

From: PUBCOMMENT-OPA
To: PUBCOMMENT-OCC2
Date: 6/18/2010 8:21 AM
Subject: Fwd: Public comment on Permit Number 92504L001
Place: PUBCOMMENT-OCC2

WH
PM

>>> PUBCOMMENT-OCC 6/17/2010 4:09 PM >>>

>>> <kbierschenk@ntin.net> 6/17/2010 4:01 PM >>>

*AIRNSR
72987*

REGULATED ENTY NAMEROCK CRUSHER NO 3
RN NUMBER:RN105927628
PERMIT NUMBER:92504L001
DOCKET NUMBER:
COUNTY:COOKE
PRINCIPAL NAME:J R THOMPSON INC
CN NUMBER:CN600418669
FROM
NAME:Kenneth Bierschenk
E-MAIL:kbierschenk@ntin.net
COMPANY:
ADDRESS:8357 COUNTY ROAD 341
MUNSTER TX 76252-5102
PHONE:9407594197
FAX:

COMMENTS:This is a correction to a comment submitted last night (6/16/2010). I mistakenly put that I was requesting a public hearing. The letter should read that I am requesting a public meeting. A revised letter is listed below. Thank you. 8357 Country Road 341 Muenster, TX 76252 June 16, 2010 Texas Commission on Environmental Quality Office of the Chief Clerk MC-105 PO Box 13087 Austin, TX 78711-3087 To whom it may concern: This letter is to request a public meeting concerning a proposed Rock Crusher site approximately 100 yards from my property in Cooke County. The Air Quality Permit Number submitted is 92504L001. As a property owner that resides in the immediate area, I have a number of questions concerning the affects to the air quality that will result with the addition of this Rock Crusher. To begin with, will the air quality be monitored prior to the construction of the Rock Crusher? How often will the air quality be monitored after its construction? What are the nearest and furthest distances that air quality will be monitored from the proposed location? What is considered the cut-off for acceptable air quality in parts per million? What are the possible health risks in air contaminated with the particles that will be emitted from this facility? Will the air quality officials keep local residents informed of the tests performed? Is there a minimum distance from existing structures (homes, barns, water wells, etc.) that mining and/or crushing activities will take place? What potential effects will lowered air quality have on the livestock in the area? How from the facility location is air quality expected to be affected? If the operators are in violation of air quality, how many violations must take place before action will be taken, and what action can/will be taken against them? Will the operators and/or land owners be required to be bonded or required to have liability insurance? If the traffic to and from the crusher is on private property, will the property owners bear the same responsibility as the crusher operators? Sincerely, Kenneth Bierschenk

mw

From: PUBCOMMENT-OPA
To: PUBCOMMENT-OCC2
Date: 6/30/2010 12:50 PM
Subject: Fwd: Public comment on Permit Number 92504L001
Place: PUBCOMMENT-OCC2

H

>>> PUBCOMMENT-OCC 6/30/2010 8:02 AM >>>

>>> <kbierschenk@ntin.net> 6/29/2010 10:00 PM >>>

AIRNSR
72987

REGULATED ENTY NAME ROCK CRUSHER NO 3

RN NUMBER: RN105927628

PERMIT NUMBER: 92504L001

DOCKET NUMBER:

COUNTY: COOKE

PRINCIPAL NAME: J R THOMPSON INC

CN NUMBER: CN600418669

FROM

NAME: Kenneth Bierschenk

E-MAIL: kbierschenk@ntin.net

COMPANY:

ADDRESS: 8357 COUNTY ROAD 341

MUENSTER TX 76252-5102

PHONE: 9407594197

FAX:

COMMENTS: June 29, 2010 Texas Commission on Environmental Quality Quality Office of the Chief Clerk MC-105 P.O. Box 13087 Austin, Texas 78711-3087 Re: Permit Number 92504L001 Dear Chief Clerk, Mr. Kenneth Bierschenk recently requested a public meeting concerning the referenced Permit Number, and would like to submit the following as supplemental information that is relevant to the public meeting and the contested case hearing. If the contested case hearing is not automatically granted, Mr. Bierschenk would like to formally request one at this time. Originally, permit paperwork filed by J.R. Thompson, Inc. (Thompson) indicated that the location of the Rock Crusher would be east of County Road 343. Later conversations with a Thompson employee indicated that the actual entrance will be located on County Road 341. This is problematic for several reasons. While geographically this is correct, this is technically deceptive and misleading because the entrance to the facility is located on County Road 341. This results in another discrepancy because the permit signs are not located on the property identified in the permit application, but rather on a fence on neighboring property. There are no visible permit signs on the property itself. The plant road referenced in the permit application runs parallel to, and is less than one-half mile from Mr. Bierschenk's property. Further, the county road to be utilized by trucks transporting materials from Thompson run on the southeast, east and the north sides of Mr. Bierschenk's property resulting in almost constant dust surrounding the Bierschenk residence. Even more threatening is the possibility of the mobile/portable rock crusher later being moved to a location actually nearer to the Bierschenk residence. This is particularly dangerous as Mrs. Marilyn Bierschenk is currently dealing with numerous health problems including Multiple Sclerosis and osteoporosis. She has battled cancer, and continues to deal with a compromised immune system. She is encouraged by her doctors to spend time outside daily, but the Bierschens recognize that constant dust surrounding her home may further jeopardize her health. Her treating physician has indicated that he will provide any necessary documentation stating the same. While Thompson has indicated they may water down the roads in the area, there is still the reality of tremendous amounts of dust generated by blasting and crushing. Company representatives have also indicated that chemicals will be used to control the dust. The Bierschens are alarmed at this alternative too as Marilyn may be particularly vulnerable to chemical exposure. At the very least, Mr. Bierschenk would like a full disclosure of the chemicals to be used and the reported health effects associated with such use and exposure. Thompson has been inconsistent in their proposed operating schedule as well. Tentative schedules have varied from 18 hours per day, 7 days per week, 52 weeks per year to as much as 24 hours per day, 7 days per week, 52, weeks per year. Mr. Bierschenk and other families living nearby are distressed at this constant or near constant exposure to dust, noise and chemicals, for themselves and for their livestock, and even for the produce in their gardens. Can Thompson show that there is no short-term or long-term damage to the exposed people, animals or crops? Another major concern is the nearby water supply. As more and more water is utilized by area oil companies, and area water tables continue to drop, Mr. Bierschenk had previously investigated capturing and storing rainwater. Can water captured and stored in the vicinity of the rock crusher remain safe for consumption, particularly when the dust and chemicals will be concentrated due to collection over time and the effects of evaporation? And, can area streams and ponds remain safe under this constant cloud of dust and chemicals? Finally, as Mr. and Mrs. Bierschenk will have to attend a contested case hearing, they respectfully request that such a hearing be held in Cooke County. For serious health reasons stated, it is almost impossible for Mrs. Bierschenk to travel any significant distance. Complications from her medical condition are exacerbated each time she attempts to travel much beyond the county. Mr. and Mrs. Bierschenk are seeking to have the permit application denied. They may be reached by mail at 8357 CR 341, Muenster, Texas 76252. Mr. Bierschenk may be reached at 940.736-6972 Thank you for your time and attention to their concerns. Respectfully, Lydia K. Springer cc: Mr. Craig Estes 2716 Commerce Street, Suite 101 Wichita Falls, Texas 76301 Mr. Rick Hardcastle 1930 Fannin Vernon, TX 76384 Cooke County Commissioners Court The Honorable, John O. Roane 100 East California, Suite 216 Gainesville, TX 76240 Precinct 3 Commissioner Mr. Alan Smith 206 West

Cm

Main Gainesville, Tx 76240

From: PUBCOMMENT-OPA
To: PUBCOMMENT-OCC2
Date: 6/17/2010 9:52 AM
Subject: Fwd: Public comment on Permit Number 92504L001
Place: PUBCOMMENT-OCC2

HR

>>> PUBCOMMENT-OCC 6/17/2010 8:11 AM >>>

>>> <kbierschenk@ntin.net> 6/16/2010 10:14 PM >>>

AIRNSR
72987

REGULATED ENTY NAMEROCK CRUSHER NO 3

RN NUMBER:RN105927628

PERMIT NUMBER:92504L001

DOCKET NUMBER:

COUNTY:COOKE

PRINCIPAL NAME:J R THOMPSON INC

CN NUMBER:CN600418669

FROM

NAME:Kenneth Bierschenk

E-MAIL:kbierschenk@ntin.net

COMPANY:

ADDRESS:8357 COUNTY ROAD 341

MUENSTER TX 76252-5102

PHONE:9407594197

FAX:

COMMENTS:8357 Country Road 341 Muenster, TX 76252 June 16, 2010 Texas Commission on Environmental Quality Office of the Chief Clerk MC-105 PO Box 13087 Austin, TX 78711-3087 To whom it may concern: This letter is to request a public hearing concerning a proposed Rock Crusher site approximately 100 yards from my property in Cooke County. The Air Quality Permit Number submitted is 92504L001. As a property owner that resides in the immediate area, I have a number of questions concerning the affects to the air quality that will result with the addition of this Rock Crusher. To begin with, will the air quality be monitored prior to the construction of the Rock Crusher? How often will the air quality be monitored after its construction? What are the nearest and furthest distances that air quality will be monitored from the proposed location? What is considered the cut-off for acceptable air quality in parts per million? What are the possible health risks in air contaminated with the partides that will be emitted from this facility? Will the air quality officials keep local residents informed of the tests performed? Is there a minimum distance from existing structures (homes, barns, water wells, etc.) that mining and/or crushing activities will take place? What potential effects will lowered air quality have on the livestock in the area? How from the facility location is air quality expected to be affected? If the operators are in violation of air quality, how many violations must take place before action will be taken, and what action can/will be taken against them? Will the operators and/or land owners be required to be bonded or required to have liability insurance? If the traffic to and from the crusher is on private property, will the property owners bear the same responsibility as the crusher operators? Sincerely, Kenneth Bierschenk

MW

From: PUBCOMMENT-OPA
To: PUBCOMMENT-OCC2
Date: 6/21/2010 9:36 AM
Subject: Fwd: Public comment on Permit Number 92504L001
Place: PUBCOMMENT-OCC2

>>> PUBCOMMENT-OCC 6/21/2010 8:04 AM >>>

>>> <kbierschenk@ntin.net> 6/20/2010 10:35 AM >>>

*AIRNSR
72987*

REGULATED ENTY NAMEROCK CRUSHER NO 3

RN NUMBER:RN105927628

PERMIT NUMBER:92504L001

DOCKET NUMBER:

COUNTY:COOKE

PRINCIPAL NAME:J R THOMPSON INC

CN NUMBER:CN600418669

FROM

NAME:Kenneth Bierschenk

E-MAIL:kbierschenk@ntin.net

COMPANY:

ADDRESS:8357 COUNTY ROAD 341

MUENSTER TX 76252-5102

PHONE:9407594197

FAX:

COMMENTS:8357 CR 341 Muenster, TX 76252 June 19, 2010 Texas Commission on Environmental Quality Office of the Chief Clerk MC-105 PO Box 13087 Austin, TX 78711-3087 To whom it may concern: I recently submitted a letter requesting a public meeting concerning permit number 92504L001, which concerns a Rock Crusher that would be constructed as described 2 miles south of FM 1630 on the east side of County Road 343. After further investigation and speaking with an employee at J.R. Thompson, Inc., I have found that although the description may be geographically accurate, the description is technically deceptive and/or misleading. The individual I spoke with stated that the entrance to the Rock Crusher would be County Road 341, which is not listed in the description in the permit request. I feel that this description should have included County Road 341 so that home and property owners who will actually be affected by the operations of this business would have knowledge of the proposed construction. Therefore, I feel that this permit should be denied due to the fact that pertinent information was left out of the permit request. Also, I feel that any subsequent applications should be denied based on the deceptive nature of this permit request. I feel that this may be indicative of the type of business that is run by the parties involved. Sincerely, Kenneth Bierschenk

MW

① + ⑧

TCEQ Public Meeting Form

March 3, 2011

J. R. Thompson, Inc.
Proposed Air Quality Permit
Permit Number 92505L001

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2011 MAR -7 AM 9:41
CHIEF CLERKS OFFICE

PLEASE PRINT

Name: Kenneth Bierschenk

Mailing Address: 8357 CR 341 Muenster

Physical Address (if different): _____

City/State: Muenster TX Zip: 76252

****This information is subject to public disclosure under the Texas Public Information Act****

Email: KBierschenk@ntin.net ✓

Phone Number: (940) 759-4197

• Are you here today representing a municipality, legislator, agency, or group? Yes No
If yes, which one? _____

Please add me to the mailing list.

I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

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 form to the person at the information table. Thank you.

MB

LOWERRE, FREDERICK, PERALES,

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

ALLMON & ROCKWELL

ATTORNEYS AT LAW
707 Rio Grande, Suite 200
Austin, Texas 78701
(512) 469-6000 • (512) 482-9346 (facsimile)
Mail@LF-LawFirm.com

2011 JAN 21 AM 10:16

CHIEF CLERKS OFFICE

OPA

AIRNSR
72987

H JAN 21 2011

Ms. LaDonna Castañuela
Texas Commission on Environmental Quality
Office of the Chief Clerk, MC-105
Austin, Texas 78711-3087
(512) 239-3311 (FAX)

BY EL

January 18, 2011

*via facsimile transmission
and deposit in the U.S. mail*

Re: Application of J.R. Thompson, Inc., for Air Quality Permit No. 92504L001 in Cooke County, Texas.

Dear Ms. Castañuela:

My firm has been retained to represent Michelle Sandman and Concerned Neighbors of Proposed Rock Crusher ("CNPRC") in the above-referenced matter. Ms. Sandman and CNPRC reiterate their requests for a contested case hearing first presented in their letter of July 9, 2010.

That letter identified a number (16) of material and relevant disputed issues of fact on which the hearing should focus. Subsequent reviews of the application materials have revealed a few other issues, likely subsumed in those already identified, but that I raise, here, for clarity. Specifically, (17) will the source cause or contribute to a violation of any NAAQS, (18) was the air dispersion modeling on which the Applicant relies performed appropriately, and (19) will emissions from the source, particularly, emissions of species of silica, pose an unreasonable risk of harm to the public health?

Thank you for your assistance in this matter.

Sincerely,

Eric Allmon
for David O. Frederick

MD

PLEASE
RECYCLE

netpost
01/28/2011
USPS®

\$00.88



041140202322

**LOWERRE, FREDERICK, PERALES,
ALLMON & ROCKWELL**

Attorneys at Law
707 Rio Grande, Suite 200
AUSTIN, TX 78701
(512) 469-6000 / 482-9346 (fax)

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

RECEIVED
JAN 21 2011
TCO MAIL CENTER
01

CHIEF CLERK
OFFICE OF THE CHIEF CLERK
TCO MAIL CENTER
AUSTIN, TEXAS

AIRNSR
72987

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

2011 JAN 18 AM 10:35
CHIEF CLERKS OFFICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

OPA
JAN 18 2011

H

BY DL

January 18, 2011

Ms. LaDonna Castañuela
Texas Commission on Environmental Quality
Office of the Chief Clerk, MC-105
Austin, Texas 78711-3087
(512) 239-3311 (FAX)

via facsimile transmission
and deposit in the U.S. mail

Re: Application of J.R. Thompson, Inc., for Air Quality Permit No. 92504L001 in Cooke County, Texas.

Dear Ms. Castañuela:

My firm has been retained to represent Michelle Sandman and Concerned Neighbors of Proposed Rock Crusher ("CNPRC") in the above-referenced matter. Ms. Sandman and CNPRC reiterate their requests for a contested case hearing first presented in their letter of July 9, 2010.

That letter identified a number (16) of material and relevant disputed issues of fact on which the hearing should focus. Subsequent reviews of the application materials have revealed a few other issues, likely subsumed in those already identified, but that I raise, here, for clarity. Specifically, (17) will the source cause or contribute to a violation of any NAAQS, (18) was the air dispersion modeling on which the Applicant relies performed appropriately, and (19) will emissions from the source, particularly, emissions of species of silica, pose an unreasonable risk of harm to the public health?

Thank you for your assistance in this matter.

Sincerely,

Eric Allmon
for David O. Frederick

DL

LOWERRE, FREDERICK, PERALES, ALLMON & ROCKWELL

707 Rio Grande, Suite 200
Austin, TX 78701
(512) 469-6000 Phone
(512) 482-9346 FAX

CHIEF CLERKS OFFICE

2011 JAN 18 AM 10:35

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

FAX COVER SHEET

FAX NUMBER TRANSMITTED TO:

To: Ms. LaDonna Castañuela

239-3311

From: David O. Frederick/Samuel Day-Woodruff

Date: January 18, 2011

DOCUMENTS	NUMBER OF PAGES (not including cover pg.)
<p>Re: Application of J.R. Thompson, Inc., for Air Quality Permit No. 92504L001 in Cooke County, Texas</p> <p>Comments and Request for Contested Case Hearing on Behalf of Michelle Sandmann and Concerned Neighbors of Proposed Rock Crusher</p>	1

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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.

TCEQ Public Meeting Form

March 3, 2011

J. R. Thompson, Inc.
Proposed Air Quality Permit
Permit Number 92505L001

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2011 MAR - 7 AM 9:41
CHIEF CLERKS OFFICE

PLEASE PRINT

Name: ROMA KILPATRICK

Mailing Address: 517 NORTH PARK DR. FT. WORTH, TX 76179

Physical Address (if different): _____

City/State: FT. WORTH, TX Zip: 76179

****This information is subject to public disclosure under the Texas Public Information Act****

Email: _____

Phone Number: (817) 847-0476

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

If yes, which one? CONCERNED NEIGHBORS OF PROPOSED ROCK CRUSHER

Please add me to the mailing list.

^{Maybe} I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

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 form to the person at the information table. Thank you.

CMW

4

TCEQ Public Meeting Form

March 3, 2011

Jerry Speaks - IP 160595

J. R. Thompson, Inc. Proposed Air Quality Permit Permit Number 92505L001

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2011 MAR -7 AM 9:41
CHIEF CLERKS OFFICE

PLEASE PRINT

IP 159190

Name: JERRY + CLAIRICE KUROSKY

Mailing Address: 2011 LAYTON AVE

Physical Address (if different): _____

City/State: HALTOM CITY TX Zip: 76117

****This information is subject to public disclosure under the Texas Public Information Act****

Email: kurosky@sbcglobal.net ✓

Phone Number: (817) 838-8234

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

If yes, which one? CONCERNED NEIGHBOR OF THE PROPOSED ROCK CRUSHER

Please add me to the mailing list. ✓

I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

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 form to the person at the information table. Thank you.

Mc

IP 159185
5

TCEQ Public Meeting Form

March 3, 2011

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2011 MAR -7 AM 9:42
CHIEF CLERKS OFFICE

J. R. Thompson, Inc.
Proposed Air Quality Permit
Permit Number 92505L001

PLEASE PRINT

Name: Michael Lewis

Mailing Address: 500 FM 1198

Physical Address (if different): _____

City/State: Muenster Tx. Zip: 76252

****This information is subject to public disclosure under the Texas Public Information Act****

Email: _____

Phone Number: (940) 736-2369

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

If yes, which one? _____

Please add me to the mailing list. ✓

I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

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 form to the person at the information table. Thank you.

MW

Texas Commission on Environmental Quality
Office of the Chief Clerk
MC-105
PO Box 13087
Austin, TX 78711-3087

AIRN 2
72987

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

H OPA
JUN 28 2010

2010 JUN 28 AM 9:47
CHIEF CLERKS OFFICE

BY EB

To whom it may concern:

This letter is to request a public hearing concerning a proposed Rock Crusher site approximately 100 yards from my property in Cooke County. The Air Quality Permit Number submitted is 92504L001. As a property owner that resides in the immediate area, I have a number of questions concerning the affects to the air quality that will result with the addition of this Rock Crusher. *JR Thompson Inc*

- To begin with, will the air quality be monitored prior to the construction of the Rock Crusher?
- How often will the air quality be monitored after its construction?
- What are the nearest and furthest distances that air quality will be monitored from the proposed location?
- What is considered the cut-off for acceptable air quality in parts per million?
- What are the possible health risks in air contaminated with the particles that will be emitted from this facility?
- Will the air quality officials keep local residents informed of the tests performed?
- Is there a minimum distance from existing structures (homes, barns, water wells, etc.) that mining and/or crushing activities will take place?
- What potential effects will lowered air quality have on the livestock in the area?
- How from the facility location is air quality expected to be affected?
- If the operators are in violation of air quality, how many violations must take place before action will be taken, and what action can/will be taken against them?
- Will the operators and/or land owners be required to be bonded or required to have liability insurance?
- If the traffic to and from the crusher is on private property, will the property owners bear the same responsibility as the crusher operators?

Sincerely,

✓ *Wayne Luttmner*

Wayne Luttmner
9190 County Road 341
Muenster, TX 76252-5127

✓ *Cathy Luttmner*

CM

MAIL ROOM

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2010 JUN 28 AM 9:47
CHIEF CLERKS OFFICE

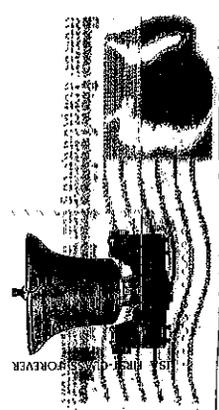
Wayne Luttmner
2190 County Road 341
Huntsville, TX 76252-5127

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
OFFICE OF CHIEF CLERK
P.O. BOX 13087
AUSTIN, TX 78711-3087

RECEIVED JUN 28 2010 PM 4:17

JUN 28 2010

FORT WORTH TX 760



POSTNET

POSTNET

6

TCEQ Public Meeting Form

March 3, 2011

NSR
72987

J. R. Thompson, Inc. Proposed Air Quality Permit Permit Number 92505L001

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2011 MAR -7 AM 9:42

CHIEF CLERKS OFFICE

PLEASE PRINT

Name: JANE MONDAY

Mailing Address: P.O. Box 98

Physical Address (if different): 18145 FM 1630

City/State: Muenster TX Zip: 76252

****This information is subject to public disclosure under the Texas Public Information Act****

Email: rj.monday@rtip.net ✓

Phone Number: (940) 759-4350

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

If yes, which one? _____

Please add me to the mailing list.

I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

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 form to the person at the information table. Thank you.

Ma

regarding: JR Thompson Rock Crushing Facility on 341/343

by: June Monday

OPA RECEIVED

BP MAR 03 2011

AT PUBLIC MEETING

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2011 MAR -7 AM 9:42
CHIEF CLERKS OFFICE

I am concerned about the air quality in our area after the rock crusher is operating. I am concerned about the noise volume in our area. Can we still enjoy the lifestyle we sought when we bought our place? Will we no longer be able to sit on our deck and enjoy the night wild life sounds? Why should this crusher need to operate 18 hours? Will this allow us only 6 quiet hours?

CMW

CONTESTED CASE HEARING REQUEST

July 9, 2010

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

H OPA
JUL 12 2010
BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 JUL 12 AM 11:08
CHIEF CLERKS OFFICE

RE: New Air Quality Permit Application
for J R Thompson, Inc
in Cooke County, Texas
TCEQ PERMIT # 92504L001

AIRNSR
72987

To the Honorable Commissioners:

I am submitting this request for a contested case hearing on behalf of myself, individually, and the "Concerned Neighbors of Proposed Rock Crusher" in response to the above-referenced application for a rock crusher to be located on CR 343 in Cooke County, Texas. There are sixteen (16) families represented in our group and most own property located within less than 1 mile of the proposed facility. A number of those families, including mine, reside full-time on their properties, others live there part-time, and others commonly recreate or undertake business activities on their properties. A list of these members, with additional information about property use, is attached to this document. Our group seeks to preserve the health of our families and extended families. We also seek to preserve our rural quality of life, the use and enjoyment of our property, and its natural habitat and beauty. Because of the proximity of these members to the proposed rock crusher site, we would be exposed to emissions from the proposed operation on a regular basis in our residences, on our properties, and in our travels on the roads in the vicinity of this facility. The properties are down-wind of the facility and will be directly affected by its daily operations. Because of this, we are at greater risk than are members of the general public, of health, nuisance, and aesthetic harms arising from air contaminants emitted by the proposed facility.

The Concerned Neighbors of Proposed Rock Crusher and I **request a contested case hearing** on this application. I will serve as the official representative for our organization and can be reached through the means shown below. We believe that 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 the following:

my

- 1) Whether the correct address for the proposed facility was listed in the notice posted in the local paper.
- 2) Whether the inlets/outlets were properly identified in the application or made clear on the posting in the local newspaper.
- 3) Whether the required signs, at the proposed site, were posted properly and for the required length of time.
- 4) The accuracy of the manner in which the stated emissions of air contaminants were determined and stated.
- 5) The adequacy of consideration of particle emissions from haul roads and blasting in addition to the emissions from the rock crushing operations themselves.
- 6) Whether all emission points at the facility have been identified or identified correctly.
- 7) How the BACT (Best Available Control Technology) levels were determined for emissions and whether the permit actually would ensure that no more than BACT-level emissions are to be expected.
- 8) How production weights will be measured and how records of these measures will be obtained and reported.
- 9) How emissions are calculated and determined for application purposes.
- 10) The impact of increased particle emissions on surface water.
- 11) The enforceability of the proposed permit, especially in the area of dust control and noise.
- 12) The probable response time of TCEQ investigators when complaints are made in regard to this operation.
- 13) The impact on our "quality of life", such as (but not limited to) noise pollution, hazardous air quality and compromised road conditions.
- 14) Whether the facility will be operated in a manner to avoid violation of 30 TAC § 101.4 (the nuisance rule).
- 15) Inconsistent statements within the application itself regarding proposed operations.
- 16) The likelihood of the applicant's compliance with permit conditions.

Respectfully,



"Concerned Neighbors of Proposed Rock Crusher"

By: Michelle Sandmann

1188 CR 343, Forestburg, Texas 76239

940.768.2219 (home)

940.736.6131 (mobile)

940.726.5257 (work)

CONCERNED NEIGHBORS OF PROPOSED ROCK CRUSHER INCLUDE

NAMES	PHYSICAL ADDRESS	MAILING ADDRESS	PHONE	EST. DISTANCE FROM SITE
Kenneth & Marilyn Bierschenk ✓	8357 CR 341	Same (full-time resident) ✓	940.759.4197	0.4 mi
Wayne & Carol Luttmer ✓	9190 CR 341	Same (full-time resident) ✓	940.759.4180	0.1 mi
Jerry & Clairice Kurosky ✓	1934 CR 343	2011 Layton Avenue, Haltom City, TX 76117 ✓	817.838.8234	0.1 mi
Keith & Roma Kilpatrick ✓	1936 CR 343 (actual address not assigned yet)	517 North Park, Ft. Worth, TX 76179 ✓	817.847.0476	0.3 mi
Louis Sicking ✓	7627 CR 341 (property @ CR 343 & CR341)	Same (full-time resident) ✓	940.759.4473	0.3 mi
Weldon & Ronda Sicking ✓	7625 CR 341	Same (full-time resident) ✓	940.759.4823	0.8 mi
Michael Lewis ✓	CR 341	500 FM 1198, Muenster, TX 76252 ✓	940.736.2369	1 mi
Wesley & Molly Sicking ✓	CR 341/343 (representing Louis Sicking)	15229 FM 1630, Muenster, TX 76252 ✓	940.759.2966	0.3 mi
Cla & Patti Hamilton ✓	767 CR 343	Same (full-time resident) ✓	940.759.5536	0.4 mi
Leonard & Susan Sportsman-Keese ✓	769 CR 343	Same (full-time resident) ✓	940.759.5536	0.4 mi
Rick & Michelle Sandmann ✓	1188 CR 343, Forestburg, Texas 76239	PO Box 464, Muenster, Texas 76252 (full-time resident) ✓	940.768.2219	0.5 mi
Jewell A. and Imogene Gooch ✓	1084 CR 343	7599 CR 201, McKinney, TX 75071-6650 ✓	972.542.2419	0.7 mi.
Brian & Jessamy Hermes ✓	990 CR 343	Same (full-time resident) ✓	940.768.2216	0.8 mi
Katharine Lee ✓	708 CR 343	Same (full-time resident) ✓	940.759.2055	1.0 mi
Roy & Jane Monday ✓	18145 FM 1630	P.O. Box 98, Muenster, TX 76252 (full-time resident) ✓	940.759.4350	1.5 mi
Herbie Sicking ✓	farms/ranches on CR 343	16185 FM 1630, Muenster, TX 76252 ✓	940.759.4061	3 mi

cc:
 Senator Craig Estes, District 30
 Representative Rick Hardcastle, District 68
 Cooke County Judge, John Roane
 Cooke County Commissioner, Precinct 3, Al Smith

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AUG 04 2010

BY EL

AIRNSR
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 ON ENVIRONMENTAL
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 2010 JUL 12 AM 11:08
 CHIEF CLERKS OFFICE

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ON ENVIRONMENTAL
QUALITY

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CHIEF CLERKS OFFICE

M. Jankowski
PO Box 464
Mulleatah TX 76552

PORT WORTH TX 768

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TCEQ

Office of the Chief Clerk

MC 105

PO Box 13087

Austin TX

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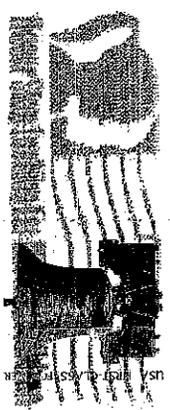
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JUL 12 2010

TCEQ MAIL CENTER
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From: PUBCOMMENT-OPA
To: PUBCOMMENT-OCC2
Date: 7/9/2010 8:42 AM
Subject: Fwd: Public comment on Permit Number 92504L001
Place: PUBCOMMENT-OCC2
Attachments: Contested Case Hearing Request 0709102.PDF

AIRNSR
7 29 87

H

>>> PUBCOMMENT-OCC 7/9/2010 8:33 AM >>>

>>> <msandmann@alanritchey.com> 7/9/2010 8:24 AM >>>

REGULATED ENTY NAMEROCK CRUSHER NO 3

RN NUMBER:RN105927628

PERMIT NUMBER:92504L001

DOCKET NUMBER:

COUNTY:COOKE

PRINCIPAL NAME:J R THOMPSON INC

CN NUMBER:CN600418669

FROM

NAME:Michelle Sandmann

E-MAIL:msandmann@alanritchey.com

COMPANY:

ADDRESS:PO BOX 464

MUENSTER TX 76252-0464

PHONE:9407682219

FAX:

COMMENTS:Request for contested case hearing. Comments and letter send as an attachment to this email.

ms

CONTESTED CASE HEARING REQUEST

July 9, 2010

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

RE: New Air Quality Permit Application
for J R Thompson, Inc
in Cooke County, Texas
TCEQ PERMIT # 92504L001

To the Honorable Commissioners:

I am submitting this request for a contested case hearing on behalf of myself, individually, and the "Concerned Neighbors of Proposed Rock Crusher" in response to the above-referenced application for a rock crusher to be located on CR 343 in Cooke County, Texas. There are sixteen (16) families represented in our group and most own property located within less than 1 mile of the proposed facility. A number of those families, including mine, reside full-time on their properties, others live there part-time, and others commonly recreate or undertake business activities on their properties. A list of these members, with additional information about property use, is attached to this document. Our group seeks to preserve the health of our families and extended families. We also seek to preserve our rural quality of life, the use and enjoyment of our property, and its natural habitat and beauty. Because of the proximity of these members to the proposed rock crusher site, we would be exposed to emissions from the proposed operation on a regular basis in our residences, on our properties, and in our travels on the roads in the vicinity of this facility. The properties are down-wind of the facility and will be directly affected by its daily operations. Because of this, we are at greater risk than are members of the general public, of health, nuisance, and aesthetic harms arising from air contaminants emitted by the proposed facility.

The Concerned Neighbors of Proposed Rock Crusher and I **request a contested case hearing** on this application. I will serve as the official representative for our organization and can be reached through the means shown below. We believe that 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 the following:

- 1) Whether the correct address for the proposed facility was listed in the notice posted in the local paper.
- 2) Whether the inlets/outlets were properly identified in the application or made clear on the posting in the local newspaper.
- 3) Whether the required signs, at the proposed site, were posted properly and for the required length of time.
- 4) The accuracy of the manner in which the stated emissions of air contaminants were determined and stated.
- 5) The adequacy of consideration of particle emissions from haul roads and blasting in addition to the emissions from the rock crushing operations themselves.
- 6) Whether all emission points at the facility have been identified or identified correctly.
- 7) How the BACT (Best Available Control Technology) levels were determined for emissions and whether the permit actually would ensure that no more than BACT-level emissions are to be expected.
- 8) How production weights will be measured and how records of these measures will be obtained and reported.
- 9) How emissions are calculated and determined for application purposes.
- 10) The impact of increased particle emissions on surface water.
- 11) The enforceability of the proposed permit, especially in the area of dust control and noise.
- 12) The probable response time of TCEQ investigators when complaints are made in regard to this operation.
- 13) The impact on our "quality of life", such as (but not limited to) noise pollution, hazardous air quality and compromised road conditions.
- 14) Whether the facility will be operated in a manner to avoid violation of 30 TAC § 101.4 (the nuisance rule).
- 15) Inconsistent statements within the application itself regarding proposed operations.
- 16) The likelihood of the applicant's compliance with permit conditions.

Respectfully,



"Concerned Neighbors of Proposed Rock Crusher"

By: Michelle Sandmann

1188 CR 343, Forestburg, Texas 76239

940.768.2219 (home)

940.736.6131 (mobile)

940.726.5257 (work)

CONCERNED NEIGHBORS OF PROPOSED ROCK CRUSHER INCLUDE

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cc:

Senator Craig Estes, District 30
 Representative Rick Hardcastle, District 68
 Cooke County Judge, John Roane
 Cooke County Commissioner, Precinct 3, Al Smith

TCEQ Public Meeting Form

March 3, 2011

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J. R. Thompson, Inc.
Proposed Air Quality Permit
Permit Number 92505L001

CHIEF CLERK'S OFFICE

2011 MAR -7 AM 9:41

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

PLEASE PRINT

Name: Michelle Sandmann

Mailing Address: PO Box 464

Physical Address (if different): 1188 CR 343

City/State: Muenster TX Zip: 7625

****This information is subject to public disclosure under the Texas Public Information Act****

Email: msandmann@ntri.net ✓

Phone Number: (940) 768 2219

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

If yes, which one? Concerned Neighbors of the Proposed Rock Crusher

Please add me to the mailing list.

I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

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 form to the person at the information table. Thank you.

ms

Michelle Sandman

OPA RECEIVED

MAR 03 2011

BP
AT PUBLIC MEETING

Blasting
Decreased quality of life
Health concerns.

Understand that ~~you~~ Mr Thompson
is in this to ~~be~~ support the oil & gas
industry in the area, ~~but not~~
But for us!

This is our life, our livelihood
our families. We are concerned
not only about our health,
health of our animals ^{and vegetation}, but also
the decreased quality of life we
will see from these facilities

I feel that ~~the~~ the emissions
and dust will negatively affect us.

I feel that the ~~Texas~~ TCEQ's
~~response~~ ^{response} to complaints is too long.
And that issue should be addressed
more quickly. I have concerns
about noise pollution as well.

I am concerned that no one is
actually monitoring or testing the
site other than the owner/operator
themselves.

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2011 MAR -7 AM 9:41
CHIEF CLERK OFFICE

CMW

Springer Law Office

204 N. Main, Suite D P.O. Box 6 ✓
Muenster, Texas 76252
940.759.4025
✓ springer@nttn.net

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

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CHIEF CLERKS OFFICE

OPA

JUL 07 2010

BY

AIRNSR
72987

June 29, 2010

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

Re: Permit Number 92504L001

Dear Chief Clerk,

Mr. Kenneth Bierschenk recently requested a public meeting concerning the referenced Permit Number, and would like to submit the following as supplemental information that is relevant to the public meeting and the contested case hearing. If the contested case hearing is not automatically granted, Mr. Bierschenk would like to formally request one at this time.

Originally, permit paperwork filed by J.R. Thompson, Inc. (Thompson) indicated that the location of the Rock Crusher would be east of County Road 343. Later conversations with a Thompson employee indicated that the actual entrance will be located on County Road 341. This is problematic for several reasons. While geographically this is correct, this is technically deceptive and misleading because the entrance to the facility is located on County Road 341. This results in another discrepancy because the permit signs are not located on the property identified in the permit application, but rather on a fence on neighboring property. There are no visible permit signs on the property itself.

The plant road referenced in the permit application runs parallel to, and is less than one-half mile from Mr. Bierschenk's property. Further, the county road to be utilized by trucks transporting materials from Thompson run on the southeast, east and the north sides of Mr. Bierschenk's property resulting in almost constant dust surrounding the Bierschenk residence. Even more threatening is the possibility of the *mobile/portable* rock crusher later being moved to a location actually nearer to the Bierschenk residence. This is particularly dangerous as Mrs. Marilyn Bierschenk is currently dealing with numerous health problems including Multiple Sclerosis and osteoporosis. She has battled cancer, and continues to deal with a compromised immune system. She is encouraged by her doctors to spend time outside daily, but the Bierschens recognize that constant dust surrounding her home may further jeopardize her health. Her treating physician has indicated that he will provide any necessary documentation stating the same.

MW

While Thompson has indicated they may water down the roads in the area, there is still the reality of tremendous amounts of dust generated by blasting and crushing. Company representatives have also indicated that chemicals will be used to control the dust. The Bierschenks are alarmed at this alternative too as Marilyn may be particularly vulnerable to chemical exposure. At the very least, Mr. Bierschenk would like a full disclosure of the chemicals to be used and the reported health effects associated with such use and exposure.

Thompson has been inconsistent in their proposed operating schedule as well. Tentative schedules have varied from 18 hours per day, 7 days per week, 52 weeks per year to as much as 24 hours per day, 7 days per week, 52, weeks per year. Mr. Bierschenk and other families living nearby are distressed at this constant or near constant exposure to dust, noise and chemicals, for themselves and for their livestock, and even for the produce in their gardens. Can Thompson show that there is no short-term or long-term damage to the exposed people, animals or crops?

Another major concern is the nearby water supply. As more and more water is utilized by area oil companies, and area water tables continue to drop, Mr. Bierschenk had previously investigated capturing and storing rainwater. Can water captured and stored in the vicinity of the rock crusher remain safe for consumption, particularly when the dust and chemicals will be concentrated due to collection over time and the effects of evaporation? And, can area streams and ponds remain safe under this constant cloud of dust and chemicals?

Finally, as Mr. and Mrs. Bierschenk will have to attend a contested case hearing, they respectfully request that such a hearing be held in Cooke County. For serious health reasons stated, it is almost impossible for Mrs. Bierschenk to travel any significant distance. Complications from her medical condition are exacerbated each time she attempts to travel much beyond the county.

Mr. and Mrs. Bierschenk are seeking to have the permit application denied. They may be reached by mail at 8357 CR 341, Muenster, Texas 76252. Mr. Bierschenk may be reached at 940.736-6972

Thank you for your time and attention to their concerns.

Respectfully,


Lydia K. Springer

cc: Mr. Craig Estes
2716 Commerce Street, Suite 101
Wichita Falls, Texas 76301

Mr. Rick Hardcastle
1930 Fannin
Vernon, TX 76384

Cooke County Commissioners Court
The Honorable, John O. Roane
100 East California, Suite 216
Gainesville, TX 76240

Precinct 3 Commissioner
Mr. Alan Smith
206 West Main
Gainesville, TX 76240

Springer Law Office
204 N. Main, Suite D P.O. Box 6
Muenster, Texas 76252

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NO. 21
E. ML 2 - 7th floor
AUSTIN, TEXAS

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

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