3087

NSR
LL1589

pm
H

OPA

OCT 16 2008

BY BP

RECEIVED

OCT 14 2008

OFFICE OF PUBLIC ASSISTANCE

RE: Permit Request No. 82199L002

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Sincerely,

Danath Roden

Washington, D.C.

cc:

LaDonna Castanuela, Chief Clerk, TCEQ

Mike Wilson, Permits Division, TCEQ

Booker Harrison, Environmental Law Division, TCEQ

Dirk Kempthorne, Secretary of Interior

Dale Hall, Director of US Fish & Wildlife Service

Benjamin Tuggle, Southwest Region, <ST1:COUNTRY-REGIoN w:st="on">US</ST1:COUNTRY-REGIoN> Fish & Wildlife Service

Division of Endangered Species, <ST1:COUNTRY-REGIoN w:st="on">US</ST1:COUNTRY-REGIoN> Fish & Wildlife Service

Division of Bird Habitat Conservation, US Fish & Wildlife Service

State Senator Troy Fraser via email troy.fraser@senate.state.tx.us

State Senator Kip Averitt via email kip.averitt@senate.state.tx.us

Representative Sid Miller via email sid.miller@house.state.tx.us

DATE and TIME	TCEQ REGION	DESCRIPTION
October 23, 2008 7:00 p.m.	4	Public Meeting

NOTICE OF PUBLIC MEETING ON APPLICATION FOR PROPOSED AIR QUALITY PERMIT NUMBER 82199L002

APPLICATION. Mr. Tommy Davis dba Slick Machines, 762 Spillway Road, Brownwood, Texas 76801, has applied to the Texas Commission on Environmental Quality (TCEQ) for issuance of Air Quality Permit 82199L002, which would authorize the change of location of a Rock Crushing Facility to 11209 U.S. Highway 67 (200 yards east), Glen Rose, Somervell County, Texas. The facility will emit the following air contaminants: particulate matter including particulate matter less than 10 microns in diameter.

The TCEQ Executive Director has determined the application is administratively complete and will conduct a technical review of the application.

PUBLIC COMMENT/PUBLIC MEETING. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. During the Informal Discussion Period, the public is encouraged to ask questions of the applicant and TCEQ staff concerning the application. However, informal comments made during the Informal Discussion Period will not be considered by the TCEQ Commissioners before reaching a decision on the permit and no formal response will be made to the informal comments. During the Formal Comment Period, members of the public may state their formal comments into the official record. A written response to all formal comments will be prepared by the Executive Director and considered by the Commissioners before they reach a decision on the permit. A copy of the response will be sent to each person who submits a formal comment or who requested to be on the mailing list for this application and provides a mailing address. Only relevant and material issues raised during the formal comment period can be considered if a contested case hearing is granted.

The Public Meeting is to be held:
Thursday, October 23, 2008 at 7:00 p.m.
Somervell County Citizens Center
209 SW Barnard
Glen Rose, Texas 76043

INFORMATION. Citizens are encouraged to submit written comments anytime during the meeting or by mail before the meeting to the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, TX 78711-3087. If you need more information, please call the TCEQ Office of Public Assistance, Toll Free, at 1-800-687-4040. *Si desea información en Español, puede llamar 1-800-687-4040.* General information about the TCEQ can be found at our web site at www.tceq.state.tx.us.

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Issued: October 7, 2008

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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 14 PM 1:45

CHIEF CLERKS OFFICE

October 10, 2008

NSR
164589

Office of the Chief Clerk

Mail Code 105 TCEQ

P.O. Box 13087

Austin, TX 78711-3087

PM
H

OPA
OCT 14 2008
BY DC

RE: Permit Request No. 82199L002

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I respectfully request a public meeting and hearing on this issue.

Sincerely,

Danath Roden

Washington, D.C.

cc:

LaDonna Castanuela, Chief Clerk, TCEQ

Mike Wilson, Permits Division, TCEQ

Booker Harrison, Environmental Law Division, TCEQ

Dirk Kempthorne, Secretary of Interior

Dale Hall, Director of US Fish & Wildlife Service

Benjamin Tuggle, Southwest Region, <ST1:COUNTRY-REGIoN w:st="on">US</ST1:COUNTRY-REGIoN> Fish & Wildlife Service

Division of Endangered Species, <ST1:COUNTRY-REGIoN w:st="on">US</ST1:COUNTRY-REGIoN> Fish & Wildlife Service

Division of Bird Habitat Conservation, US Fish & Wildlife Service

State Senator Troy Fraser via email troy.fraser@senate.state.tx.us

State Senator Kip Averitt via email kip.averitt@senate.state.tx.us

Representative Sid Miller via email sid.miller@house.state.tx.us

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Issued: October 7, 2008

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Mark H. Wagner
1403 Montague St NW
Washington, D.C. 20011

WASHINGTON DC 200
11 OCT 2008 PM 6T 1

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OCT 1 3 2008
OFFICE OF LEGAL SERVICES

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OCT 1 3 2008
TCEQ MAIL CENTER
MM

Booker Harrison
MC 173
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

78711-3087

VICES

NSR
645589

October 10, 2008

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 13 PM 2:46

CHIEF CLERKS OFFICE

Office of the Chief Clerk

Mail Code 105 TCEQ

P.O. Box 13087

Austin, TX 78711-3087

OPA

PM

OCT 14 2008

H

BY

RE: Permit Request No. 82199L002

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Danath Roden

Washington, D.C.

cc:

LaDonna Castanuela, Chief Clerk, TCEQ

Mike Wilson, Permits Division, TCEQ

Booker Harrison, Environmental Law Division, TCEQ

Dirk Kempthorne, Secretary of Interior

Dale Hall, Director of US Fish & Wildlife Service

Benjamin Tuggle, Southwest Region, <ST1:COUNTRY-REGIoN w:st="on">US</ST1:COUNTRY-REGIoN> Fish & Wildlife Service

Division of Endangered Species, <ST1:COUNTRY-REGIoN w:st="on">US</ST1:COUNTRY-REGIoN> Fish & Wildlife Service

Division of Bird Habitat Conservation, US Fish & Wildlife Service

State Senator Troy Fraser via email troy.fraser@senate.state.tx.us

State Senator Kip Averitt via email kip.averitt@senate.state.tx.us

Representative Sid Miller via email sid.miller@house.state.tx.us

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Issued: October 7, 2008

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Mark H. Wagner
1403 Montague St NW
Washington, D.C. 20011

WASHINGTON DC 200
11 OCT 2008 PM 1L

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OCT 13 2008
TCEQ MAIL CENTER
MM

LaDonna Castanuela
Chief Clerk
Office of the Chief Clerk
TCEQ
MC 105
P.O. Box 13087
Austin. TX 78711-3087

78711+3087

February 13, 2009

H

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 20 AM 10: 34

CHIEF CLERKS OFFICE

OPA

FEB 20 2009

BY BP

NSR 64589

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

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As a member of Fort Worth Audubon Society and/or National Audubon, the opportunities afforded nature lovers at Chalk Mt. are of great importance.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility. Hundreds of tourist, including birdwatchers, come to the Chalk Mt. area to enjoy the native habitat and air quality provided in Somervell County.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Federally Endangered Species in and around the proposed facility due to air quality. We are especially concerned about the effect on the breeding birds of Chalk Mt., specifically the Golden-cheeked warbler and Black-capped vireo.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park. Our enjoyment of this Roadside Park will be effected by dust, debris and noise coming from the proposed facility.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

mw

We feel we are affect parties, because:

- The Nuisance created by the proposed facility and its impact on our enjoyment of the State Roadside Park and the impact to our enjoyment of bird watching in the area in and around the proposed facility. For many years, Fort Worth Audubon Society has enjoyed the gracious hospitality of private landowners, specifically, the adjacent property landowner. We have been allowed access to survey and study the birds, including the Federally Endangered Birds named above.

- Dust and debri in the area will not only affect the health of birdwatchers in the area, it will cover the native habitat which is essential for the breeding population of Chalk Mt. Golden-cheeked warbler and Blck-capped vireos, both listed on Federally Endangered Species.

- Please include Fort Worth Audubon Society on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature Lawrence W. Salese

Name LAWRENCE W. SALESE

Address 103 Tanglewood DR
Aledo TX 76008

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

NSR
Melissa

H

OPA

FEB 20 2009

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 20 AM 10: 34

CHIEF CLERKS OFFICE

February 13, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

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Sincerely,

Signature Guy S. Sawyer

Name Guy S. Sawyer

Address 121 Meandering Ln
Burleson TX 76028

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 13 AM 10: 26

CHIEF CLERKS OFFICE

October 9, 2008

NSR
104589
PM
H

OPA
OCT 13 2008
BY

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres of oak shinnery and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. I fear that the installation and operation of the proposed rock-crushing facility will adversely impact the nesting and occupied habitat of these 2 endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for habitat restoration may be wasted efforts if this facility is permitted for operation.

In addition to potential impacts to 2 federally endangered species of birds, the proposed rock crushing facility will also potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

mw

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and occupied habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Guy S. Sawyer Guy S. Sawyer
121 Meandering Ln
Burleson TX 76028

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Mike Wilson, Permits Division, TCEQ
Booker Harrison, Environmental Law Division, TCEQ
Dirk Kempthorne, Secretary of Interior
Dale Hall, Director of US Fish & Wildlife Service
Benjamin Tuggle, Southwest Region, US Fish & Wildlife Service
Division of Endangered Species, US Fish & Wildlife Service
Division of Bird Habitat Conservation, US Fish & Wildlife Service
State Senator Troy Fraser via email troy.fraser@senate.state.tx.us
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

H OPA

FEB 20 2009

BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 20 AM 10: 34

CHIEF CLERKS OFFICE

February 13, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

NSR
64589

RE: Permit Request No. **82199L002**

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As a member of Fort Worth Audubon Society and/or National Audubon, the opportunities afforded nature lovers at Chalk Mt. are of great importance.

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We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

We feel we are affect parties, because:

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- Dust and debri in the area will not only affect the health of birdwatchers in the area, it will cover the native habitat which is essential for the breeding population of Chalk Mt. Golden-cheeked warbler and Blck-capped vireos, both listed on Federally Endangered Species.

- Please include Fort Worth Audubon Society on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature Polly Schulle

Name Polly Schulle

Address 2805 N Britain Rd
Irving, TX 75062

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

NSR
W4538a

OPA

FEB 20 2009

BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 20 AM 10: 34

CHIEF CLERKS OFFICE

February 13, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

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- Please include Fort Worth Audubon Society on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature Robert O. Scott

Name 1101 Circle Ln

Address Bedford, TX 76022

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

TCEQ Public Meeting Form

Thursday, October 23, 2008

Tommy Davis dba Slick Machines
Proposed Air Quality Permit No. 82199L002

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 24 PM 3: 24
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Robert O Scott

Address: 1101 Circle Ln

City/State: Bedford, TX Zip: 76022

Phone: (817) 2821372

☑ Please add me to the mailing list.

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

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☐ I wish to provide formal oral comments.

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

Please give this to the person at the information table. Thank you.

October 23, 2008

OPA RECEIVED
OCT 23 2008
AT PUBLIC MEETING

Chief Clerk
Texas Commission on Environmental Quality
Mail Code MC-105
P.O. Box 13087
Austin, TX 78711-3087

Regarding Proposed Air quality Permit Number 82199L002

To Whom It May Concern:

Thank you for the opportunity to comment on permit number 82199L002. It involves relocating a Rock Crushing Facility to 11209 U.S. Highway 67 approximately 11 miles West of Glen Rose in Somervell County. My comments are few but very important in my view.

2008 OCT 24 PM 3:24
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

I am an almost 30 year bird watching hobbyist and I have spent nearly that much time actively addressing air and water issues affecting us all.

1. Air Quality in the affected area:

Rock crushing inherently is a dusty operation regardless of how much water misting is done. In this case, it is not really apparent where an adequate water source may be other than from the aquifer which is in much demand. The source of the rock is from mining performed on Slick Machines leased land where the crusher will be located. Over time dust will accumulate regardless of efforts to minimize. The dust is a negative but it is much worse in the less than 10 micron range. Particle sizes can be so small as to be readily inhaled by anything breathing. Negative health affects can result. In short, where there is mining and crushing there will be dust produced. To not have dust, the solution simply is to not permit rock crushing and mining activity to happen in this area. There are reams of other comments that expand on all the reasons to preclude dust and I will not attempt to repeat any of these comments.

2. Health:

Can dust harm and harass living creatures? I think so for humans, wildlife and vegetative growth, alike.

3. Negative Impact of permit:

The proposed rock crushing that necessitates associated rock mining is located immediately adjacent to known endangered species occupied habitat. In fact, the area to be mined may be occupied habitat, also, as its vegetative cover appears to be the same mix as that in the known habitat "across the fence". The Endangered Golden Cheek Warbler and Black Capped Vireo annually migrate to this area in the spring and stay in

residence until their young are capable of migrating. These birds will definitely be harmed and harassed by the rock crushing and mining activity because of noise, dust affecting its feeding habits including its nesting habitat.

The habitat is there year around but since the birds are Neotropical migrants their stay is 5 or so months. Nevertheless, protection of endangered species necessitates protecting and preserving the habitat all year long. Otherwise, the birds will be displaced or simply die off due to habitat loss. Both species are highly endangered with their population dwindling. Harming them by habitat destruction or disruption should be avoided.

Disturbing these endangered species can:

a. Affect an annual economic benefit because of ecotourists coming to view these birds.
b. Maintaining this habitat in its present natural state preserves the rural appearance that adds to the attraction for the yearly visitors wishing to view these birds, ideally in a relatively dust free environment.
c. Mining and rock crushing rock for profit is incompatible use with the annual presence of these birds that disparately need their habitat to be protected and preserved.

In conclusion, I would hope that all the comments tonight will become additive and result in a determination that this air permit should be denied.

Thank you,

Robert O. Scott
11012 Circle Lane
Bedford, Texas

Robert O. Scott

Email address
for Robert O. Scott

rosott1950@sbcglobal.net

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NSR
64589

2008 OCT 13 AM 10: 27

CHIEF CLERKS OFFICE

October 9, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

OPA

PM

OCT 13 2008

H BY

RE: Permit Request No. 82199L002

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Robert O Scott
1101 Circle Ln.
Bedford, TX 76022

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Mike Wilson, Permits Division, TCEQ
Booker Harrison, Environmental Law Division, TCEQ
Dirk Kempthorne, Secretary of Interior
Dale Hall, Director of US Fish & Wildlife Service
Benjamin Tuggle, Southwest Region, US Fish & Wildlife Service
Division of Endangered Species, US Fish & Wildlife Service
Division of Bird Habitat Conservation, US Fish & Wildlife Service
State Senator Troy Fraser via email troy.fraser@senate.state.tx.us
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Representative Sid Miller via email sid.miller@house.state.tx.us

February 13, 2009

H OPA

FEB 20 2009

BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 20 AM 10: 34

CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

NSR
64589

RE: Permit Request No. **82199L002**

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- Please include Fort Worth Audubon Society on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature B J Shoemaker

Name B J Shoemaker

Address 101 N. Roaring Springs Rd. APT #10203
Ft. Worth, TX 76042

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

From: PUBCOMMENT-OPA
To: PUBCOMMENT-OCC2
Date: 4/15/2010 3:55 PM
Subject: Fwd: Public comment on Permit Number 82199L002
Place: PUBCOMMENT-OCC2

AIRNSR 64589

H

>>> PUBCOMMENT-OCC 4/14/2010 12:10 PM >>>

>>> <rfsingleterry@wildblue.net> 4/14/2010 11:56 AM >>>

REGULATED ENTY NAME SLICK MACHINES ROCK CRUSHER 1
RN NUMBER: RN105244461
PERMIT NUMBER: 82199L002
DOCKET NUMBER:
COUNTY: SOMERVELL
PRINCIPAL NAME: DAVIS, TOMMY
CN NUMBER: CN602877276
FROM
NAME: Francine Singleterry
E-MAIL: rfsingleterry@wildblue.net
COMPANY:
ADDRESS: 1202 FM 51
WALNUT SPRINGS TX 76690-3065
PHONE: 2548979677
FAX:
COMMENTS: I request a contested case hearing regarding permit number 82199L002 with name of applicant of Tommy Davis/Slick Machines. I am an affected person living at physical address os 1202 FM 51 Glen Rose, TX. I have adult onset asthyma and am about 1.5 miles from the proposed rock crusher. Please do not disregard this as a light ailment; but rather a potentially life threatening situation for an asthyma sufferer. Best regards, Francine Singleterry

mw

NSR
64589

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB -4 AM 10: 15

CHIEF CLERKS OFFICE

H OPA

BY KY

2/1/2009

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

RE: Air Quality Permit Number 82199L002.

Dear TCEQ:

In regards to Air Quality Permit Number 82199L002 please keep us in the information loop. We request a formal hearing, any hearing, whatever it takes to keep this process on track to STOP the situation on Chalk Mountain.

Even though our address is Walnut Springs for MAIL our PHYSICAL address is 1202 FM 51 Glen Rose, TX and we are about 1 and ¼ mile from the proposed site !

Just having been officially diagnosed with adult onset asthma by my physician after my first asthma attack, I find this no small matter in regards to this facility that I am downwind from on numerous days of the year.

PLEASE grant the needed hearings and PLEASE answer the questions from the first meeting in Glen Rose [yet to get a letter on that regard either]. We have written , we have attended the first meeting and see no progress in getting this facility stopped. Please help the citizens of Chalk Mountain before it is too late.

Thank you for your consideration.

Francine Singleterry and husband, Ron Singleterry

1202 FM 51

Walnut Springs, TX 76690 [mail address]

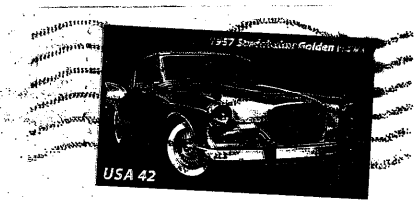
Francine Singleterry
Ron Singleterry

With physical address on the side of said mountain at 1202 FM 51/ Glen Rose, TX.

MW

Ron + Francine Singleterry
1202 FM 51
Walnut Springs TX 76690

FORT WORTH TX 761
02 FEB 2009 PM 7 L



RECEIVED
FEB 04 2009
TCEQ MAIL CENTER
AJ

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

78711+3087

NISR
64589

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP 12 PM 2:42
CHIEF CLERKS OFFICE

OPA
SEP 15 2008
BY BP

9/10/2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Dear Sir or Madam,

I became aware today of a request to permit a Rock Crushing Facility close to our property here in Somervell County on Chalk Mountain. We own property on 67 about one mile from the site. The permit number is 82199L002. The permit request was submitted by Mr. Tommy Davis (Slick Machines) of Brownwood, TX. As property owners close to this property we **strongly object to the issuance of this permit and formally request a public meeting and hearing on this issue**.

There are several factors that need to be considered immediately.

- The impact on the traffic flow on the mountain side is of highest importance. This is a steep grade state highway which has frequent accidents at this location. This type of facility will only compound that issue.
- There is the environmental impact. Not only have we seen the documentation regarding the endangered birds, but there is the aesthetic value of this mountainside to the entire area.
- Property values will plummet. Ours included...
- The air quality on and around Chalk Mountain has not always escaped the summer heat air quality warnings common in the metroplex area. We don't need anything to cause further harm. Not only the crusher, but all of the trucks and rock work adds to the dilemma.
- Noise pollution.

Please, we ask of you to consider the many citizens that are pleading with your agencies to setup a meeting to consider our concerns and asking for a halt to this permit.

Thank you.

Ron + Francine Singleterry

Ron and Francine Singleterry
Mailing address:
1202 FM 51
Walnut Springs, TX 76690 [physical address is same only Glen Rose, TX]

MW

RON & FRANCINE Singleterry
1202 FM 51
Walnut Springs, TX 76690

FORT WORTH TX 761
11 SEP 2008 PM 8 T

John Adams, 1765
powerofthebelle

FIRST-CLASS FOREVER

RECEIVED
SEP 12 2008
TCEQ MAIL CENTER

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP 12 PM 2:42
CHIEF CLERKS OFFICE

Office of the Chief Clerk
MAIL CODE 105 TCEQ
P.O. BOX 13087
AUSTIN, TX 78711-3087

78711-3087

H

OPA

FEB 20 2009

BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 20 AM 10: 34

CHIEF CLERKS OFFICE

February 13, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

NSR
061559

RE: Permit Request No. **82199L002**

To Whom It May Concern:

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- Please include Fort Worth Audubon Society on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature Keith A Smith & Margaret Ann Smith

Name KEITH SMITH & Margaret Ann Smith

Address 6608 WONDER DR.
FORT WORTH TX 76133

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

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OPA

FEB 20 2009

BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 20 AM 10: 35

CHIEF CLERKS OFFICE

February 13, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a **Public Hearing** in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

As a member of Fort Worth Audubon Society and/or National Audubon, the opportunities afforded nature lovers at Chalk Mt. are of great importance.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility. Hundreds of tourist, including birdwatchers, come to the Chalk Mt. area to enjoy the native habitat and air quality provided in Somervell County.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Federally Endangered Species in and around the proposed facility due to air quality. We are especially concerned about the effect on the breeding birds of Chalk Mt., specifically the Golden-cheeked warbler and Black-capped vireo.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park. Our enjoyment of this Roadside Park will be effected by dust, debris and noise coming from the proposed facility.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

We feel we are affect parties, because:

- The Nuisance created by the proposed facility and its impact on our enjoyment of the State Roadside Park and the impact to our enjoyment of bird watching in the area in and around the proposed facility. For many years, Fort Worth Audubon Society has enjoyed the gracious hospitality of private landowners, specifically, the adjacent property landowner. We have been allowed access to survey and study the birds, including the Federally Endangered Birds named above.

- Dust and debri in the area will not only affect the health of birdwatchers in the area, it will cover the native habitat which is essential for the breeding population of Chalk Mt. Golden-cheeked warbler and Blck-capped vireos, both listed on Federally Endangered Species.

- Please include Fort Worth Audubon Society on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature Lee Snaples

Name LEE SNAPLES

Address 5795 WOODVINE CT
FT WORTH, TX 76140

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

NSR
64589

2008 OCT 13 AM 10: 27

CHIEF CLERKS OFFICE

October 9, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

OPA

PM

OCT 13 2008

H

BY

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres of oak shinnery and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. I fear that the installation and operation of the proposed rock-crushing facility will adversely impact the nesting and occupied habitat of these 2 endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for habitat restoration may be wasted efforts if this facility is permitted for operation.

In addition to potential impacts to 2 federally endangered species of birds, the proposed rock crushing facility will also potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

mw

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and occupied habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Dr. Lee Snapples, Jr.

Lee Snaples Jr

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Mike Wilson, Permits Division, TCEQ
Booker Harrison, Environmental Law Division, TCEQ
Dirk Kempthorne, Secretary of Interior
Dale Hall, Director of US Fish & Wildlife Service
Benjamin Tuggle, Southwest Region, US Fish & Wildlife Service
Division of Endangered Species, US Fish & Wildlife Service
Division of Bird Habitat Conservation, US Fish & Wildlife Service
State Senator Troy Fraser via email troy.fraser@senate.state.tx.us
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

Lee Snapples
5795 Woodrine Ct
Fort Worth, TX
76140

NSL
645581

October 15, 2008

pm
H

OPA

OCT 21 2008

BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 OCT 20 PM 3:43

CHIEF CLERKS OFFICE

Office of the Chief clerk
Mail Code 105 TCEQ
Po Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at: 1197 Co Rd 2008, Glen Rose

I am opposed to a rock-crushing facility (Permit Number 82199L002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

AIR QUALITY IN SOMERVELL COUNTY. The Proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

ENDANGERED SPECIES. This area provides critical habitat for 2 federally endangered species of birds, the Golden Cheeked Warbler and Black Capped Vireo. These two birds next extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which next only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

ENVIRONMENTAL ISSUES. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

ECONOMIC IMPACT. Somervell County is a destination location for thousands of tourists, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Eddy Spurgin

mw

Eddy Sourom
1197 CoRd 2008
Glen Rose, TX 76043

FORT WORTH TX 761
2008 PM 5 L

THINK, SPEAK
John Adams, 1
powerofthelet

USA FIRST-CLASS FOREVER

OCT 20 2008

TCEQ MAIL CENTER
JR

Office of the Chief Clerk
Mail Code 105 TCEQ
PO Box 13087
Austin, TX 78711-3087

October 14, 2008

Office of the Chief clerk
Mail Code 105 TCEQ
Po Box 13087
Austin, TX 78711-3087

OPA
OCT 20 2008
BY BP

2008 OCT 17 PM 3:36
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at: 1197 County Rd 2008

I am opposed to a rock-crushing facility (Permit Number 82199L002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

AIR QUALITY IN SOMERVELL COUNTY. The Proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

ENDANGERED SPECIES. This area provides critical habitat for 2 federally endangered species of birds, the Golden Cheeked Warbler and Black Capped Vireo. These two birds next extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which next only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

ENVIRONMENTAL ISSUES. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

ECONOMIC IMPACT. Somervell County is a destination location for thousands of tourists, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely, Lynn E. Spurgin

Lynn Spurgin
1197 CORD 2008
Glen Rose TX 76043

FORT WORTH TX 761

15 OCT 2008 PM 7 L

"LET US DARE TO READ, THINK, SPEAK AND WRITE"

USA FIRST-CLASS FOREVER

RECEIVED
OCT 17 2008
TCEQ MAIL CENTER
RB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 OCT 17 PM 3:30

CHIEF CLERKS OFFICE

Office of the Chief Clerk
mail Code 105 TCEQ
PO Box 130387
Austin, TX 78711-3087

Oct. 20, 2008

NSR
L04589

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

pm OPA
H
BY BP

RE: Permit Request No. 82199L002

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 24 AM 10: 15
CHIEF CLERKS OFFICE

To Whom It May Concern:

I live in Somervell County at: 2884 County Road 2021, Glen Rose, TX

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

Air Quality in Somervell County, the proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Endangered Species. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Environmental Issues. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

Economic Impact. Somervell County is a destination location for tourists all over North Texas, including locations such as Dinosaur State Park and Fossil Rim Wildlife Center which are within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Mr. & Mrs. Gerald Stein
2884 County Rd. 2021
Glen Rose TX 76043-6183

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 24 AM 10: 15

CHIEF CLERKS OFFICE

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2008

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OCT 24 2008

TCEQ MAIL CENTER

OFFICE OF THE CHIEF CLERK
MAIL CODE 105 TCEQ
P.O. BOX 13087
AUSTIN, TX 78711-3087

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 NOV 17 AM 11:10
CHIEF CLERKS OFFICE

November 10, 2008

OPA

PM
H
BY DL

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. My families' health will be adversely affected by the emissions from a rock crushing facility. A member of my family has C.O.P.D./LUNG CANCE SURVIVER This will cause my family member to _____. I live within 2 mile of the proposed site for the rock crusher. The physical address of my property is: 1436 CR 1006. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Additional environmental impacts of concern include excessive noise from operation of the facility. Blasting safety is a major concern with the many pipelines recently installed in the area. I live _____ mile/feet from an existing pipeline. I am also concerned regarding the use of ground water. All residents in the impacted area are on individual water wells which have been drilled at the resident's expense. Will the operator of the rock crusher be drilling a water well or will he haul water? What hazards will be in the drainage from the used water? I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue. Please use the following address for any correspondence.

Name: Ron + Karen Stepp

Address: 1436 CR 1006
GLEN ROSE, TX 76043

MW

Ron Stepp
PO Box 3055
Glen Rose, TX 76043-3055

FORT WORTH TX 761

12 NOV 2008 PM 7 T

"LET US DARE TO READ,
THINK, SPEAK AN
John Adams, 175

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 NOV 17 AM 11:10

CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
Austin, TX 78711-3087

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64589

October 11, 2008

Office of the Chief Clerk

Mail Code 105 TCEQ

P.O. Box 13087

Austin, TX 78711-3087

OPA

PM
H

OCT 14 2008

BY

2008 OCT 13 PM 2:50
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at: 1425 Meadowlane, Glen Rose, TX 76043
254-897-7772

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

Air Quality in Somervell County. The proposed rock crushing facility will potentially impact the region's ability to meet the National Ambient Air Quality Standards for the Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas Counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet clean air standards for Particular Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Endangered Species. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the region.

Environmental Issues. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents wth the increase of water and hauling trucks in order to run this facility.

Environmental Impact. Somervell County is a destination location for thousands of tourist, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely, Clark H. Stewart, Jr

Clark H. Stewart

mw

Holley's Creations
Custom Jewelry
holleystewart@hoodcounty.com
www.holleyscreations.com
1425 Rodgers Lane,
Glen Rose, TX 76043

FORT WORTH TX 761
11 OCT 2008 PM 3 L

"LET US DARE TO [redacted]
THINK, SPEAK AND [redacted]
John Adams, 1765
powerofthepen[redacted]

RECEIVED
OCT 13 2008
TCEQ MAIL CENTER
MM

Office of the Chief Clerk
Mail Code 105TCEQ
PO Box 13087
Austin, TX 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 13 PM 2:49
CHIEF CLERKS OFFICE

78711-3087

NSR
141589

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP 17 AM 10:18
CHIEF CLERKS OFFICE

September 17, 2008

Office of Chief Clerk
TCEQ
PO Box 13087
Austin, TX 78711-3087

RE: Air Quality Permit Number 821991L002

To whom it may concern:

I would like to request a public hearing regarding the above Air Quality Permit, which would authorize a rock crushing facility at Chalk Mountain in Somervell County, TX. Our county is the second smallest county in the state and unfortunately rock seems to be one of our exports. We already have rock crushing facilities in our county and one only needs to drive through the county to see dust and particulate in the air. On the east side of the county, soil reclamation has occurred and if you drive thru there it looks like a desolate place. This is a picturesque county with rolling hills and abundant wild life in places not disturbed by the above things. We are already experiencing increased truck traffic, loss of ground water and ground water pollution due to the Barnett Shale drillers. We've just gone thru a very dry summer where the water table dropped dramatically. Additional trucks hauling rock would only create more hardship on our natural resources as well as creating another "eye sore" in our county.

I only spotted information on this facility in last week's newspaper, yes we are a small town and the paper only comes out once a week. I know that my letter has not met the deadline but would hope that a public hearing will be available for the concerned residents of Somervell County.

Sincerely,

Sandra Stringer

Sandra Stringer
1909 County Road 2021
Glen Rose, TX. 76043

H OPA
SEP 19 2008
BY BP

1909 County Rd 2021
Glen Rose, Tx, 76043

FORT WORTH TX 761
17 SEP 2008 PM 3 L

[redacted] TO RE[redacted]
THINK, SPEAK AND [redacted]
John Adams, 1765
powerofthepen[redacted]

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Office of Chief Clerk
TCEQ
P.O. Box 13087
Austin, Tx, 78711-3087

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SEP 19 2008
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TEXAS
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ON ENVIRONMENTAL
QUALITY

2008 SEP 19 AM 10:18
CHIEF CLERKS OFFICE

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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 FEB 16 PM 2:52

CHIEF CLERKS OFFICE

OPA

H
IP+ FEB 17 2009

BY EB

February 11, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a **Public Hearing** in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

We live at 10200 W Hwy 67, approximately 3/4 mile from the proposed facility.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Endangered Species in and around the proposed facility due to air quality.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Impact to the roads in Somervell County and the cost associated with upgrading the roads to handle Rock Haulers and the dangers posed by heavy trucks ingress and egress to Hwy 67.
- Decreased property values in the area around the proposed facility and in Somervell County.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park.
- The Nuisance created by the proposed facility preventing the enjoyment of the State Roadside Park and surrounding bird watching areas.

MW

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

We feel we are affect parties, because:

- [x] The Nuisance created by the proposed facility and its impact on our enjoyment of the State Roadside Park and the impact to our enjoyment of bird watching in the area in and around the proposed facility.
- [ ] Health Issues My husband is a disabled veteran with COPD
- [ ] Property Value, we live within 3/4 mile of the proposed facility and the Rock Crushing facility will have a negative impact on our property values and will prevent us from the enjoyment of our property.
- [ ] Other: _____

Please include our name on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature Jimmie Sumners

Name Allen and Jimmie SUMNERS

Address 10200 W Hwy 67
Walnut Springs TX 76690

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us
Representative Harvey Hildebran
David Frederick, Attorney

NSR
64559

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

February 11, 2009

pm OPA

2009 FEB 16 PM 2:52

FEB 1 7 2009

CHIEF CLERKS OFFICE

BY EB

TCEQ
Chief Clerk MC105
P O Box 13087
Austin, Tx 78711

Re: Request for a second public meeting regarding the issuance of an Air Quality Permit #82199L002 located at 11209 Hwy 67 West

Area residents' concerns are:

- **Air Quality**
- **Preservation of wildlife**
- **Noise**
- **Impact on property values in the surrounding areas**
- **Safety**

Air Quality

The residents of the Chalk Mountain area have important question regarding the breathing of the particulate matter generated by a rock crushing plant. Many of the residents are retired and have moved to this area because of the good air quality. Some residents have respiratory health problems and feel this would surely impact their lives. We feel that granting this permit would greatly effect the health of the residents in the area of this proposed operation.

Safety

Safety is a major concern. Truck traffic from this location would pose a serious impact on an already stressed US Hwy 67. There are no acceleration or turn lanes at this location.

Preservation of wildlife

The area surrounding this property is mainly residential acreage (homes with from two to fifty acres). Wildlife is in abundance in this area. This is the home to white tail deer, coyote , wild turkeys, hawks, and many migratory birds of which includes the endangered Golden-Cheeked Warbler and Black-

Capped vireos. Homes in this area leave their acreage in natural growth to minimize the impact of human habitation.

Noise

Noise from such an operation impacts both wildlife and people living in this area. Experiencing the drilling of gas wells and pipelines I am well acquainted with the level of noise in this otherwise quiet and peaceful area. The difference being that the wells are noisy for a limited period of time.

Impact on properties

Just before this property on the top of Chalk Mountain is a subdivision of the Erwin Ranch land. This is a restricted development with property ranging from 4-50 acres. Nearby are ranches and lodges with birding and wildlife management mixed with ranching operations. This is definitely not a commercial operation area.

In conclusion we would like to address these issues at a second public meeting.

Jimmie Sumners
Allen Sumners

Jimmie and Allen Sumners
Residents

ALLEN L SUMNERS
PO BOX 1795
GLEN ROSE TX 76043-1795

FORT WORTH TX 751

13 FEB 2009 PM 4 L

RECEIVED
FEB 16 2009
TCEQ MAIL CENTER
JR

GLEN ROSE TX
FEB 13 20
USPS

Office of the Chief Clerk
Mail Code 105 TCEQ
PO Box 13087
Austin TX 78711-3087

78711+3087

NSR
44589

October 6, 2008

HR OPA
OCT 08 2008
BY DM

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT -8 AM 10:40
CHIEF CLERKS OFFICE

TCEQ
Chief Clerk MC105
P O Box 13087
Austin, Tx 78711

Re: Request for a contested case hearing regarding the issuance of an Air Quality Permit #82199L002 located at 11209 Hwy 67 West

Area residents' concerns are:

- **Air Quality**
- **Preservation of wildlife**
- **Noise**
- **Impact on property values in the surrounding areas**
- **Safety**
- **Watershed**

Air Quality

The residents of the Chalk Mountain area have important question regarding the breathing of the particulate matter generated by a rock crushing plant. One question is: How much rock dust is allowed and how much harm will it be to us? Many of the residents are retired and have moved to this area because of the good air quality. Some residents have respiratory health problems and feel this would surely impact their lives. We feel that granting this permit would greatly affect the health of the residents in the area of this proposed operation. The applicant has stated that there aren't many residents in this area. There is a sub-division on Chalk Mountain plus additional rural residences. I am attaching a copy of just a small portion that is located within a mile of the proposed site.

Safety

Safety is a major concern. Truck traffic from this location would pose a serious impact on an already stressed US Hwy 67. There are no acceleration or turn lanes at this location. I have personally witnessed near accidents from large trucks topping the hill and nearly not being able to stop for a school bus loading my granddaughter and another time when I was turning left into my

MW

driveway when there was two approaching trucks in the one lane. Fortunately I could move back over to the far right lane.

Preservation of wildlife

The area surrounding this property is mainly residential acreage (homes with from two to fifty acres). Wildlife is in abundance in this area. This is the home to white tail deer, coyote , wild turkeys, hawks, and many migratory birds of which includes the endangered Golden-Cheeked Warbler and Black-Capped vireos. The presence of these birds has been established and documented on the adjoining lands. Homes in this area leave their acreage in natural growth to minimize the impact of human habitation.

Noise

Noise from such an operation impacts both wildlife and people living in this area. Experiencing the drilling of gas wells and pipelines I am well acquainted with the level of noise in this otherwise quiet and peaceful area. The difference being that the wells are noisy for a limited period of time.

Impact on properties

Just before this property on the top of Chalk Mountain is a subdivision of the Erwin Ranch land. This is a restricted development with property ranging from 4-50 acres. Nearby are ranches and lodges with birding and wildlife management mixed with ranching operations. There is a Texas Roadside Park in this area. This is definitely not a commercial operation area.

Water Run Off

The water issue has been raised to me. I have a deep water well for our water supply and there is no other supply available at this time. Will this waste water from the rock crusher seep into our underground water table? Is there a health hazard in that water?

My family will be adversely affected by this rock crushing operation if the permit is issued. We will have to breathe the dust and clean it from our vehicles and home. Our country has recognized the effect of second-hand smoke and by legislation has established a precedence of harm to others in the work place. Is this not the same issue? Has this site been tested for the presence of radon? This is important because we will be breathing this dust.

Our property value will diminish greatly. We did not buy property in the eastern part of the county because of a rock crusher located there. The road

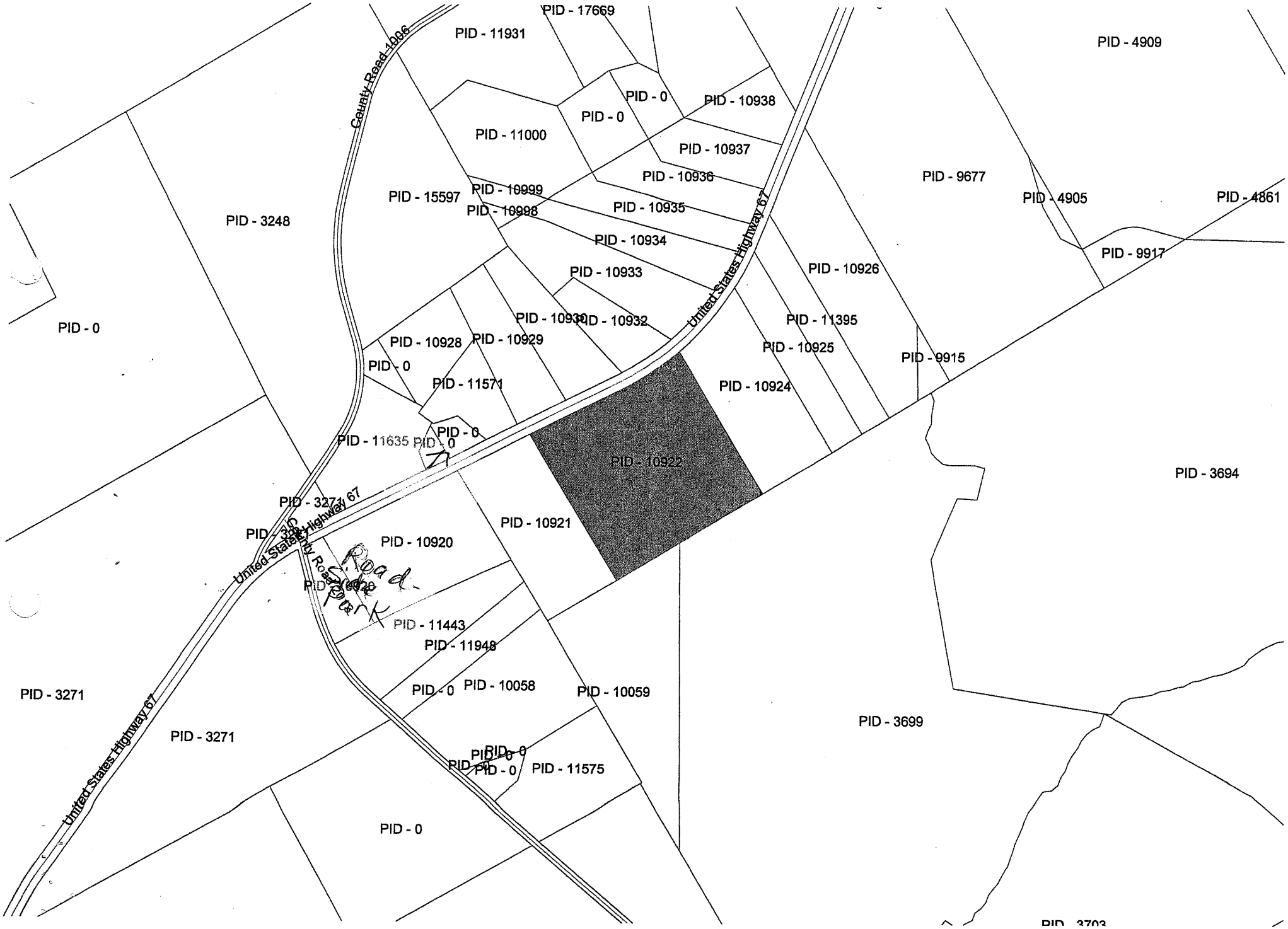
accessing that property coated the cedars with a white powder and the trucks ran people off the road there. I had a choice not to buy there. I am already here and have no such choice.

It also seems that once the permits for rock crushing are issued that the monitoring of air pollution is either not done or is not enforced and such operations do not reclaim the land they destroy but instead leave gaping holes. This is not the case with the oil and gas or lignite industries. Please address the issue of monitoring, penalties, and enforcement. Better still, do not issue this permit.

Jimmie and Allen Sumners
Residents at 10200 W Hwy 67
Mailing address: 10200 W Hwy 67, Walnut Springs, Tx 76690
Phone: 254-898-2510

Cc: Rick Perry,Governor

Somervell Cty CAD



Allen Sumners
10200 W Hwy 67
Walnut Springs, Tx 76690

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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT -8 AM 10: 40

CHIEF CLERKS OFFICE

TCEQ
Chief Clerk MC105
P O Box 13087
Austin, Tx 78711

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OCT 08 2008
TCEQ MAIL CENTER
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7871143087

(11)

TCEQ Public Meeting Form

Thursday, September 3, 2009

Tommy Davis dba Slick Machines
Proposed Air Quality Permit No. 82199L002

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 SEP -4 PM 4:27
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Allen Sumners

Mailing Address: 10200 Hwy 67 West Walnut Spring, TX 76690

Physical Address (if different): West of Glen Rose

City/State: Walnut Spring **Zip:** 76690

Phone: (254) 898 2810

☐ ✓ **Please add me to the mailing list.**

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

If yes, which one? N/A

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☐ ✓ **I wish to provide formal oral comments.**

☐ **I wish to provide formal written comments at tonight's public meeting.**

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

Please give this to the person at the information table. Thank you.

MW

(2) Jimmie spoke 1st
Allen spoke 2nd

TCEQ Public Meeting Form

Thursday, October 23, 2008

Tommy Davis dba Slick Machines
Proposed Air Quality Permit No. 82199L002

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 24 PM 3:21
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Jimmie & Allen Sumners

Address: 10200 Hwy 67 W

City/State: Walnut Springs Zip: 76690

Phone: (254) 898-2510

☐ Please add me to the mailing list.

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

If yes, which one? SAVE CHALK MOUNTAIN

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☑ I wish to provide formal oral comments.

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

Please give this to the person at the information table. Thank you.

mw

October 23, 2008

OPA RECEIVED

OCT 2 3 2008

AT PUBLIC MEETING

TCEQ
Chief Clerk MC105
P O Box 13087
Austin, Texas 78711

Re: Addition to letter dated October 6, 2008 asking for a contested case hearing
Permit#82199L002

Please enter this attachment as a formal comment from October 23, 2008 public meeting.

We believe that we will be an affected party because we live approximately ½ mile from the site of the permit application. A member of our family has diminished lung capacity with onset of COPD. We believe that breathing the dust from this operation with surely impact the health of our family member.

We also believe that the emissions will diminish our enjoyment of our home and property and will cause more than normal maintenance of our property. I do not have the resources to constantly have our windows washed or our vehicles maintained because of the excessive dust.

We are concerned regarding the value of our property. We have compared property values from the area in eastern Somervell county where there is an existing rock crushing plant to other areas where there is no plant and there is a great deal of difference.

We did not move into Mr. Davis's area, we live here along with about 70 other residents. It has been said 'well do you have the money to buy that mountain' and of course we do not, but does Mr. Davis or Mr. Parham have the money to buy us out? The bottom line is that the type of business that Mr. Davis is proposing to bring to us is harmful and should not be allowed.

Jimmie Sumners

Allen and Jimmie Sumners
10200 W Hwy 67
Walnut Springs, Tx 76690
254-898-2510

2008 OCT 24 PM 3:21
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

MW

NSR
104589

September 5, 2008

OPA
PM
SEP 10 2008
BY

TCEQ
Chief Clerk MC105
P O Box 13087
Austin, Tx 78711

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP 10 AM 10: 15
CHIEF CLERKS OFFICE

Re: Request for a public meeting regarding the issuance of an Air Quality Permit #82199L002 located at 11209 Hwy 67 West

Area residents' concerns are:

- **Air Quality**
- **Preservation of wildlife**
- **Noise**
- **Impact on property values in the surrounding areas**
- **Safety**

Air Quality

The residents of the Chalk Mountain area have important question regarding the breathing of the particulate matter generated by a rock crushing plant. Many of the residents are retired and have moved to this area because of the good air quality. Some residents have respiratory health problems and feel this would surely impact their lives. We feel that granting this permit would greatly effect the health of the residents in the area of this proposed operation.

Safety

Safety is a major concern. Truck traffic from this location would pose a serious impact on an already stressed US Hwy 67. There are no acceleration or turn lanes at this location.

Preservation of wildlife

The area surrounding this property is mainly residential acreage (homes with from two to fifty acres). Wildlife is in abundance in this area. This is the home to white tail deer, coyote , wild turkeys, hawks, and many migratory birds of which includes the endangered Golden-Cheeked Warbler and Black-

mw

Capped vireos. Homes in this area leave their acreage in natural growth to minimize the impact of human habitation.

Noise

Noise from such an operation impacts both wildlife and people living in this area. Experiencing the drilling of gas wells and pipelines I am well acquainted with the level of noise in this otherwise quiet and peaceful area. The difference being that the wells are noisy for a limited period of time.

Impact on properties

Just before this property on the top of Chalk Mountain is a subdivision of the Erwin Ranch land. This is a restricted development with property ranging from 4-50 acres. Nearby are ranches and lodges with birding and wildlife management mixed with ranching operations. This is definitely not a commercial operation area.

In conclusion we would like to address these issues at a public meeting.

Jimmie Sumners

Jimmie Sumners
Resident

Allen Sumners
10200 W Hwy 67
Walnut Springs, Tx 76690

FORT WORTH TX 761

08 SEP 2008 PM 1 T

"LET US DARE TO READ,
THINK, SPEAK AND WRITE."
John Adams, 176
powerofthelet

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2008 SEP 10 AM 10: 1

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TCEQ
Chief Clerk MC105
P O Box 13087
Austin, Tx 78711

78711-3087

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64589

September 5, 2008

TCEQ
Chief Clerk MC105
P O Box 13087
Austin, Tx 78711

PM

OPA
SEP 10 2008
BY a

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP -9 PM 2:39
CHIEF CLERKS OFFICE

Re: Request for a public meeting regarding the issuance of an Air Quality Permit #82199L002 located at 11209 Hwy 67 West

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- **Air Quality**
- **Preservation of wildlife**
- **Noise**
- **Impact on property values in the surrounding areas**
- **Safety**

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Jimmie Sumners Allen Sumners

Jimmie and Allen Sumners
Residents

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP -9 PM 2:39
CHIEF CLERKS OFFICE

October 14, 2008

PM
H

OPA
OCT 16 2008
BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 OCT 16 AM 10: 36

CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

NSR
UC1589

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at 1183 County Road 2022

I am opposed to a rock-crushing facility (Permit Request No. 82199L002) scheduled for construction in the Chalk Mountain area of Somervell County.

My concern is based on the following issues:

Air Quality in Somervell County: The proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Endangered Species. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Environmental Issues. This includes environmental impacts of excessive noise from the operation of the facility as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents that will result from an large increase in the number of water and hauling trucks needed to run this facility.

Economic Impact. Somervell County is a destination location for thousands of tourists, including location such as Dinosaur State Park, Fossil Rim Wildlife Center and the Creation Evidence Museum which are all within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing be scheduled on this issue.

Sincerely,

LeRoy A. Sundby

LeRoy A. Sundby

mw

Mr. Leroy A. Sundby
1183 County Road 2022
Glen Rose, TX 76043

FORT WORTH TX 761

14 OCT 2008 PM 3 L

"[illegible] RE TO READ,
THINK, SPEAK AND WRITE"
John Adams, 1
powerofthe

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RECEIVED
OCT 16 2008
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RB

RE: Permit Request No. 82199L002

78711+3087

October 14, 2008

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OCT 16 2008
BY bl

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 16 AM 10: 40

CHIEF CLERKS OFFICE

NSR
601589

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

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Environmental Issues. This includes environmental impacts of excessive noise from the operation of the facility as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents that will result from an large increase in the number of water and hauling trucks needed to run this facility.

Economic Impact. Somervell County is a destination location for thousands of tourists, including location such as Dinosaur State Park, Fossil Rim Wildlife Center and the Creation Evidence Museum which are all within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing be scheduled on this issue.

Sincerely,

Sharon E. Sundby

Sharon E. Sundby

MW

S Mrs. Sharon Sundby
1183 County Road 2022
Glen Rose, TX 76043

FORT WORTH TX 761
14 OCT 2008 PM 5 L

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

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78711-3087

OPA

FEB 20 2009

BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 20 AM 10: 34

CHIEF CLERKS OFFICE

NISR 64589

February 13, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a **Public Hearing** in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

As a member of Fort Worth Audubon Society and/or National Audubon, the opportunities afforded nature lovers at Chalk Mt. are of great importance.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility. Hundreds of tourist, including birdwatchers, come to the Chalk Mt. area to enjoy the native habitat and air quality provided in Somervell County.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Federally Endangered Species in and around the proposed facility due to air quality. We are especially concerned about the effect on the breeding birds of Chalk Mt., specifically the Golden-cheeked warbler and Black-capped vireo.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park. Our enjoyment of this Roadside Park will be effected by dust, debris and noise coming from the proposed facility.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

We feel we are affect parties, because:

- The Nuisance created by the proposed facility and its impact on our enjoyment of the State Roadside Park and the impact to our enjoyment of bird watching in the area in and around the proposed facility. For many years, Fort Worth Audubon Society has enjoyed the gracious hospitality of private landowners, specifically, the adjacent property landowner. We have been allowed access to survey and study the birds, including the Federally Endangered Birds named above.

- Dust and debri in the area will not only affect the health of birdwatchers in the area, it will cover the native habitat which is essential for the breeding population of Chalk Mt. Golden-cheeked warbler and Blck-capped vireos, both listed on Federally Endangered Species.

- Please include Fort Worth Audubon Society on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature Elaine Talbert

Name ELAINE TALBERT

Address 2928 FIFTH AVE
FT. WORTH, TX 76110

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

NSR
64589

OPA

PM
H

OCT 13 2008

BY DL

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 13 AM 10: 22

CHIEF CLERKS OFFICE

Office of Chief Clerk
TCEQQ
PO Box 13087
Austin Texas 78711-3087

Re Air Quality Permit #82199L002

To Whom It May Concern:

The purpose of this letter is to submit public comments, to request a public meeting and to request a contested case hearing to the Office of the Chief Clerk. An application has been made to the TCEQ for a permit which would authorize a rock crushing facility at 11209 US Hwy. 67, Glen Rose, Texas, Somervell County. Tommy Davis, dba Slick Machines, of Brownwood, Texas is the applicant. I am definitely opposed to this permit being issued because of the following reasons.

Air contaminants and loss of habitat will negatively impact the health and well being of Federally and State listed Endangered Species (Black-Capped Vireos and Golden-Cheeked Warblers). They are on the top 10 endangered list. I feel all wild life will be affected.

I am concerned about air and noise pollution negatively affecting the health and quality of life of residents.

This is a heavily populated area. The speed limit is 70 mi. per hour on the highway. There are steep inclines and many curves. Increased truck traffic will create dangerous conditions in this area.

I fear a negative economic impact on Somervell County because of the loss of tourism and lower home values.

Chalk Mountain, an identifiable historical state landmark, would be forever removed from our landscape. A State Road Side Park considered one of the states most beautiful will be overlooking a rock crushing facility if this permit is granted. There are numerous other historical sites in the area including a church.

We recognized the need for rock crushers and gravel. We simply feel, for the reasons stated above, that the proposed site is the wrong location for a facility of this kind, and we request you assistance in ensuring that this facility is not established.

Sincerely,

James E. Talley

mw

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P.O. BOX 2400
GLEN ROSE, TEXAS 76043

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Office of Chief Clerk
TCEQ
P.O. BOX 13087
Austin, TX 78711-3087

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78711+3087

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64589

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OPA

SEP 19 2008

BY_____

September 9, 2008

Office of Chief Clerk
TCEQ
PO Box 13087
Austin, TX 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP 19 AM 10:2
CHIEF CLERKS OFFICE

RE: Air Quality Permit Number 82199L002

I would like to present several items of concern regarding the proposed rock mining and of the dynamiting, crushing and removal of rock from the area just west the State Highway 67 West in the Chalk Mountain Scenic Overlook area of Somervell County in the State of Texas. This area was built by the State of Texas for everyone to take a moment to stop and enjoy a wonderful view of Texas at its best. I will be referring to the danger that will be set forth to the wildlife and other natural resources in the area. This also includes the birds that are on the endangered list that have been observed in the immediate area. It will this also address the problems created by the traffic of large vehicles which would be using the small, narrow county maintained roadways. This alone will be a problem for the local school bus and resident traffic. Since our county receives no compensation for the maintenance for the roadways the burden of the cost and repair would be divided upon the local county residents by an increase in taxes in order to maintain constant repair to the roads. I also would address that the dynamite that would be used to unearth the rock in order to use the crushers that would run on diesel which would bring the quality of the air in Somervell to a complete disaster. This letter also addresses the air quality which would soon mingle with the pollution from the metroplex and would soon be a major health hazard. I believe our neighboring counties are now contending with this issue.

Another concern to be addressed with strong reality would be the destruction of important archeological sites. Since this is the area the great dinosaurs roamed and many of the footprints remain undiscovered even today, what might be lost is always in question. Since the tracks are found in the rock in every area of the county how much more can we afford to lose? Fossils from ancient seas are seen in almost every small stone or rock in the area. Surely this must cause great concern to those who would protect these treasurers. These are a great calling card for our county and city. Our resources depend upon those who visit Glen Rose and Somervell County. The Fossil Rim Wildlife Preserve would be another factor in the pollution of the area. Sensitive animals and endangered species have thrived in our area because of the clean water and clean air and the quiet country atmosphere. These issues would also be in question. This compound is known for its care and protection to the endangered exotic animal species representing countries around the world.

At this present time our county and city are overburdened with the gas industry and the Barnett Shale project. I address the use of our water supply which supports the needs of the drilling and the waste water disposal returns its deposits back into the aquifer that provides water to far reaching areas of our state. I address the problem of traffic since we have only one avenue across the Paluxy River going east and west direction. All traffic east and west is through our downtown historic district and has a constant flow of large trucks transporting rock, water and equipment through our streets of historic buildings. These cannot be replaced and they are the history of Glen Rose and Somervell County. The vibration alone from the trucks stopped at the courthouse square are loosening and destroying the mortar between the original rock structures. Pedestrian accidents occur far too often due to the truck traffic and our streets are in disrepair, damage to the buildings, sidewalks wreak havoc on a daily basis. How long can we continue to maintain a safe environment? It seems very short indeed without your help.

MW

I continuously work in areas of preservation of our city and county to encourage the preservation of the Historic Downtown District and to initiate a plan for expanding the historic district as allowed by the Texas Historical Commission and with the State as a Certified Local Government. In the allowable plan, as a Certified City, we will include specified historical sites and structures outside the designated historic area. This could include the area of Chalk Mountain, 'Sycamore Grove' (petrified wood) and the 'White House' next door. It could also include such places as designated to be of historical significant interest. This could possibly be 'Panther Cave' and a dozen of other sites before they are lost in time and from memory. As citizens we must be diligent in the protection of our area.

I ask for a public meeting be scheduled and request a contested case hearing to the office of the Chief Clerk. An application has been made to the TCEQ for issuance of Air Quality Permit #82199L002 which would authorize a rock crushing facility at 11209 US Hwy 67, Glen Rose, Texas, Somervell County. Tommy Davis, dba Slick Machines, of Brownwood, Texas is the applicant. I am definitely opposed to this permit being issued.

Regards,

Joan Echols Taylor

Mrs. Joan Echols Taylor
111 Summit View
Glen Rose, Somervell County, Texas
254-898-1204
jtaylor068@charter.net

Mrs. Joan Echols-Taylor
111 Summit View
Glen Rose, Texas 76043

FORT WORTH TX 761

17 SEP 2008 PM 8 L

"LET US DARE TO READ,
THINK, SPEAK AN
John Adams, 178
powerofthelette

USA FIRST-CLASS FOREVER

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 SEP 19 AM 10: 22

CHIEF CLERKS OFFICE

Office of Chief Clerk
TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

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SEP 19 2008
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(9)

TCEQ Public Meeting Form

Thursday, September 3, 2009

Tommy Davis dba Slick Machines
Proposed Air Quality Permit No. 82199L002

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 SEP -4 PM 4:27
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Joan Echols Taylor

Mailing Address: P.O. Box 1218

Physical Address (if different): 111 Summit View

City/State: Glen Rose TX Zip: 76043

Phone: (254) 898-1204

☐ Please add me to the mailing list.

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

If yes, which one? ~~Chalk Mountain Assn~~

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☑ I wish to provide formal oral comments.

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

Please give this to the person at the information table. Thank you.

mw

7

Joan Speaks

TCEQ Public Meeting Form

Thursday, October 23, 2008

Tommy Davis dba Slick Machines
Proposed Air Quality Permit No. 82199L002

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 24 PM 3: 22
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: BOB & JOAN TAYLOR

Address: 111 SUMMIT VIEW

City/State: GLEN ROSE, TX Zip: 76043

Phone: (254) 898-1204

☑ Please add me to the mailing list.

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

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☑ I wish to provide formal oral comments.

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

Please give this to the person at the information table. Thank you.

MW

OPA RECEIVED

OCT 2 3 2008

AT PUBLIC MEETING

WHY I THINK WE MUST ADDRESS AND PROTECT SOMERVELL COUNTY.....

When your personal space is threatened the first reaction is to lose all sense of being. I have found this to be although logical it becomes a deterrent to my thinking power. The next reaction is to speak loudly and with anger, and I have found this is also logical, but it too, is a deterrent to my thinking power.

These are human reactions to a real threat to our thinking power. I find that for me it is best to first listen and then to take the proper actions to do all in my power to calmly and statistically form a plan of action.

1. The placing of a rock crushing facility in Somervell County will destroy areas of great interest both our visitors who spend time and money in our area and also to our citizens who chose Somervell County to be their "forever" home. The areas most affected by this facility will simply be destroyed forever.

    1. Air Quality
    2. Economy
    3. Wildlife
    4. Aesthetic beauty
    5. Archeological aspects
    6. Historical landmarks
    7. Conservation
    8. Preservation

These issues each one and all must be addressed. Explain to me how this rock crushing or hard rock mining will be of advantage to my life and the lives of my children and grandchildren and I will consider what action I should take next time around.

2008 OCT 24 PM 3: 22
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Joan Echols Taylor
111 Summit View
Glen Rose, Texas 76043
254-898-1204

NSR
64589

HR OPA PM

OCT 09 2008

BY JM

CHIEF CLERKS OFFICE

2008 OCT -9 AM 10:14

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

October 11, 2008

Office of Chief Clerk
TCEQ
PO Box 13087
Austin, TX 78711-3087

RE: Air Quality Permit Number 82199L002

I would like to present several items of concern regarding the proposed rock mining and of the dynamiting, crushing and removal of rock from the area just west the State Highway 67 West, in the Chalk Mountain Scenic Overlook area of Somervell County in the State of Texas. This area was built by the State of Texas for everyone to take a moment to stop and enjoy a wonderful view of Texas at its best. I will be referring to

1. The danger that will be set forth to the wildlife and other natural resources in the area. This includes the birds that are on the endangered list that have been observed in the immediate area.
2. The problems created by the traffic of large vehicles which would be using the small, narrow county maintained roadways. This alone will be a problem for the local school bus and resident traffic. Since our county receives no compensation for the maintenance for the roadways the burden of the cost and repair would be divided upon the local county residents by an increase in taxes in order to maintain constant repair to the roads.
3. The dynamite that would be used to unearth the rock in order to use the crushers that would run on diesel which would bring the quality of the air in Somervell to a complete disaster.
4. This letter also addresses the air quality which would soon mingle with the pollution from the metroplex and would soon be a major health hazard.
5. The destruction of important archeological sites. Since this is the area the great dinosaurs roamed and many of the footprints remain undiscovered even today, what might be lost is always unknown. Since the tracks are found in the rock in every area of the county how much more can we afford to lose? Fossils from ancient seas are seen in almost every small stone or rock in the area. Surely this must cause great concern to those who would protect these treasurers. These are a great calling card for our county and city. Our resources depend upon those who visit Glen Rose and Somervell County.
6. The Fossil Rim Wildlife Preserve would be another factor in the pollution of the area. Sensitive animals and endangered species have thrived in our area because of the clean water and clean air and the quiet country atmosphere. These issues would also be in question. This compound is known for its care and protection to the endangered exotic animal species representing countries around the world.
7. Our county and city are already overburdened with the gas industry and the Barnett Shale project. The use of our water supply which supports the needs of the drilling and the existing waste water disposal which returns its deposits back into the aquifer that provides water to far reaching areas of our state are already putting water and air quality of other parts of the state in jeopardy.
8. Traffic is already a very significant issue in our county and city. Since we have only one avenue across the Paluxy River going east and west direction, once quiet and peaceful picturesque tourist town representing the best of the northern hill country has deteriorated significantly threatening to destroy our quality of life. Traffic east and west is through our downtown historic district and has a constant flow of large trucks transporting rock, water and equipment through our streets of historic buildings. These are significant treasures in the history of Glen Rose, Somervell County and the state of Texas. The vibration from

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the trucks stopped at the courthouse square are loosening and destroying the mortar between the original rock structures; once they are gone, they cannot be replaced.

9. Pedestrian accidents occur far too often due to the truck traffic and our streets are in disrepair, damage to the buildings, sidewalks wreak havoc on a daily basis. There have been several fatalities in past months involving the large trucks that are already having an extremely detrimental effect on our city, county and state. How many deaths will this new operation bring; from pollution of the air, water and from the constant haulage?
10. My friends and I work in areas of preservation of our city and county to encourage the preservation of the Historic Downtown District and to initiate a plan for expanding the historic district as allowed by the Texas Historical Commission and with the State as a Certified Local Government. In the allowable plan, as a Certified City, we will include specified historical sites and structures outside the designated historic area. This could include the area of Chalk Mountain, 'Sycamore Grove' (petrified wood) and the 'White House' next door. It could also include such places as designated to be of historical significant interest. This could possibly be 'Panther Cave' and a dozen of other sites before they are lost in time and from memory. As citizens we must be diligent in the protection of our area.

As you can see by the above, my wife Mary and I are strongly opposed to the issuance of Air Quality Permit #82199L002 which would authorize a rock crushing facility at 11209 US Hwy 67, Glen Rose, Texas, Somervell County. Tommy Davis, dba Slick Machines, of Brownwood, Texas.

We ask for a public meeting be scheduled and request a contested case hearing to the office of the Chief Clerk in order that we and other members of the Glen Rose – Somervell County community can express our adamant opposition to this permit being issued.

Regards,

Robert J Taylor

Mary O. Taylor

Robert & Mary Taylor
104 014 Summit Edge Ct.
Glen Rose, Somervell County, Texas
254-897-3557
rt@windmillweb.com, mary@windmillweb.com

R Taylor
104 Summit Edge Ct
Glen Rose Texas 76043

FORT WORTH TX 761
07 OCT 2008 PM 5 L

THINK, SPEAK
John Adams, 1765
power of the

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Office of Chief Clerk
TCEQ
PO Box 13087
Austin, Tx 78711-3087

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT -9 AM 10:14
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October 6, 2008

2008 OCT 13 AM 10: 25
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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PM
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OCT 13 2008
BY DC

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres of oak shinnery and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. I fear that the installation and operation of the proposed rock-crushing facility will adversely impact the nesting habitat and nesting habits of these 2 endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for habitat restoration may be wasted efforts if this facility is permitted for operation.

In addition to potential impacts to 2 federally endangered species of birds, the proposed rock crushing facility will also potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Mike Wilson, Permits Division, TCEQ
Booker Harrison, Environmental Law Division, TCEQ
Dirk Kempthorne, Secretary of Interior
Dale Hall, Director of US Fish & Wildlife Service
Benjamin Tuggle, Southwest Region, US Fish & Wildlife Service
Division of Endangered Species, US Fish & Wildlife Service
Division of Bird Habitat Conservation, US Fish & Wildlife Service
State Senator Troy Fraser via email troy.fraser@senate.state.tx.us
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

Sam Teaff
PO Box 968
Nemo TX 76070-0968

[redacted]

09 OCT 2008 PM 5 L

[redacted]

John Adams, 1765

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 OCT 13 AM 10: 25

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Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

October 8, 2008

OPA
OCT 14 2008
BY

2008 OCT 13 PM 2:59
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at 3293 South FM 199

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

Air Quality in Somervell County, the proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Endangered Species. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Environmental Issues. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

Economic Impact. Somervell County is a destination location for tourists all over North Texas, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Sam Teaff
PO Box 968
Nemo TX 76070-0968

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John Adams, 17[redacted]

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Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

October 8, 2008

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OCT 14 2008
BY

CHIEF CLERKS OFFICE
2008 OCT 13 PM 2:58
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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I respectfully request a public meeting and hearing on this issue.

Sincerely,

Ben Neaff

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Ms. Teri Teaff
PO Box 968
Nemo, TX 76070

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John Adams, 176[redacted]
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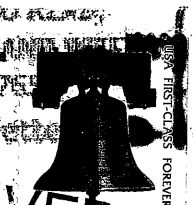

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Austin, TX
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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 13 AM 10: 23

CHIEF CLERKS OFFICE

October 6, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

PM
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OPA
OCT 13 2008
BY

RE: Permit Request No. 82199L002

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I respectfully request a public meeting and hearing on this issue.

Sincerely,

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Mike Wilson, Permits Division, TCEQ
Booker Harrison, Environmental Law Division, TCEQ
Dirk Kempthorne, Secretary of Interior
Dale Hall, Director of US Fish & Wildlife Service
Benjamin Tuggle, Southwest Region, US Fish & Wildlife Service
Division of Endangered Species, US Fish & Wildlife Service
Division of Bird Habitat Conservation, US Fish & Wildlife Service
State Senator Troy Fraser via email troy.fraser@senate.state.tx.us
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

Ms. Teri Teaff
PO Box 968
Nemo, TX 76070

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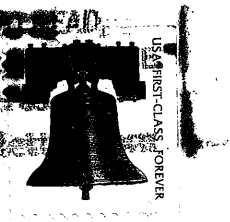

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October 13, 2008

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 20 PM 3:57
CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

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Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility. **My family has lived on Chalk Mountain three generations. This is our home.**

I respectfully request a public meeting and hearing on this issue.

Sincerely,
Angela Jean Thompson
Texan currently residing: 1278 Glenneyre St #266, Laguna Beach CA 92651
Angelathompson28@yahoo.com

cc:
LaDonna Castanuela, Chief Clerk, TCEQ
Booker Harrison, Environmental Law Division, TCEQ
Dale Hall, Director of US Fish & Wildlife Service
Division of Endangered Species, Fish & Wildlife Service
State Senator Troy Fraser via email troy.fraser@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us
Mike Wilson, Permits Division, TCEQ
Dirk Kempthorne, Secretary of Interior
Benjamin Tuggle, Southwest Region, Fish & Wildlife
Division of Bird Habitat Conservation, US Fish & Wildlife
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us

MW

Simpson
[illegible] Granville St [illegible]
[illegible] CA 92057

OCT 2[illegible] 2008

Office of The Chief Clerk
Mail Code 105 TCEQ
PO Box 13087
Austin TX
[illegible]

Chuck [illegible]

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Office of Chief Clerk
TCEQQ
PO Box 13087
Austin Texas 78711-3087

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OCT 14 2008
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2008 OCT 13 PM 2:57
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Re Air Quality Permit #82199L002

To Whom It May Concern:

The purpose of this letter is to submit public comments, to request a public meeting and to request a contested case hearing to the Office of the Chief Clerk. An application has been made to the TCEQ for a permit which would authorize a rock crushing facility at 11209 US Hwy. 67, Glen Rose, Texas, Somervell County. Tommy Davis, dba Slick Machines, of Brownwood, Texas is the applicant. I am definitely opposed to this permit being issued because of the following reasons.

Air contaminants and loss of habitat will negatively impact the health and well being of Federally and State listed Endangered Species (Black-Capped Vireos and Golden-Cheeked Warblers). They are on the top 10 endangered list. I feel all wild life will be affected.

I am concerned about air and noise pollution negatively affecting the health and quality of life of residents.

This is a heavily populated area. The speed limit is 70 mi. per hour on the highway. There are steep inclines and many curves. Increased truck traffic will create dangerous conditions in this area.

I fear a negative economic impact on Somervell County because of the loss of tourism and lower home values.

Chalk Mountain, an identifiable historical state landmark, would be forever removed from our landscape. A State Road Side Park considered one of the states most beautiful will be overlooking a rock crushing facility if this permit is granted. There are numerous other historical sites in the area including a church.

We recognized the need for rock crushers and gravel. We simply feel, for the reasons stated above, that the proposed site is the wrong location for a facility of this kind, and we request you assistance in ensuring that this facility is not established.

Sincerely,

Gerald & Jennifer Thompson
254.396.4999

mw

ROUGH CREEK LODGE, INC.
P.O. BOX 2400
GLEN ROSE, TEXAS 76043

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P.O. BOX 13087
Austin, TX 78711-3087

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 11 AM 11:22

CHIEF CLERKS OFFICE

OPA

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BY BP

February 11, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a **Public Hearing** in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

We live at Visit 9903 W. Hwy 67, approximately 1/2 mi from the proposed facility.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Endangered Species in and around the proposed facility due to air quality.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Impact to the roads in Somervell County and the cost associated with upgrading the roads to handle Rock Haulers and the dangers posed by heavy trucks ingress and egress to Hwy 67.
- Decreased property values in the area around the proposed facility and in Somervell County.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park.
- The Nuisance created by the proposed facility preventing the enjoyment of the State Roadside Park and surrounding bird watching areas.

MW

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

We feel we are affect parties, because:

☑ The Nuisance created by the proposed facility and its impact on our enjoyment of the State Roadside Park and the impact to our enjoyment of bird watching in the area in and around the proposed facility.

☐ Health Issues _____

☐ Property Value, we live within _____ of the proposed facility and the Rock Crushing facility will have a negative impact on our property values and will prevent us from the enjoyment of our property.

☑ Other: Traffic from trucks
State Park, Birding

Please include our name on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature Susan Thompson

Name ~~10122 Cromwell Dr.~~ SUSAN Thompson

Address 10122 Cromwell Dr., Dallas, Tx 75229

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us
Representative Harvey Hildebran
David Frederick, Attorney

NFUL
LL1539

OPA
PM
Jpt FEB 13 2009
BY EB

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 FEB 13 PM 4:06

CHIEF CLERKS OFFICE

February 11, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a Public Meeting in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility, we live within _____ of the proposed location.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Endangered Species in and around the proposed facility due to air quality.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Impact to the roads in Somervell County and the cost associated with upgrading the roads to handle Rock Haulers and the dangers posed by heavy trucks ingress and egress to Hwy 67.
- Decreased property values in the area around the proposed facility and in Somervell County.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park.
- The Nuisance created by the proposed facility preventing the enjoyment of the State Roadside Park and surrounding bird watching areas.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

mw

Concerning the Public Meeting we are requesting be held in Glen Rose, we respectfully request a meeting with the TCEQ to understand why:

- Questions that were raised in the first Public Meeting held in Glen Rose on October 23, 2008 have gone unanswered, yet the Permit process is progressing.
- Why the questions were not reviewed as part of the vetting process to determine if the Permit Application was "Administratively Complete" and complied with TCEQ Rules and Regulations when over 20 flaws were noted in the initial permit.
- Why the Permit Application has been allowed to move forward while the Public has not been provided with information as detailed in the TCEQ Public Notices in the *Glen Rose Reporter*.
- Why the TCEQ has not made sure the Applicant filed information in accordance with the requirements of the Second Notice from the first day that the notice was placed in the *Glen Rose Reporter*.
- Why the TCEQ is allowing the process to move forward when the notice was placed in the paper improperly.
- Why the TCEQ is rushing the application through the approval process without having performed tests to identify whether Silica will be present in the air as the result of Rock Crushing operation or if any other known Carcinogens will be released into the atmosphere as a result of Rock Crushing operations.

Please include our name on the permanent mailing list for this permit application 82199L002.

Sincerely,

Susan Thompson
10122 Cromwell Dr.
Dallas, Tx 75229

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us
Representative Harvey Hildebran
David Frederick, Attorney

H OPA

FEB 20 2009

BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 FEB 20 AM 10: 34

CHIEF CLERKS OFFICE

February 13, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

NSR
64589

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a **Public Hearing** in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

As a member of Fort Worth Audubon Society and/or National Audubon, the opportunities afforded nature lovers at Chalk Mt. are of great importance.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility. Hundreds of tourist, including birdwatchers, come to the Chalk Mt. area to enjoy the native habitat and air quality provided in Somervell County.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Federally Endangered Species in and around the proposed facility due to air quality. We are especially concerned about the effect on the breeding birds of Chalk Mt., specifically the Golden-cheeked warbler and Black-capped vireo.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park. Our enjoyment of this Roadside Park will be effected by dust, debris and noise coming from the proposed facility.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

We feel we are affect parties, because:

- The Nuisance created by the proposed facility and its impact on our enjoyment of the State Roadside Park and the impact to our enjoyment of bird watching in the area in and around the proposed facility. For many years, Fort Worth Audubon Society has enjoyed the gracious hospitality of private landowners, specifically, the adjacent property landowner. We have been allowed access to survey and study the birds, including the Federally Endangered Birds named above.

- Dust and debri in the area will not only affect the health of birdwatchers in the area, it will cover the native habitat which is essential for the breeding population of Chalk Mt. Golden-cheeked warbler and Blck-capped vireos, both listed on Federally Endangered Species.

- Please include Fort Worth Audubon Society on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature Susan Thrower

Name Susan Thrower

Address 2805 N. Britain Rd.
IRVING, TX 75062

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

IDR
64580

PM
H

OPA

OCT 20 2008

BY BP

Office of the Chief Clerk

Mail Code 105 TCEQ

P.O. Box 13087

Austin, TX 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 OCT 17 PM 3:18

CHIEF CLERKS OFFICE

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres of oak shinnery and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. I fear that the installation and operation of the proposed rock-crushing facility will adversely impact the nesting and occupied habitat of these 2 endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for habitat restoration may be wasted efforts if this facility is permitted for operation.

In addition to potential impacts to 2 federally endangered species of birds, the proposed rock crushing facility will also potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Jim Fenton
4008 Brookmoor Dr.
Arlington Tx 76016

mw

Ms. Ann Trenton
4008 Brookmoor Dr
Arlington, TX 76016-1409

FORT WORTH, TX
15 OCT 2008 PM

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 17 PM 3:18

CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin TX 78711-3087

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78711-3087

NSR
64589

John and Gusteen Jenkins Trimble
PO Box 120
Glen Rose, Tx 76043
254-897-7449

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 24 AM 10: 21
CHIEF CLERKS OFFICE

21 October 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

PM
H
OPA
BY BP

RE: Permit Request No. 82199L002

To Whom It May Concern:

We live in Somervell County at 1125 County Road 1005.

We are opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area for the following reasons.:

Air Quality in Somervell County. The proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration

Endangered Species. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

mw

Environmental Issues. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. We are also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

Economic Impact. Somervell County is a destination location for thousands of tourists, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

We respectfully request a public meeting and hearing on this issue.

Sincerely,..

John Trimble

Gusteen Jenkins Trimble

P.O. Box 120
Glen Rose, TX 76043

DALLAS TX 752
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"LET US DARE TO READ, THINK, SPEAK AND WRITE"
John Adams, 1765
power of the ballot

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P.O. Box 13087
Austin, TX 78711-3087

2008 OCT 24 AM 10:21
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78711-3087

NSR
WL1589

THE UNIVERSITY OF TEXAS AT DALLAS

BOX 830688, RICHARDSON, TEXAS 75083-0688 EMAIL FREDERICKTURNER@TX.RR.COM
TEL (OFFICE) 972/883-2777 (HOME) 972/437-2155 (FAX) 972/437-2155

FREDERICK TURNER
FOUNDERS PROFESSOR
SCHOOL OF ARTS AND HUMANITIES

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 17 AM 10:02
CHIEF CLERKS OFFICE

OPA
PM
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OCT 17 2008
BY

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3097

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County, my address is:

1275 Waters Edge Lane
Glen Rose, TX 76043

I am opposed to a rock-crushing facility (permit number 82199 l002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

Air Quality in Somervell County, the proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Endangered Species. This area provides critical habitat for 2 federally endangered species of birds - the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologist and naturalist from all over the world have come to this area to study these birds, which nest only in the Edward Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Environmental Issues. Including environmental impacts of excess noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the

destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

Economic Impact. Somervell County is a destination location for thousands of tourists, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Frederick Turner

RECEIVED
OCT 17 2008
TCEQ MAIL CENTER
MM

Frederick Turner 316466 ~~211102~~ Founders Professor
School of Arts and Humanities
THE UNIVERSITY OF TEXAS AT DALLAS
P.O. BOX 830688 RICHARDSON, TX 75083-0688

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3097

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OCT 21 2008
BY BP

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3097

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 20 PM 3:52
CHIEF CLERKS OFFICE

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Bosque County, my address is:

244 CR 2376

I am opposed to a rock-crushing facility (permit number 82199 l002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

Air Quality in Somervell County, the proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Endangered Species. This area provides critical habitat for 2 federally endangered species of birds - the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologist and naturalist from all over the world have come to this area to study these birds, which nest only in the Edward Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Environmental Issues. Including environmental impacts of excess noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

Economic Impact. Somervell County is a destination location for thousands of tourists, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Steve Vardeman

WLS LIGHTING SYSTEMS

P.O. Box 100519

Fort Worth, TX 76185

PITNEY BOWES

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 OCT 20 PM 3:52

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OFFICE OF THE CHIEF Clerk

MAIL Code 105 TCEQ

P.O. BOX 13087

Austin, TX 78711-3097

78711-3087

PM OPA
H OCT 16 2008
BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 OCT 16 AM 10: 39

CHIEF CLERKS OFFICE

NSR
64589

October 12, 2008

Office of the Chief clerk
Mail Code 105 TCEQ
Po Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at: 106 Summit Edge Ct - Glen Rose, Texas 76043

I am opposed to a rock-crushing facility (Permit Number 82199L002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

AIR QUALITY IN SOMERVELL COUNTY. The Proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

ENDANGERED SPECIES. This area provides critical habitat for 2 federally endangered species of birds, the Golden Cheeked Warbler and Black Capped Vireo. These two birds next extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which next only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

ENVIRONMENTAL ISSUES. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

ECONOMIC IMPACT. Somervell County is a destination location for thousands of tourists, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Eugenie Vaughn

Eugenie Vaughn

MW

Mrs. L. Vaughn
106 Summit Edge Ct.
Glen Rose, TX 76043

FORT WORTH TX 761

14 OCT 2008 PM 1 T

"LET US DARE TO READ,
[redacted], SPEAK AND
John Adams, 1765
powerofthepen[redacted]

Office of the Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

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OCT 16 2008
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October 12, 2008

Office of the Chief clerk
Mail Code 105 TCEQ
Po Box 13087
Austin, TX 78711-3087

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OPA

OCT 16 2008

BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 OCT 16 AM 10: 39

CHIEF CLERKS OFFICE

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at: 106 Summit Edge Ct - Glen Rose Texas 76043

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I am concerned about the following issues:

AIR QUALITY IN SOMERVELL COUNTY. The Proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

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ENVIRONMENTAL ISSUES. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

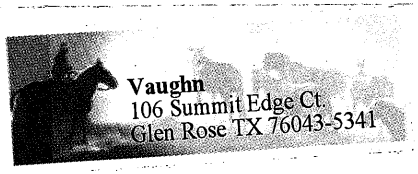
ECONOMIC IMPACT. Somervell County is a destination location for thousands of tourists, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Lonnie D. Vaughn

MW



Vaughn
106 Summit Edge Ct.
Glen Rose TX 76043-5341

FORT WORTH TX 761

14 OCT 2008 PM 4 T

"LET US DARE TO READ,
THINK, SPEAK AN
John Adams, 1765
poweroftheleth

US POSTAGE FIRST-CLASS FOREVER

Office of the Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RECEIVED
OCT 16 2008
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78711-3087

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 15 PM 1:57

CHIEF CLERKS OFFICE

October 10, 2008

Office of the Chief Clerk

Mail Code 105 TCEQ

P.O. Box 13087

Austin, TX 78711-3087

NSR
6455e1

PM
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OPA
OCT 16 2008
BY BP

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres of oak shinnery and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. I fear that the installation and operation of the proposed rock-crushing facility will adversely impact the nesting and occupied habitat of these 2 endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for habitat restoration may be wasted efforts if this facility is permitted for operation.

In addition to potential impacts to 2 federally endangered species of birds, the proposed rock crushing facility will also potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be

mw

given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Mark H. Wagner

Washington, D.C.

cc:

LaDonna Castanuela, Chief Clerk, TCEQ

Mike Wilson, Permits Division, TCEQ

Booker Harrison, Environmental Law Division, TCEQ

Dirk Kempthorne, Secretary of Interior

Dale Hall, Director of US Fish & Wildlife Service

Benjamin Tuggle, Southwest Region, <ST1:COUNTRY-REGIoN w:st="on">US</ST1:COUNTRY-REGIoN> Fish & Wildlife Service

Division of Endangered Species, <ST1:COUNTRY-REGIoN w:st="on">US</ST1:COUNTRY-REGIoN> Fish & Wildlife Service

Division of Bird Habitat Conservation, US Fish & Wildlife Service

State Senator Troy Fraser via email troy.fraser@senate.state.tx.us

State Senator Kip Averitt via email kip.averitt@senate.state.tx.us

Representative Sid Miller via email sid.miller@house.state.tx.us

DATE and TIME	TCEQ REGION	DESCRIPTION
October 23, 2008 7:00 p.m.	4	Public Meeting

NOTICE OF PUBLIC MEETING ON APPLICATION FOR PROPOSED AIR QUALITY PERMIT NUMBER 82199L002

APPLICATION. Mr. Tommy Davis dba Slick Machines, 762 Spillway Road, Brownwood, Texas 76801, has applied to the Texas Commission on Environmental Quality (TCEQ) for issuance of Air Quality Permit 82199L002, which would authorize the change of location of a Rock Crushing Facility to 11209 U.S. Highway 67 (200 yards east), Glen Rose, Somervell County, Texas. The facility will emit the following air contaminants: particulate matter including particulate matter less than 10 microns in diameter.

The TCEQ Executive Director has determined the application is administratively complete and will conduct a technical review of the application.

PUBLIC COMMENT/PUBLIC MEETING. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. During the Informal Discussion Period, the public is encouraged to ask questions of the applicant and TCEQ staff concerning the application. However, informal comments made during the Informal Discussion Period will not be considered by the TCEQ Commissioners before reaching a decision on the permit and no formal response will be made to the informal comments. During the Formal Comment Period, members of the public may state their formal comments into the official record. A written response to all formal comments will be prepared by the Executive Director and considered by the Commissioners before they reach a decision on the permit. A copy of the response will be sent to each person who submits a formal comment or who requested to be on the mailing list for this application and provides a mailing address. Only relevant and material issues raised during the formal comment period can be considered if a contested case hearing is granted.

The Public Meeting is to be held:
Thursday, October 23, 2008 at 7:00 p.m.
Somervell County Citizens Center
209 SW Barnard
Glen Rose, Texas 76043

INFORMATION. Citizens are encouraged to submit written comments anytime during the meeting or by mail before the meeting to the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, TX 78711-3087. If you need more information, please call the TCEQ Office of Public Assistance, Toll Free, at 1-800-687-4040. *Si desea información en Español, puede llamar 1-800-687-4040.* General information about the TCEQ can be found at our web site at www.tceq.state.tx.us.

The permit application is available for viewing and copying at the TCEQ central office located at 12100 Park 35 Circle, Building E, Room 103, Austin, Texas 78753; the TCEQ Fort Worth regional office located at 2309 Gravel Drive, Fort Worth, Texas 76118 and the Somervell County Library, 108 Allen Drive, Glen Rose, Somervell County, Texas. The facilitys compliance file, if any exists, is available for public review in the Fort Worth regional office at the address listed above. Further information may also be obtained from Mr. Tommy Davis dba Slick Machines, 762 Spillway Road, Brownwood, Texas 76801 or by calling Mr. Davis at (325) 784-8030.

Issued: October 7, 2008

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Danath Roden
1403 Montague St NW
Washington, D.C. 20011

WASHINGTON DC 200

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Booker Harrison
MC 173
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

78711+3087

NSR
October 10, 2008 604589

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 14 PM 1:45

CHIEF CLERKS OFFICE

Office of the Chief Clerk

Mail Code 105 TCEQ

P.O. Box 13087

Austin, TX 78711-3087

OPA
PM
OCT 14 2008
H
BY a

RE: Permit Request No. 82199L002

To Whom It May Concern:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Many landowners in the area, through the efforts of the Chalk Mountain Wildlife Association, have performed extensive habitat restoration on their lands to encourage and facilitate nesting for these two endangered species of birds, as well as other wildlife. To date some of the completed projects include restoration of 28 acres of Golden-cheeked Warbler habitat, restoration of 710 acres of oak shinnery and other shrubby woody plants so as to create suitable conditions for colonization by Black-capped Vireos, and restoration of 1,151 acres of savanna/native grasslands. I fear that the installation and operation of the proposed rock-crushing facility will adversely impact the nesting and occupied habitat of these 2 endangered species. The efforts and expenses incurred by members of the Chalk Mountain Wildlife Association, as well as federal grants awarded for habitat restoration may be wasted efforts if this facility is permitted for operation.

In addition to potential impacts to 2 federally endangered species of birds, the proposed rock crushing facility will also potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be

mw

given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Additional environmental impacts of concern include excessive noise from operation of the facility, as well as increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Mark H. Wagner

Washington, D.C.

cc:

LaDonna Castanuela, Chief Clerk, TCEQ

Mike Wilson, Permits Division, TCEQ

Booker Harrison, Environmental Law Division, TCEQ

Dirk Kempthorne, Secretary of Interior

Dale Hall, Director of US Fish & Wildlife Service

Benjamin Tuggle, Southwest Region, <ST1:COUNTRY-REGIoN w:st="on">US</ST1:COUNTRY-REGIoN> Fish & Wildlife Service

Division of Endangered Species, <ST1:COUNTRY-REGIoN w:st="on">US</ST1:COUNTRY-REGIoN> Fish & Wildlife Service

Division of Bird Habitat Conservation, US Fish & Wildlife Service

State Senator Troy Fraser via email troy.fraser@senate.state.tx.us

State Senator Kip Averitt via email kip.averitt@senate.state.tx.us

Representative Sid Miller via email sid.miller@house.state.tx.us

DATE and TIME	TCEQ REGION	DESCRIPTION
October 23, 2008 7:00 p.m.	4	Public Meeting

NOTICE OF PUBLIC MEETING ON APPLICATION FOR PROPOSED AIR QUALITY PERMIT NUMBER 82199L002

APPLICATION. Mr. Tommy Davis dba Slick Machines, 762 Spillway Road, Brownwood, Texas 76801, has applied to the Texas Commission on Environmental Quality (TCEQ) for issuance of Air Quality Permit 82199L002, which would authorize the change of location of a Rock Crushing Facility to 11209 U.S. Highway 67 (200 yards east), Glen Rose, Somervell County, Texas. The facility will emit the following air contaminants: particulate matter including particulate matter less than 10 microns in diameter.

The TCEQ Executive Director has determined the application is administratively complete and will conduct a technical review of the application.

PUBLIC COMMENT/PUBLIC MEETING. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. During the Informal Discussion Period, the public is encouraged to ask questions of the applicant and TCEQ staff concerning the application. However, informal comments made during the Informal Discussion Period will not be considered by the TCEQ Commissioners before reaching a decision on the permit and no formal response will be made to the informal comments. During the Formal Comment Period, members of the public may state their formal comments into the official record. A written response to all formal comments will be prepared by the Executive Director and considered by the Commissioners before they reach a decision on the permit. A copy of the response will be sent to each person who submits a formal comment or who requested to be on the mailing list for this application and provides a mailing address. Only relevant and material issues raised during the formal comment period can be considered if a contested case hearing is granted.

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Issued: October 7, 2008

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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 13 PM 2:46

CHIEF CLERKS OFFICE

October 10, 2008

NSR
604589

Office of the Chief Clerk

Mail Code 105 TCEQ

P.O. Box 13087

Austin, TX 78711-3087

PM
H

OPA
OCT 14 2008
BY

RE: Permit Request No. 82199L002

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Mark H. Wagner

Washington, D.C.

cc:

LaDonna Castanuela, Chief Clerk, TCEQ

Mike Wilson, Permits Division, TCEQ

Booker Harrison, Environmental Law Division, TCEQ

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Benjamin Tuggle, Southwest Region, <ST1:COUNTRY-REGIoN w:st="on">US</ST1:COUNTRY-REGIoN> Fish & Wildlife Service

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State Senator Troy Fraser via email troy.fraser@senate.state.tx.us

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Issued: October 7, 2008

Danath Roden
1403 Montague St NW
Washington, D.C. 20011

WASHINGTON DC 200
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Austin, TX 78711-3087

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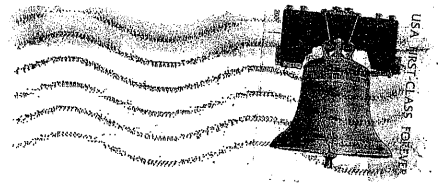
Danath Roden
1403 Montague St NW
Washington, D.C. 20011

WASHINGTON DC 200
11 OCT 2008 PM 6T



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Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

NSR Oct. 14, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

OPA

OCT 16 2008 2008 OCT 16 AM 10: 36

BY CHIEF CLERKS OFFICE

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at: 1369 CR 2021

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

Air Quality in Somervell County, the proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Endangered Species. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Environmental Issues. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

Economic Impact. Somervell County is a destination location for tourists all over North Texas, including locations such as Dinosaur State Park and Fossil Rim Wildlife Center which are within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Leslie Wasilchak

Craig & Leslie Wasilchak
PO Box 792
Glen Rose, TX 76043-0792

FORT WORTH TX 761

14 OCT 2008 PM 6 T

LET US WAGE
THINK, SPEAK
John Adams, 1
powerofthe

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 OCT 13 AM 10: 20

CHIEF CLERKS OFFICE

October 9, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Permit Request No. 82199L002

2008 OCT 13 AM 10: 20

CHIEF CLERKS OFFICE

To Whom It May Concern:

I live in Somervell County at: ~~[illegible]~~ 1413 CR 302, Glen Rose, TX P.O. Box 1770

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

Air Quality in Somervell County. the proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

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Economic Impact. Somervell County is a destination location for thousands of tourists, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely, Rudy L. Watson

OPA

PM
H

OCT 13 2008

BY

Rudy Watson
PO Box 1710
Glen Rose, TX 76043-1710

FORT WORTH TX 761
10 OCT 2008 PM 6 T

"LET US DARE TO
THINK, SPEAK AND
John Adams, 1765
powerofthelette

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Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX. 78711-3087

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10-11-08

To: State Representative Sid Miller, Senator Kip Averitt + the TCEQ,

I Live in Somervell County and am requesting a public hearing regarding air emissions from the proposed facility (rock crushing) permit request #82199L002.

NSR
64589

Sincerely,

Patti Webb

OPA
H SEP 15 2008
BY bl

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP 15 AM 10:26
CHIEF CLERKS OFFICE

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1052 CR 2022
Glen Rose, TX
76043

FORT WORTH TX 761
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THINK, SPEAK AN
John Adams, 176
powerofthelet

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP 15 AM 10: 25
CHIEF CLERKS OFFICE

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MC 105, TECQ
P.O. Box 13087
Austin, TX
7811-3087

78711+3087

Office of the Chief Clerk
PO BOX 13087
Austin, TX 78711-3087

NSR
64589

HR OPA
SEP 04 2008
BY DM

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP -4 AM 10:18
CHIEF CLERKS OFFICE

Dear Sir or Madam:

I am writing in regards to an Air Quality Permit Request (Permit Number 82199L002) in Somervell County. Tommy Davis has requested a permit to allow a rock crushing facility to operate eight hours/day, five days/week, and to crush 100 tons of rock/hour for a total of 75,000 tons/year. The permit seeks approval to allow air contaminants "including particulate matter less than 10 microns in diameter."

One of the unique things about the property adjacent to the area to be permitted is the presence of two species of Federal and State listed Endangered birds, the Golden-Cheeked Warbler and the Black-Capped Vireo. The property to be permitted is likely to also have populations of these birds. If approved, the entire area's population of these protected birds will be negatively impacted by the air contaminants released by the rock crushing facility.

While I understand the permit request is in regards to air quality, I also think that other factors need to be considered. The rock removed from the property will definitely destroy critical habitat required by these two species of birds. If their habitat is destroyed that will be in violation of federal endangered species laws. The noise produced from the activities of this facility will also disturb the birds' nesting behavior, again in violation of federal laws protecting endangered species.

I am requesting that a formal public hearing be held in regards to this permit request. This will allow for a thorough discussion of the issues involved before any decision is made.

Sincerely,

Tina Weinert
963 S. Rustic Cir.
Dallas, TX 75218
214-660-4883

MW

Tina Weinert
963 S. Rustic Cir.
Dallas, TX 75218

DALLAS TX 752
02 SEP 2008 PM 4 L

John Adams, 17
powerofthelet

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

08 SEP -4 AM 10:18
CHIEF CLERKS OFFICE

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Office of the Chief Clerk
PO BOX 13087
Austin, TX 78711-3087

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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 13 AM 10: 20

CHIEF CLERKS OFFICE

October 9, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

OPA
PM
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OCT 13 2008
BY

RE: Permit Request No. 82199L002

To Whom It May Concern:

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I respectfully request a public meeting and hearing on this issue.

Sincerely, John W Wenzel
Betty L. Wenzel

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Mike Wilson, Permits Division, TCEQ
Booker Harrison, Environmental Law Division, TCEQ
Dirk Kempthorne, Secretary of Interior
Dale Hall, Director of US Fish & Wildlife Service
Benjamin Tuggle, Southwest Region, US Fish & Wildlife Service
Division of Endangered Species, US Fish & Wildlife Service
Division of Bird Habitat Conservation, US Fish & Wildlife Service
State Senator Troy Fraser via email troy.fraser@senate.state.tx.us
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us

John W. Wenzel
1516 Rosewood Drive
Keller, TX 76248

FORT WORTH TX 761

10 OCT 2008 PM 3 L

"LET US DARE TO R
THINK, SPEAK AND
John Adams, 1765
powerofthelette

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

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OCT 10 2008

BY DM

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 OCT 10 AM 10: 23

CHIEF CLERKS OFFICE

Office of the Chief Clerk

MC: 105 TCEQ

PO BOX 13087

Austin, TX 78711-3087

Re: Air Quality Permit number 82199L002

October 8, 2008

Dear Sir or Ma'am,

I would like to protest the issuance of the above referenced permit for the rock crushing facility to be located in rural Somervell County near Chalk Mountain. My home and property is located at the intersection of US Hwy 67 and County Road 2013. As such I believe I am within the distance to be considered an "affected party". My family and livestock will be adversely affected by the rock dust I anticipate will be generated by this operation.

I am requesting a public meeting as well as a contested hearing.

Respectfully,

David Whitsitt
1014 CR 2013 Walnut Springs, Tx. 76690

mw

Whitsitt
1014 CR 2013
Walnut Springs TX
76690

FORT WORTH TX 761
08 OCT 2008 PM 1 T

"LET US DARE TO READ,
THINK, SPEAK AND WRITE"
John Adams, 17
powerofthebel

FIRST-CLASS FOREVER

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MC: 105 TCEQ
PO Box 13087
Austin TX
78711-3087

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OPA
OCT 21 2008
BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 20 PM 3:48
CHIEF CLERKS OFFICE

Office of Chief Clerk
TCEQ
PO Box 13087
Austin Texas 78711-3087

Re Air Quality Permit #82199L002

To Whom It May Concern:

The purpose of this letter is to submit public comments, to request a public meeting and to request a contested case hearing to the Office of the Chief Clerk. An application has been made to the TCEQ for a permit which would authorize a rock crushing facility at 11209 US Hwy. 67, Glen Rose, Texas, Somervell County. Tommy Davis, dba Slick Machines, of Brownwood, Texas is the applicant. I am definitely opposed to this permit being issued because of the following reasons.

Air contaminants and loss of habitat will negatively impact the health and well being of Federally and State listed Endangered Species (Black-Capped Vireos and Golden-Cheeked Warblers). They are on the top 10 endangered list. I feel all wild life will be affected.

I am concerned about air and noise pollution negatively affecting the health and quality of life of residents.

This is a heavily populated area. The speed limit is 70 mi. per hour on the highway. There are steep inclines and many curves. Increased truck traffic will create dangerous conditions in this area.

I fear a negative economic impact on Somervell County because of the loss of tourism and lower home values.

Chalk Mountain, an identifiable historical state landmark, would be forever removed from our landscape. A State Road Side Park considered one of the states most beautiful will be overlooking a rock crushing facility if this permit is granted. There are numerous other historical sites in the area including a church.

We recognized the need for rock crushers and gravel. We simply feel, for the reasons stated above, that the proposed site is the wrong location for a facility of this kind, and we request you assistance in ensuring that this facility is not established.

Sincerely,

Ruth W. Wiederkehr

mw

Ruth [redacted] Wiederkehr
3131 Maple Avenue 2C
Dallas, Texas 75201

DALLAS TX 752

17 OCT 2008 PM 6 T

[redacted]
THINK, SPEAK A[redacted]
John Adams, 176[redacted]
powerofthelet[redacted]

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 20 PM 3:48

CHIEF CLERKS OFFICE

RECEIVED
OCT 20 2008
TCEQ MAIL CENTER
MM

Office of Chief Clerk
TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

NSR
64589

February 11, 2009

OPA

H
IPX FEB 17 2009

BY EB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 FEB 16 PM 3:02
CHIEF CLERKS OFFICE

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a **Public Hearing** in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

We live at 1922 County Rd 2021, approximately 6 from the proposed facility. Glen Rose TX 76043

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Endangered Species in and around the proposed facility due to air quality.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Impact to the roads in Somervell County and the cost associated with upgrading the roads to handle Rock Haulers and the dangers posed by heavy trucks ingress and egress to Hwy 67.
- Decreased property values in the area around the proposed facility and in Somervell County.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park.
- The Nuisance created by the proposed facility preventing the enjoyment of the State Roadside Park and surrounding bird watching areas.

mw

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

We feel we are affect parties, because:

☐ The Nuisance created by the proposed facility and its impact on our enjoyment of the State Roadside Park and the impact to our enjoyment of bird watching in the area in and around the proposed facility.

☐ Health Issues _____

☐ Property Value, we live within _____ of the proposed facility and the Rock Crushing facility will have a negative impact on our property values and will prevent us from the enjoyment of our property.

☒ Other: over all - see circled reasons on front page specifically

Please include our name on the permanent mailing list for this permit application 82199L002.

Sincerely,

Signature Sarah Murski Williams

Name SARAH MURSKI WILLIAMS

Address 1922 CR 2021
GLEN ROSE, TX 76043

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us
Representative Harvey Hildebran
David Frederick, Attorney

Sarah Murski Williams
1922 County Road 2021
Glen Rose, TX 76043

RECEIVED
FEB 16 2009
TCEQ MAIL CENTER
JR

FORT WORTH TX 761
13 FEB 2009 PM 3 T

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

78711+3087

PM OPA
H NOV 04 2008
BY KG

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 NOV -3 PM 2:45

CHIEF CLERKS OFFICE

NSR
604589

October 31, 2008

Office of the Chief Clerk

Mail Code 105 TCEQ

P.O. Box 13087

Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at: 204 Austin Rd. - Glen Rose, Tx. 76043

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

Air Quality in Somervell County. The proposed rock crushing facility will potentially impact the region's ability to meet the National Ambient Air Quality Standards for the Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas Counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet clean air standards for Particular Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Endangered Species. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the region.

Environmental Issues. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents wth the increase of water and hauling trucks in order to run this facility.

Environmental Impact. Somervell County is a destination location for thousands of tourist, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Charlotte Ann Wells

MW

C. A. & L. G. Willis II
PO Box 1253
Glen Rose, TX 76043-1253

FORT WORTH TX 761

01 NOV 2008 PM 3 T

[redacted]
John Adams, 1765
powerofthelett[redacted]

USA FIRST-CLASS

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NOV 0 3 2008
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RB

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, Tx. 78711-3087

78711+3087

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 NOV -3 PM 2:45

CHIEF CLERKS OFFICE

OPA

PM
H

NOV 04 2008

BY KY

NSR
04589

October 31, 2008

Office of the Chief Clerk

Mail Code 105 TCEQ

P.O. Box 13087

Austin, TX 78711-3087

RE: Permit Request No. 82199L002

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Endangered Species. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the region.

Environmental Issues. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents wth the increase of water and hauling trucks in order to run this facility.

Environmental Impact. Somervell County is a destination location for thousands of tourist, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

L G Willis

mw

NSR 64589 PM H

OPA
OCT 20 2008
BY BP

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3097

2008 OCT 17 PM 3:29
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County, my address is: P.O. BOX 1240 Glen Rose, TX 76043

I am opposed to a rock-crushing facility (permit number 82199 l002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

Air Quality in Somervell County, the proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Endangered Species. This area provides critical habitat for 2 federally endangered species of birds - the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologist and naturalist from all over the world have come to this area to study these birds, which nest only in the Edward Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Environmental Issues. Including environmental impacts of excess noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

Economic Impact. Somervell County is a destination location for thousands of tourists, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Pat Windham

MW

FORT WORTH TX 761

16 OCT 2008 PM 3 L

"LET US DARE TO READ, THINK, SPEAK A[illegible]"
John Adams, 17[illegible]
powerofthele[illegible]

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, Texas 78711-3097

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OCT 17 2008
TCEQ MAIL CENTER
RB

COMMISSION ON ENVIRONMENTAL QUALITY

2008 OCT 17 PM 3:28

CHIEF CLERKS OFFICE

78711+3087

NSR
64589

Office of Chief Clerk
TCEQ
PO Box 13087
Austin Texas 78711-3087

PM
4

OPA
OCT 13 2008
BY

2008 OCT 13 AM 10:27
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Re Air Quality Permit #82199L002

To Whom It May Concern:

The purpose of this letter is to submit public comments, to request a public meeting and to request a contested case hearing to the Office of the Chief Clerk. An application has been made to the TCEQ for a permit which would authorize a rock crushing facility at 11209 US Hwy. 67, Glen Rose, Texas, Somervell County. Tommy Davis, dba Slick Machines, of Brownwood, Texas is the applicant. I am definitely opposed to this permit being issued because of the following reasons.

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I am concerned about air and noise pollution negatively affecting the health and quality of life of residents.

This is a heavily populated area. The speed limit is 70 mi. per hour on the highway. There are steep inclines and many curves. Increased truck traffic will create dangerous conditions in this area.

I fear a negative economic impact on Somervell County because of the loss of tourism and lower home values.

Chalk Mountain, an identifiable historical state landmark, would be forever removed from our landscape. A State Road Side Park considered one of the states most beautiful will be overlooking a rock crushing facility if this permit is granted. There are numerous other historical sites in the area including a church.

We recognized the need for rock crushers and gravel. We simply feel, for the reasons stated above, that the proposed site is the wrong location for a facility of this kind, and we request you assistance in ensuring that this facility is not established.

Sincerely,

Charlie Wright
1099 CR 334
Rainbow, Tx 76077

MW

Charlie Wright
1099 CR 334
Rainbow, Tx 76077

$0.42⁰
US POSTAGE
FIRST CLASS
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endicia.com endicia.com endicia.com

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 13 AM 10: 26

CHIEF CLERKS OFFICE

Office of Chief Clerk
TCEQ
P.O. Box 13087
Austin, Tx 78711-3087

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OCT 13 2008
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Sample Letter to the TCEQ

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

NSR
U4589

October ___, 2008

2008 OCT 13 AM 10: 21

CHIEF CLERKS OFFICE

OPA

PM

OCT 13 2008

H BY ___

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at:

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

Air Quality in Somervell County, the proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

Endangered Species. This area provides critical habitat for 2 federally endangered species of birds – the Golden-cheeked Warbler and Black-capped Vireo. These two birds nest extensively throughout the Chalk Mountain range. Biologists and naturalists from all over the world have come to this area to study these birds, which nest only in the Edwards Plateau region of Texas. Documentation of nesting by both endangered species can be provided by property owners in the area.

Environmental Issues. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

Economic Impact. Somervell County is a destination location for tourists all over North Texas, including locations such as Dinosaur State Park which is within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

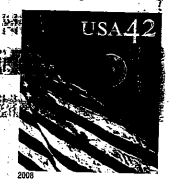
Sincerely,

Lela Yochan

MW

P.O. Box 7267
Glen Rose, Texas
76043

FORT WORTH TX 761
09 OCT 2008 PM 8 L



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OCT 13 2008
TCEQ MAIL CENTER
MM

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

78711-3087

NSR
64589

PM
H

OPA
NOV 04 2008
BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 NOV -3 AM 11:02
CHIEF CLERKS OFFICE

October 29, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Request No. 82199L002

To Whom It May Concern:
I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area. I am concerned that my families' health and the healith of my animals will be adversely affected by the emissions from a rock crushing facility, The physical address of my property is is :2761 County Road 2021 in Somvervell County. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration. The reduction of air quality has a deep concern with me as to having effects on my family, my animals, and also the poor air quality will greatly decrease the natural beauty of the area with diminished visability.

Additional environmental impacts of concern include excessive noise from operation of the facility. Blasting safety is a major concern with the many pipelines recently installed in the area. I live approx 1000 feet from an existing pipeline. I am also concerned regarding the use of ground water and my residential well. All residents in the impacted area are on individual water wells which have been drilled at the resident's expense. Will the operator of the rock crusher be drilling a water well or will he haul water? Will this affect the water table for our wells or the quality of the water we drink? What hazards will be in the drainage from the used water? I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

I respectfully request a public meeting and hearing on this issue. Please use the following address for any correspondence.

Dana Zauf

Dana Zauf

2761 County Road 2021

Glen Rose, TX 76043 chalkmtn@aol.com

MW

ZAUF
2761 Co Rd 2021
Glen Rose, Tx 76043

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 000.42⁰
0002539587 OCT 30 2008
MAILED FROM ZIP CODE 76043

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 NOV -3 AM 11:02
CHIEF CLERKS OFFICE

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NOV 03 2008
TCEQ MAIL CENTER
RB

78711+3087

Oct. 8, 2008

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

NSR
64589

PM OPA HR

OCT 10 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 OCT 10 AM 10: 20

BY DM

CHIEF CLERKS OFFICE

RE: Permit Request No. 82199L002

To Whom It May Concern:

I live in Somervell County at: 2761 County Road 2021, Glen Rose, TX

I am opposed to a rock-crushing facility (permit number 82199L002) scheduled for construction in the Chalk Mountain area.

I am concerned about the following issues:

Air Quality in Somervell County, the proposed rock crushing facility will potentially impact the region's ability to meet National Ambient Air Quality Standards for Particulate Matter less than 10 microns. Somervell County, in which the facility is to be located, is part of a voluntary regional planning entity made up of local governments from 16 North Central Texas counties, tasked with meeting federal clean air standards for the region. Consideration should be given regarding the impact of the planned facility on the region's ability to meet federal clean air standards for Particulate Matter less than 10 microns, which presents the greatest health risks to humans due to its ease of respiration.

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Environmental Issues. Including environmental impacts of excessive noise from operation of the facility, increased erosion and habitat destruction from increased transportation of heavy equipment to and from the facility. I am also concerned about the destruction of roads and the increase of traffic accidents with the increase of water and hauling trucks in order to run this facility.

Economic Impact. Somervell County is a destination location for tourists all over North Texas, including locations such as Dinosaur State Park and Fossil Rim Wildlife Center which are within 10 miles of the proposed facility.

I respectfully request a public meeting and hearing on this issue.

Sincerely,

Dana R. Zauf

chalkmtn@aol.com

mw

ZAUF
2761 Co Rd 2021
Glen Rose, Tx 76043

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 000.42⁰
0002539587 OCT 08 2008
MAILED FROM ZIP CODE 76043

OFFICE OF CHIEF CLERK
MAIL CODE 105 TCEQ
PO BOX 13087
AUSTIN, Tx 78711-3087

RECEIVED
OCT 10 2008
TCEQ MAIL CENTER
RB

78711+3087

NSR
64559

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 FEB 13 PM 4:09

CHIEF CLERKS OFFICE

February 11, 2009

Office of the Chief Clerk
Mail Code 105 TCEQ
P.O. Box 13087
Austin, TX 78711-3087

pm
tpt

OPA

BY EB

RE: Permit Request No. **82199L002**

To Whom It May Concern:

With this letter, we officially request a Public Meeting in regards to Air Quality Permit Number **82199L002** being applied for by Tommy Davis of Slick Machines, Brownwood, Texas. A Second Notice concerning the installation of a Rock Crusher at a proposed facility at Chalk Mountain ran in the *Glen Rose Reporter* on January 14, 2009.

We are opposed to the rock-crushing facility proposed for construction in the Chalk Mountain area. We are concerned for the following reasons:

- Air Quality in the vicinity of the proposed facility. Seventy-five families live within two miles of the facility, we live within 10 of the proposed location.
- Negative impact to the Air Quality for the 16 North Central Texas counties tasked with meeting federal clean air standards for the region.
- Negative impact of water availability and the water quality as the result of its use in the rock crushing operation.
- Overall impact to our health and safety as a result of the rock crushing operation.
- Negative impact to the Endangered Species in and around the proposed facility due to air quality.
- Health hazards created from excessive noise and dust generated from the rock crushing operation.
- Danger from blasting associated with the rock crushing operation and the negative impacts to the air quality as a result of the blasting.
- Impact to the roads in Somervell County and the cost associated with upgrading the roads to handle Rock Haulers and the dangers posed by heavy trucks ingress and egress to Hwy 67.
- Decreased property values in the area around the proposed facility and in Somervell County.
- Negative impact to the Tourism industry as the result of the air quality impact from the rock crushing operation.
- Public Safety relating to Air Quality and the public's use of the State Roadside Park located within sight of the proposed facility (approx 1/4 mile) and we are concerned with the health issues due to air quality when visiting the State Roadside Park.
- The Nuisance created by the proposed facility preventing the enjoyment of the State Roadside Park and surrounding bird watching areas.

We respectfully request that the Air Permit for the Rock Crushing operation be denied given the above reasons.

mw

Concerning the Public Meeting we are requesting be held in Glen Rose, we respectfully request a meeting with the TCEQ to understand why:

- Questions that were raised in the first Public Meeting held in Glen Rose on October 23, 2008 have gone unanswered, yet the Permit process is progressing.
- Why the questions were not reviewed as part of the vetting process to determine if the Permit Application was "Administratively Complete" and complied with TCEQ Rules and Regulations when over 20 flaws were noted in the initial permit.
- Why the Permit Application has been allowed to move forward while the Public has not been provided with information as detailed in the TCEQ Public Notices in the *Glen Rose Reporter*.
- Why the TCEQ has not made sure the Applicant filed information in accordance with the requirements of the Second Notice from the first day that the notice was placed in the *Glen Rose Reporter*.
- Why the TCEQ is allowing the process to move forward when the notice was placed in the paper improperly.
- Why the TCEQ is rushing the application through the approval process without having performed tests to identify whether Silica will be present in the air as the result of Rock Crushing operation or if any other known Carcinogens will be released into the atmosphere as a result of Rock Crushing operations.

Please include our name on the permanent mailing list for this permit application 82199L002.

Sincerely,

Dana Zaruf
2761 Co Rd 2021
Glen Rose, Tx 76043

cc:

LaDonna Castanuela, Chief Clerk, TCEQ
Vic McWirter, Senior Attorney, Public Interest Counsel
State Senator Kip Averitt via email kip.averitt@senate.state.tx.us
Representative Sid Miller via email sid.miller@house.state.tx.us
Representative Harvey Hildebran
David Frederick, Attorney