

Bryan W. Shaw, Ph.D., *Chairman*  
Carlos Rubinstein, *Commissioner*  
Toby Baker, *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 23, 2012

Re: TCEQ DOCKET NO. 2012-0648-AIR; Executive Director's Hearing Request Agenda Backup for Fred Weber, Inc.'s application to the TCEQ for a New Source Review Authorization under Texas Clean Air Act (TCAA) § 382.0518 in Navarro County, Texas.

Dear Ms. Bohac:

Enclosed for filing in the above-referenced matter, please find the original and 7 copies of the Executive Director's Response to Hearing Requests. The Response includes a map depicting the proposed facility and the hearing requestors' relative locations.

Please forward this filing to the Office of the General Counsel. If you have any questions, please call me at 239-6257.

Sincerely,

A handwritten signature in black ink, appearing to read "Ross Henderson".

Ross W. Henderson,  
Staff Attorney  
Environmental Law Division

Enclosure

cc: Mailing List

**TCEQ AIR QUALITY PERMIT NUMBER 94520L001**  
**TCEQ DOCKET NO. 2012-0648-AIR**

<b>APPLICATION BY</b>	<b>§</b>	<b>BEFORE THE</b>
	<b>§</b>	
<b>FRED WEBER, INC.</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>ROCK CRUSHING PLANT</b>	<b>§</b>	
<b>RICHLAND, NAVARRO COUNTY</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>

**EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUESTS**

The Executive Director (ED) of the Texas Commission on Environmental Quality (Commission or TCEQ) files this response (Response) to the requests for a contested case hearing submitted by persons listed herein. The Texas Clean Air Act (TCAA) §382.056(n) requires the Commission to consider hearing requests in accordance with the procedures provided in Tex. Water Code §5.556.1 This statute is implemented through the rules in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter F.

A map showing the location of the site for the proposed facility is included with this Response and has been provided to all persons on the attached mailing list. In addition, a current compliance history report, technical review summary, modeling audit, and draft permit prepared by the Executive Director's staff will be filed with the TCEQ's Office of Chief Clerk for the Commission's consideration. Finally, the Executive Director's Response to Public Comments (RTC), which was mailed by the Chief Clerk to all persons on the mailing list, is on file with the chief clerk for the Commission's consideration.

**I. Description of the Application Request and Background Information**

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

This permit will authorize the applicant to construct a portable rock crushing facility consisting of three crushers, three screens and associated conveyors, loading operations and aggregate stockpiles with a permitted hourly throughput of 500 tons of material per hour and an annual throughput of 1,920,000 tons of material per year. The facilities will be permitted to operate 16 hours per day, 5 days per week and 48 weeks per year for a total operating schedule not to exceed 3,840 hours per year. The facility will be located at 7329 SW County Road 30, Richland, Navarro County. Contaminants authorized under this permit include particulate matter (PM) including particulate matter with diameters of 10 microns (PM10) or less and 2.5 microns or less (PM2.5).

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<sup>1</sup> Statutes cited in this response may be viewed online at [www.capitol.state.tx.us/statutes/statutes.html](http://www.capitol.state.tx.us/statutes/statutes.html). Relevant statutes are found primarily in the Texas Health and Safety Code and the Texas Water Code. The rules in the Texas Administrative Code may be viewed online at [www.sos.state.tx.us/tac/index.shtml](http://www.sos.state.tx.us/tac/index.shtml), or follow the "Rules, Policy & Legislation" link on the TCEQ website at [www.tceq.state.tx.us](http://www.tceq.state.tx.us).

The permit application was received on January 4, 2011, and declared administratively complete on January 14, 2011. The Notice of Receipt and Intent to Obtain an Air Quality Permit (first public notice) for this permit application was published on February 9, 2011, in the Corsicana Daily Sun and on February 24, 2011 in La Prensa Comunidad. The Notice of Application and Preliminary Decision for an Air Quality Permit (second public notice) for this permit application was published on November 13, 2011 in the Corsicana Daily Sun and on November 15, 2011 in La Prensa Comunidad. A final decision letter was mailed on February 21, 2012. The public comment period ended on March 22, 2012.

The Office of Chief Clerk timely received Hearing Requests from the following persons: Cynthia Gallegos, Ramon Mendoza, Patricia ODell, Margarita Patterson, Ronnie Reffitt, Margaret Reffitt, Consuelo R. Robles, Elvia Salas, Marianella Salas, Nicanor A. Salas, George L. Proctor-Smith, Marjorie Proctor-Smith, Don Vaughan, Doris Vaughan, Bettie Williford, and William Williford.

As required by Title 30 Texas Administrative Code (TAC) § 55.156, before an application is approved, the Executive Director prepares a response to all timely, relevant and material, or significant comments. The Executive Director's Response to Comments (RTC) was filed with the Chief Clerk on February 15, 2012, and mailed on February 21, 2012, to all interested persons, including those who asked to be placed on the mailing list for this application and those who submitted comment or requests for contested case hearing. The cover letter attached to the RTC included information about making requests for contested case hearing or for reconsideration of the Executive Director's decision.<sup>2</sup> The letter also explained hearing requestors should specify any of the Executive Director's responses to comments they dispute and the factual basis of the dispute, in addition to listing any disputed issues of law or policy.

## II. Applicable Law

The commission must assess the timeliness and form of the hearing requests as set forth in 30 TAC § 55.201(d):

(d) A hearing request must substantially comply with the following:

(1) give the name, address, daytime telephone number, and, where possible, fax number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime telephone number, and, where possible, fax number, who shall be responsible for receiving all official communications and documents for the group;

(2) identify the person's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the proposed

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<sup>2</sup> See TCEQ rules at 30 TAC Chapter 55, Subchapter F. Procedural rules for public input to the permit process are found primarily in 30 TAC Chapters 39, 50, 55, and 80.

facility or activity in a manner not common to members of the general public;

(3) request a contested case hearing;

(4) list all relevant and material disputed issues of fact that were raised during the public comment period and that are the basis of the hearing request. To facilitate the commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the executive director's responses to comments that the requestor disputes and the factual basis of the dispute and list any disputed issues of law or policy; and

(5) provide any other information specified in the public notice of application.

Next, the Commission must determine whether the requests were filed by "affected persons" as defined by TWC § 5.115, and implemented in commission rule 30 TAC § 55.203. Under 30 TAC § 55.203, an affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power or economic interest affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest. Local governments with authority under state law over issues raised by the application may also receive affected person status under 30 TAC § 55.203(b).

Each of the following factors 30 TAC § 55.203(c) must be considered in an affected person determination:

(1) whether the interest claimed is one protected by the law under which the application will be considered;

(2) distance restrictions or other limitations imposed by law on the affected interest;

(3) whether a reasonable relationship exists between the interest claimed and the activity regulated;

(4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;

(5) likely impact of the regulated activity on use of the impacted natural resource by the person; and

(6) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

If a hearing request is timely, fulfills the requirements for proper form, and the hearing requestor is an affected person, the commission must then apply a three-part test to the issues raised in the matter to determine whether the issues should be referred to the State Office of Administrative Hearings (SOAH) for a contested case hearing. The three-part test in 30 TAC § 50.115(c) is as follows:

(1) The issue must involve a disputed question of fact;

(2) The issue must have been raised during the public comment period; and

(3) The issue must be relevant and material to the decision on the application.

The law applicable to the proposed plant may generally be summarized as follows. A person who owns or operates a facility or facilities that will emit air contaminants is required to obtain authorization from the commission prior to the construction and operation of the facility or facilities.<sup>3</sup> Thus, the location and operation of the proposed plant requires authorization under the TCAA. Permit conditions of general applicability must be in rules adopted by the commission.<sup>4</sup> Those rules are found in 30 TAC Chapter 116. In addition, a person is prohibited from emitting air contaminants or performing any activity that violates the TCAA or any commission rule or order, or that causes or contributes to air pollution.<sup>5</sup> The relevant rules regarding air emissions are found in 30 TAC Chapters 101 and 111-118. In addition, the commission has the authority to establish and enforce permit conditions consistent with this chapter.<sup>6</sup> The materials accompanying this response list and reference permit conditions and operational requirements and limitations applicable to this proposed plant.

### III. Analysis of Hearing Requests

#### A. Were the hearing requests timely and in proper form?

The following persons submitted timely hearing requests and provided an address in close proximity to the proposed facility (see attached map): Cynthia Gallegos, Ramon Mendoza, Patricia ODell, Margarita Patterson, Ronnie Reffitt, Margaret Reffitt, Consuelo R. Robles, Elvia Salas, Marianella Salas, Nicanor A. Salas, George L. Proctor-Smith, Marjorie Proctor-Smith, Don Vaughan, Doris Vaughan, Bettie Williford, and William Williford. The hearing requests were submitted during the public comment period and each request identified at least one relevant issue of interest in the application. Therefore, the Executive Director determined that each of the requests substantially complied with the requirements for form contained in 30 TAC § 55.201(d).

#### B. Are the Hearing Requestors affected persons?

Each of the requestors has demonstrated that they are "affected persons" as defined in 30 TAC § 55.203. The threshold test of affected person status is whether the requestor has a personal justiciable interest affected by the application, and this interest is different from that of the general public.<sup>7</sup> Each of the hearing requestors identified at least one personal justiciable interest affected by the application (which is discussed in more detail in Section D of this Response). For air authorizations, given the dispersion and effects of individual air contaminants, distance from the proposed facility (30 § TAC 55.203(c)(2)) is particularly relevant to the issue of whether or not there is a likely impact of the regulated activity on a person's interests such as the health and safety of the person, and on the use of property of the person. Using the addresses provided by the requestors, the Executive Director determined that each of the requestors resides in close proximity to the proposed facility and thus may be

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<sup>3</sup> TEXAS HEALTH & SAFETY CODE ANN. § 382.0518 (Vernon 2001).

<sup>4</sup> TEXAS HEALTH & SAFETY CODE ANN. § 382.0513 (Vernon 1995).

<sup>5</sup> TEXAS HEALTH & SAFETY CODE ANN. § 382.085 (a) and (b) (Vernon 1997).

<sup>6</sup> TEXAS HEALTH & SAFETY CODE ANN. § 382.0513 (Vernon 1995).

<sup>7</sup> *United Copper Industries and TNRCC v. Joe Grissom*, 17 S.W.3d 797 (Tex. App.-Austin, 2000)

affected in a manner different from the general public (see attached map). If approved, this permit would authorize a portable rock crusher that can be moved to any location on Applicant's property as long as they are located no closer than 499 feet from Applicant's property line. For purposes of the attached map, requestors' distances were measured from the plant property boundary. Each of the Hearing Requestors resides approximately one mile or less from the plant perimeter. Further discussion of the interests raised by the requestors is provided below.

C. Which issues should be referred to SOAH?

If the Commission finds that some or all of the hearing requestors are affected persons, then the Commission must apply the three-part test in 30 TAC § 50.115(c) to determine if any of the issues raised by requestors should be referred to SOAH for a contested case hearing. The 30 TAC § 50.115(c) three-part test requires a determination whether the issues raised are: disputed questions of fact; whether the issues were raised during the public comment period; and whether the issues are relevant and material to the decision on the permit application.

The Executive Director provided responses to all timely public comments in the RTC. The cover letter from the Office of the Chief Clerk attached to the RTC states that requestors should, to the extent possible, specify any of the Executive Director's responses in the RTC that the requestors dispute and the factual basis of the dispute, and list any disputed issues of law or policy.<sup>8</sup> The Executive Director is not aware of any responses filed by the hearing requestors. Therefore, the Executive Director cannot determine whether the hearing requestors continue to dispute issues of fact, or whether there are any outstanding issues of law or policy. The Executive Director must assume the requestors continue to dispute all of the issues raised in their original hearing requests.

*Are there any issues involving questions of fact?*

Requestors raised the following issues in comments and hearing requests:

1. Whether air emissions from the proposed facility will adversely affect human health and welfare. (Cynthia Gallegos, Ramon Mendoza, Ronnie Reffitt, Margaret Reffitt, Consuelo R. Robles, Elvia Salas, Marianella Salas, Nicanor A. Salas, George L. Proctor-Smith, Marjorie Proctor-Smith, Don Vaughan, Doris Vaughan, Bettie Williford, and William Williford).<sup>9</sup>
2. Whether air emissions from the proposed facility will adversely affect the environment. (Ramon Mendoza, Patricia ODell, Margarita Patterson, Ronnie Reffitt, Margaret Reffitt, Consuelo R. Robles, Elvia Salas, Marianella Salas, Nicanor A. Salas, George L. Proctor-Smith, Marjorie Proctor-Smith, Don Vaughan, Doris Vaughan, Bettie Williford, and William Williford).<sup>10</sup>

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<sup>8</sup> See 30 TAC § 55.201(d)(4).

<sup>9</sup> Ocular problems were noted by Ramon Mendoza, Margaret Reffitt, Nicanor A. Salas, Don Vaughan, Doris Vaughan, Bettie Williford and William Willisford. Cynthia Gallegos commented on lung and respiratory problems experienced by her and her family since moving to the area. Other respiratory issues were raised by Margeret Reffitt, Don Vaughan, Doris Vaughan, Bettie Williford and William Williford. Heart related concerns were expressed by Margaret Reffitt, Consuelo R. Robles, Elvia Salas, Don Vaughan, Doris Vaughan, Bettie Williford and William Williford.

<sup>10</sup> Ramon Mendoza, Patricia ODell, Margarita Patterson, Margaret Reffitt, Consuelo R. Robles, Elvia

3. Whether air emissions from the proposed facility will adversely affect air quality in the area. (Ramon Mendoza, Patricia ODell, Margarita Patterson, Ronnie Reffitt, Margaret Reffitt, Consuelo R. Robles, Elvia Salas, Marianella Salas, Nicanor A. Salas, George L. Proctor-Smith, Marjorie Proctor-Smith, Don Vaughan, Doris Vaughan, Bettie Williford, and William Williford).<sup>11</sup>

4. Whether the proposed facility will negatively impact requestors land and personal property, including livestock. (Ramon Mendoza, Patricia ODell, Margarita Patterson, Ronnie Reffitt, Margaret Reffitt, Consuelo R. Robles, Elvia Salas, Marianella Salas, Nicanor A. Salas, George L. Proctor-Smith, Marjorie Proctor-Smith, Don Vaughan, Doris Vaughan, Bettie Williford, and William Williford).<sup>12</sup>

5. Whether the facility would adversely impact sensitive subgroups, such as the elderly and people with existing respiratory conditions. (Ramon Mendoza, Ronnie Reffitt, Margaret Reffitt, Consuelo R. Robles, Elvia Salas, Marianella Salas, George L. Proctor-Smith, Marjorie Proctor-Smith, Don Vaughan, Doris Vaughan, Bettie Williford, and William Williford).<sup>13</sup>

6. Whether truck traffic caused by the proposed facility will negatively impact the surrounding area and its roads. (George L. Proctor-Smith and Marjorie Proctor-Smith).

7. Whether blasting activities conducted at the proposed facility will negatively impact the surrounding area. (Don Vaughan and Doris Vaughan).

*Were the issues raised during the public comment period?*

The public comment period is defined in 30 TAC § 55.152. The public comment period begins with the publication of the Notice of Receipt and Intent to Obtain an Air Quality Permit. The end date of the public comment period depends on the type of permit. In this case, the public

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Salas, Marianella Salas, Nicanor A. Salas, George L Proctor-Smith, Marjorie Proctor-Smith, Don Vaughan, Doris Vaughan, Bettie Williford and William Williford expressed concern because they live on the land and consider themselves to be in close proximity to the Applicant's facilities.

<sup>11</sup>See previous footnote.

<sup>12</sup> Livestock is raised on the land by Ramon Mendoza, George L Proctor-Smith, Marjorie Proctor-Smith, Don Vaughan, Doris Vaughan, Bettie Williford and William Williford and organic gardening is conducted by Margarita Patterson and Marianella Salas.

<sup>13</sup> General concerns regarding the effects the site's emissions may have on the elderly was stated by Margaret Reffitt, Consuelo R. Robles, Elvia Salas, Marianella Salas, George L. Proctor-Smith, Marjorie Proctor-Smith, Don Vaughan, Doris Vaughan, Bettie Williford and William Williford. Ramon Mendoza expressed concerns regarding the effects these emissions may have on children who spend considerable amounts of time outside.

comment period began February 9, 2011 and ended on March 22, 2012. All of the issues listed above were raised in comments received during the public comment period.

*Are the issues relevant and material to the decision on the application?*

In this case, the permit would be issued under the Commission's authority in Tex. Water Code § 5.013(11) (assigning the responsibilities in Chapter 382 of the Tex. Health and Safety Code) and the TCAA. The relevant sections of the TCAA are found in Subchapter C (Permits). Subchapter C requires the Commission to grant a permit to construct or modify a facility if the Commission finds the proposed facility will use at least the best available control technology (BACT) and the emissions from the facility will not contravene the intent of the TCAA, including the protection of the public's health and physical property. In making this permitting decision, the Commission may consider Applicant's compliance history. The Commission by rule has also specified requirements for permitting. Therefore, in making the determination of relevance in this case, the Commission should review each issue to see if it is relevant to these statutory and regulatory requirements that must be satisfied by this permit application.

Using the above criteria, the Executive Director finds the following issues relevant and material to the decision on the application:

1. Whether air emissions from the proposed facility will adversely affect human health and welfare. (Cynthia Gallegos, Ramon Mendoza, Ronnie Reffitt, Margaret Reffitt, Consuelo R. Robles, Elvia Salas, Marianella Salas, Nicanor A. Salas, George L. Proctor-Smith, Marjorie Proctor-Smith, Don Vaughan, Doris Vaughan, Bettie Williford, and William Williford).
2. Whether air emissions from the proposed facility will adversely affect the environment. (Ramon Mendoza, Patricia ODell, Margarita Patterson, Ronnie Reffitt, Margaret Reffitt, Consuelo R. Robles, Elvia Salas, Marianella Salas, Nicanor A. Salas, George L. Proctor-Smith, Marjorie Proctor-Smith, Don Vaughan, Doris Vaughan, Bettie Williford, and William Williford).
3. Whether air emissions from the proposed facility will adversely affect air quality in the area. (Ramon Mendoza, Patricia ODell, Margarita Patterson, Ronnie Reffitt, Margaret Reffitt, Consuelo R. Robles, Elvia Salas, Marianella Salas, Nicanor A. Salas, George L. Proctor-Smith, Marjorie Proctor-Smith, Don Vaughan, Doris Vaughan, Bettie Williford, and William Williford).
4. Whether the proposed facility will negatively impact requestors land and personal property, including livestock. (Ramon Mendoza, Patricia ODell, Margarita Patterson, Ronnie Reffitt, Margaret Reffitt, Consuelo R. Robles, Elvia Salas, Marianella Salas, Nicanor A. Salas, George L. Proctor-Smith, Marjorie Proctor-Smith, Don Vaughan, Doris Vaughan, Bettie Williford, and William Williford).
5. Whether the facility would adversely impact sensitive subgroups, such as the elderly and people with existing respiratory conditions. (Ramon Mendoza, Ronnie Reffitt, Margaret Reffitt, Consuelo R. Robles, Elvia Salas, Marianella Salas, George L. Proctor-Smith,

Marjorie Proctor-Smith, Don Vaughan, Doris Vaughan, Bettie Williford, and William Williford).

The following issues are not material to the decision on the application:

6. Whether truck traffic caused by the proposed facility will negatively impact the surrounding area and its roads. (George L. Proctor-Smith and Marjorie Proctor-Smith).

7. Whether blasting activities conducted at the proposed facility will negatively impact the surrounding area. (Don Vaughan and Doris Vaughan).

The TCEQ is delegated the authority to evaluate emissions from facilities. In accordance with the general definitions documented in Texas Health and Safety Code § 382.003(6), “[a] mine, quarry, well test, or road is not considered to be a facility.” Blasting operations are associated with quarry operations, and the Texas Clean Air Act, § 382.003(6) provides that quarries are not facilities for purposes of air quality permitting. Therefore, quarry blasting operations are not included in the review of an air quality permit application or authorized under this permit. The commission has no authority to address property damage claims alleged to have resulted from blasting, nor jurisdiction regarding noise pollution or vibrations.

Similarly, the TCEQ does not have jurisdiction to evaluate the emissions from roads. Because, as stated above, a road is not considered to be a facility.

#### **IV. Maximum Expected Duration of the Contested Case Hearing**

The Executive Director recommends the contested case hearing, if held, should last no longer than six months from the preliminary hearing to the proposal for decision.

#### **V. Executive Director's Recommendation**

For the foregoing reasons, the Executive Director respectfully recommends the Commission:

- A. Find all hearing requests in this matter were timely filed.
- B. Find that each of the hearing requestors satisfies the requirements for form under 30 TAC§ 55.201(d) and are affected persons pursuant to 30 TAC § 55.203.
- C. If the Commission determines any requestor is an affected person, refer the following issues to SOAH:
  1. Whether air emissions from the proposed facility will adversely affect human health and welfare. (Cynthia Gallegos, Ramon Mendoza, Ronnie Reffitt, Margaret Reffitt, Consuelo R. Robles, Elvia Salas, Marianella Salas, Nicanor A. Salas, George L. Proctor-Smith, Marjorie Proctor-Smith, Don Vaughan, Doris Vaughan, Bettie Williford, and

William Williford).

2. Whether air emissions from the proposed facility will adversely affect the environment. (Ramon Mendoza, Patricia ODell, Margarita Patterson, Ronnie Reffitt, Margaret Reffitt, Consuelo R. Robles, Elvia Salas, Marianella Salas, Nicanor A. Salas, George L. Proctor-Smith, Marjorie Proctor-Smith, Don Vaughan, Doris Vaughan, Bettie Williford, and William Williford).

3. Whether air emissions from the proposed facility will adversely affect air quality in the area. (Ramon Mendoza, Patricia ODell, Margarita Patterson, Ronnie Reffitt, Margaret Reffitt, Consuelo R. Robles, Elvia Salas, Marianella Salas, Nicanor A. Salas, George L. Proctor-Smith, Marjorie Proctor-Smith, Don Vaughan, Doris Vaughan, Bettie Williford, and William Williford).

4. Whether the proposed facility will negatively impact requestors land and personal property, including livestock. (Ramon Mendoza, Patricia ODell, Margarita Patterson, Ronnie Reffitt, Margaret Reffitt, Consuelo R. Robles, Elvia Salas, Marianella Salas, Nicanor A. Salas, George L. Proctor-Smith, Marjorie Proctor-Smith, Don Vaughan, Doris Vaughan, Bettie Williford, and William Williford).

5. Whether the facility would adversely impact sensitive subgroups, such as the elderly and people with existing respiratory conditions. (Ramon Mendoza, Ronnie Reffitt, Margaret Reffitt, Consuelo R. Robles, Elvia Salas, Marianella Salas, George L. Proctor-Smith, Marjorie Proctor-Smith, Don Vaughan, Doris Vaughan, Bettie Williford, and William Williford).

D. Find the maximum expected duration of the contested case hearing, if held, would be six months.

Respectfully submitted,

Texas Commission on Environmental Quality

Mark R. Vickery, P.G., Executive Director

Stephanie Bergeron Perdue, Deputy Director  
Office of Legal Services

Robert Martinez, Division Director  
Environmental Law Division

A handwritten signature in black ink, appearing to read "Ross Henderson", written over a horizontal line.

Ross Henderson, Staff Attorney  
Environmental Law Division  
State Bar Number 24046055  
PO Box 13087, MC 173  
Austin, Texas 78711-3087  
(512) 239-6257

REPRESENTING THE  
EXECUTIVE DIRECTOR OF THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**CERTIFICATE OF SERVICE**

I certify that on April 23, 2012, a copy of the foregoing document was sent by first class, agency mail, electronic mail and/or facsimile to the persons on the attached Mailing List.

A handwritten signature in black ink, appearing to read "Ross Henderson", written over a horizontal line.

Ross Henderson, Staff Attorney  
Environmental Law Division

**MAILING LIST**  
**FRED WEBER, INC.**  
**DOCKET NO. 2012-0648-AIR; PERMIT NO. 94520L001**

FOR THE APPLICANT:

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Fred Weber, Inc.  
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FOR THE EXECUTIVE DIRECTOR  
via electronic mail:

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FOR PUBLIC INTEREST COUNSEL  
via electronic mail:

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FOR ALTERNATIVE DISPUTE  
RESOLUTION  
via electronic mail:

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FOR THE CHIEF CLERK:

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Quality  
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Fax: (512) 239-3311

Please see attached list of requesters and  
interested persons.

**REQUESTER(S)**

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CORSICANA TX 75110-9320

RAMON MENDOZA  
408 SW COUNTY ROAD 0020  
CORSICANA TX 75110-9311

PATRICIA ODELL  
412 SW COUNTY ROAD 0020  
CORSICANA TX 75110-9311

MARGARITA PATTERSON  
429 SW COUNTY ROAD 0020  
CORSICANA TX 75110-9315

GEORGE L & MARJORIE PROCTER-SMITH  
6857 SW COUNTY ROAD 0030  
CORSICANA TX 75110-9322

MARGARET REFFITT  
6831 SW COUNTY ROAD 0021  
CORSICANA TX 75110-9318

CONSUELO R ROBLES  
6860 SW COUNTY ROAD 0030  
CORSICANA TX 75110-9320

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BETTIE & WILLIAM WILLIFORD  
6560 SW COUNTY ROAD 0030  
CORSICANA TX 75110-0255

**INTERESTED PERSON(S)**

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PEOPLE UNTIED FOR THE ENVIRON  
1541 W 4TH AVE  
CORSICANA TX 75110-4261

**Fred Weber, Inc.; TCEQ Air Quality Permit No 94520L001  
TCEQ Determination of Affected Party Status  
Map Requested by TCEQ Office of Legal Services  
for Commissioners' Agenda**



Texas Commission on Environmental Quality  
GHS Team (Mail Code 197)  
P.O. Box 13087  
Austin, Texas 78711-3087  
March 29, 2012



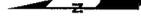
Projection: Texas Statewide Mapping System  
(TSMS)  
Scale 1:39,918

**Legend**

- Facility Perimeter
- Approximate Location of Requestor's Property

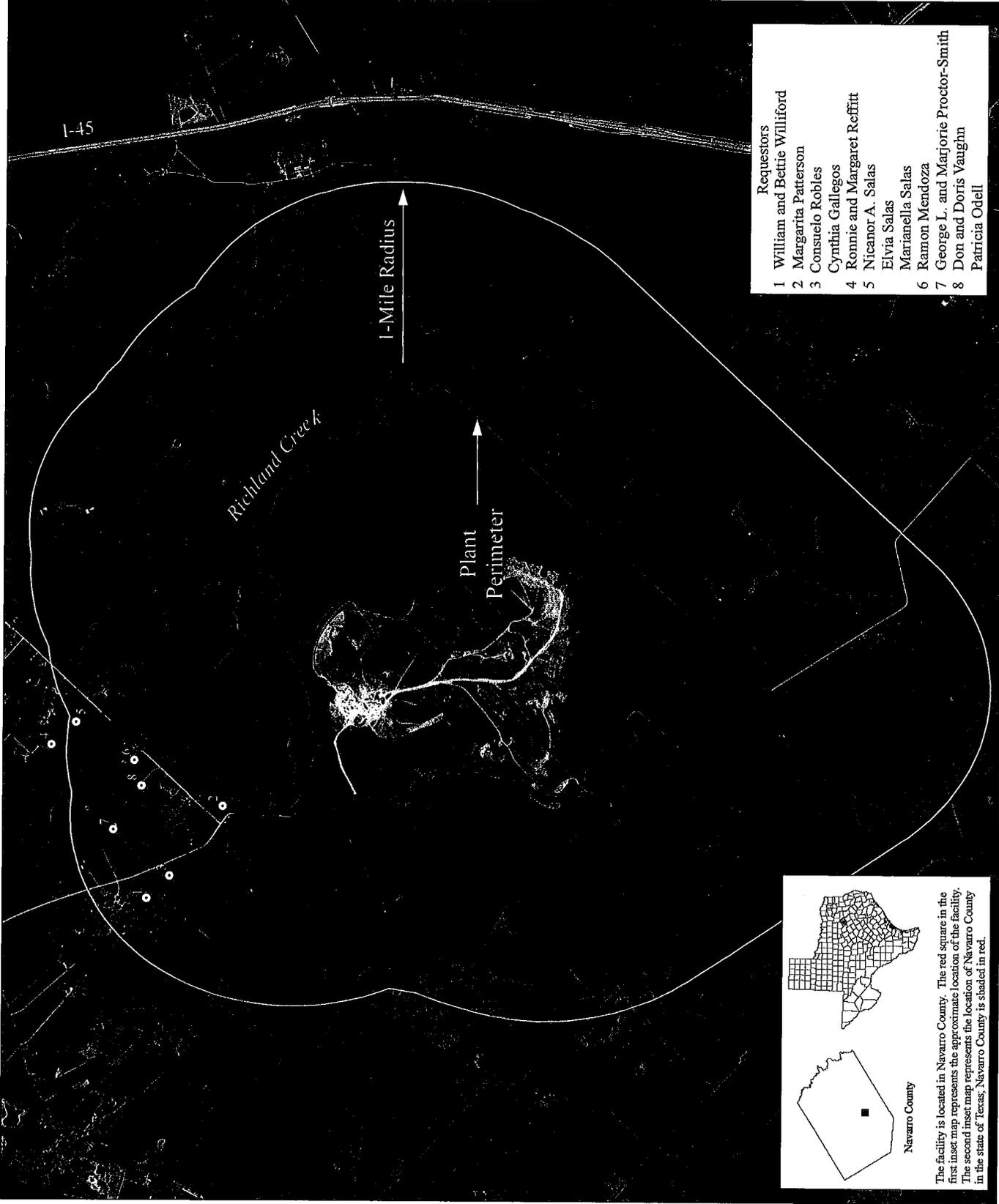
Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor. The vector data are U.S. Census Bureau 1992 TIGER/Line Data (1:100,000). The background of this map is a one-half meter photograph from the 2008 Texas Orthoregistry Project.

This map depicts the following:  
(1) The approximate location of the facility. This is labeled "Plant Perimeter".  
(2) Polygon and arrow depicting 1-mile radius. This is labeled "1-Mile Radius".

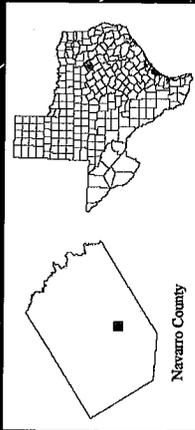


This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resource Division at (512) 259-0800.

Map Drawing: CRF-569797



- Requestors**
- 1 William and Bettie Williford
  - 2 Margarita Patterson
  - 3 Consuelo Robles
  - 4 Cynthia Gallegos
  - 5 Ronnie and Margaret Reffitt
  - 6 Nicanor A. Salas
  - 7 Elvia Salas
  - 8 Marianella Salas
  - 9 Ramon Mendoza
  - 10 George L. and Marjorie Proctor-Smith
  - 11 Don and Doris Vaughn
  - 12 Patricia Odell



The facility is located in Navarro County. The red square in the first inset map represents the approximate location of the facility. The second inset map represents the location of Navarro County in the state of Texas; Navarro County is shaded in red.