NSR
87379

REVIEWED
JUN 14 2013
By H

AIR PERMITS DIVISION
JUN 13 2013
RECEIVED

Texas Commission on Environmental Quality
Office of Air, Air Permits Division, MC-163
Attn: Mr. Don Nelon
PO Box 13087
Austin TX 78711-3087

Re: Contested Case Hearing in reference to Air Quality Registration Proposal No. 109839

Dear Mr. Nelon:

Please accept this as a formal request for a "Contested Case Hearing" on the Tex-Mix Partners, Ltd. Proposal No. 109839 to construct a concrete batch plant at Highway 281 near Rebecca Creek Road in Comal County.

As a resident at 12133 US HWY 281 N., Spring Branch TX 78070 our home lies within 440 yards of this site's boundary. I have lived my whole life in Spring Branch. I grew up on my parent's ranch Emery & Annette Gass at 12471 US HWY 281 N., Spring Branch TX 78070. Their ranch is also within the 440 yards of this site's boundary. I watched my dad work every day on his ranch making it the beautiful place it is today. It was no surprise that when I married 15 years ago that my husband wanted to build our home here so our children could grow up around the beautiful scenery as I did.

I am concerned with the hazards of the fine cement dust that would be emitted in the air. This could harm the air quality for my family and my dad's livestock. I do not want to worry each time my 9-year old daughter goes out to play. Not only am I concerned with my daughter's health, but I am also concerned with my dad's. My dad has breathing issues which require him to have breathing treatments and oxygen on a daily basis.

I appreciate your attention to this matter.

Sincerely,

Rita Acker

Rita Acker
12133 US Hwy 281 N.
Spring Branch, Texas 78070
(830) 660-7929
June 4, 2013

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2013 JUN 14 AM 8:01
CHIEF CLERKS OFFICE

m

Cc:
The Honorable Donna Campbell
Texas Senate, District 25
1902 E. Common St. Ste, 500
New Braunfels TX 78130

The Honorable Doug Miller
Texas House, District 73
407 W. Mill Street
New Braunfels TX 78130

The Honorable Jan Kennady
Comal County Commissioner, Precinct 4
100 Main Plaza
New Braunfels TX 78130

Mrs. Rita Acker
12133 US Highway 281 N.
Spring Branch, TX 78070

RECEIVED
05 JUN 2013 PM 5 L
JUN 13 2013
TCEQ MAIL CENTER
MM

USA FIRST CLASS

Texas Commission on Environmental Quality
Office of Air, Air Permits Division, MC-163
Attn: Mr. Dan Nelon
PO Box 13087
Austin TX 78711-3087

Give form ^ oral comment (3)

TCEQ Public Meeting Form
June 27, 2013

Tex-Mix Partners, Ltd.
Air Quality Standard Permit
Registration No. 109839

PLEASE PRINT

Name: Rita Acker

Mailing Address: 12133 US Hwy 281 N.

Physical Address (if different): _____

City/State: Spring Branch TX Zip: 78070

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

Email: ritaann@gvtc.com

Phone Number: 830-660-7929

- 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.

MS

Good Evening-

Spring Branch has been my home for the last 38 years. I was born and raised on my parent's ranch which has been in our family for over 100 years. I watched my dad everyday as a little girl work hard on his ranch to make it the beautiful place it is today. It was no surprise that when I married my husband 15 years ago he wanted to make our home here so we could enjoy "real country living".

My residence as well as my parent's lies within 440 yards of this proposed plant. I am concerned of how the added dust from this plant will affect my family's health. My dad suffers from a respiratory condition which requires him to have daily breathing treatments and oxygen to help him breathe easier. On days when there is an Air Quality day, he sometimes cannot leave his house because it is hard for him to breathe. I can only imagine what it will be like if this plant comes in. Not only am I concerned with the effects of the cement dust on human life, but what about the wildlife? How will it affect the fish that live in our 3 stock ponds which my dad built and which my daughter uses to go fishing? What about the cattle, deer, and ducks that live on our ranch? What about the coastal my dad plants every year to make hay? These will all be affected if this plant is allowed in our area.

I am proud to call Spring Branch my home.

Please do not allow this cement plant to invade our little piece of Heaven.

Thank you.

Rita Acker
12133 US Hwy 281 N
Spring Branch TX 78070
830-660-7929
ritaann@gvtc.com

RECEIVED
JUN 27 2013
AT PUBLIC MEETING

Marisa Weber

From: PUBCOMMENT
Sent: Wednesday, June 05, 2013 12:39 PM
To: PUBCOMMENT-OCC2
Subject: CORRECTION Public comment on Permit Number 109839

PM

From: PUBCOMMENT-OCC
Sent: Wednesday, June 05, 2013 7:59 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 109839

From: ritaann@gvtc.com [mailto:ritaann@gvtc.com]
Sent: Tuesday, June 04, 2013 7:29 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Rita Acker

E-MAIL: ritaann@gvtc.com

COMPANY:

ADDRESS: 12133 US HIGHWAY 281 N
SPRING BRANCH TX 78070-6307

PHONE: 8306607929

FAX:

COMMENTS: I request a public meeting on this proposed permit. As a resident at 12133 US HWY 281 N., Spring Branch TX 78070 our home lies within 440 yards of this site's boundary. I have lived my whole life in Spring Branch. I grew up on my parent's ranch Emery & Annette Gass at 12471 US HWY 281 N., Spring Branch TX 78070. Their ranch is also within the 440 yards of this site's boundary. I watched my dad work every day on his ranch making it the beautiful place it is today. It was no surprise that when I married 15 years ago that my husband wanted to build our home here so our children could grow up around the beautiful scenery as I did. I am concerned with the hazards of the fine cement dust that would be emitted in the air. This could harm the air quality for my family and my dad's livestock. I do not want to worry each time my 9-year old daughter goes out to play. Not only am I concerned with my daughter's health, but I am also concerned with my dad's. My dad has breathing issues which require him to have breathing treatments and oxygen on a daily basis.

Marisa Weber

From: PUBCOMMENT
Sent: Wednesday, June 05, 2013 8:09 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

NSR 87379

From: PUBCOMMENT-OCC
Sent: Wednesday, June 05, 2013 7:59 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 109839

From: ritaann@gvtc.com [mailto:ritaann@gvtc.com]
Sent: Tuesday, June 04, 2013 7:29 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Rita Acker

E-MAIL: ritaann@gvtc.com

COMPANY:

ADDRESS: 12133 US HIGHWAY 281 N
SPRING BRANCH TX 78070-6307

PHONE: 8306607929

FAX:

COMMENTS: I request a public meeting on this proposed permit. As a resident at 12133 US HWY 281 N., Spring Branch TX 78070 our home lies within 440 yards of this site's boundary. I have lived my whole life in Spring Branch. I grew up on my parent's ranch Emery & Annette Gass at 12471 US HWY 281 N., Spring Branch TX 78070. Their ranch is also within the 440 yards of this site's boundary. I watched my dad work every day on his ranch making it the beautiful place it is today. It was no surprise that when I married 15 years ago that my husband wanted to build our home here so our children could grow up around the beautiful scenery as I did. I am concerned with the hazards of the fine cement dust that would be emitted in the air. This could harm the air quality for my family and my dad's livestock. I do not want to worry each time my 9-year old daughter goes out to play. Not only am I concerned with my daughter's health, but I am also concerned with my dad's. My dad has breathing issues which require him to have breathing treatments and oxygen on a daily basis.

Marisa Weber

From:	PUBCOMMENT-OCC
Sent:	Thursday, April 03, 2014 1:00 PM
To:	PUBCOMMENT-OCC2
Subject:	FW: Public comment on Permit Number 109839
Attachments:	ResponsesToReponses3.doc

RFR

NSR 67379

From: batkinson@gvtc.com [mailto:batkinson@gvtc.com]
Sent: Thursday, April 03, 2014 10:33 AM
To: donotReply@tceq.texas.gov
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Becky Atkinson

E-MAIL: batkinson@gvtc.com

COMPANY: Rebecca Creek Ranch

ADDRESS: 13084 REBECCA CREEK RD
SPRING BRANCH TX 78070-6320

PHONE: 2102738786

FAX:

COMMENTS: Please see attached file

April 2, 2014
Sid W and Becky P Atkinson
13084 Rebecca Creek Road
Spring Branch TX 78070
batkinson@gvtc.com
210-273-8786

Texas Commission on Environmental Quality (TCEQ)

RE: Tex-Mix Partners, Ltd.
Registration No. 109839
Responses to Response to Comments
Dated March 6, 2014

We disagree with the Executive Director's decision that the above-referenced permit application meets the requirements of the applicable law.

Nine of the responses from TCEQ to our comments either did not answer the original question, or did not provide an answer that substantiates that the permit application meets the requirements of the applicable law.

As a result, we **request reconsideration** of the Executive Director's decision

Our responses to the TCEQ responses are itemized as follows :

Response #2:

The site review conducted by the TCEQ Regional Office wrongly concluded that the proposed plant would not pose a nuisance to the 14 residences surrounding the site. None of these neighbors were contacted so that the "nuisance" could be assessed. Please repeat the site survey by accessing the properties.
Your responses also indicate a reliance on "expected outcomes", "WHEN a company operates in compliance, dust suppressant chemicals WILL be used and all relying on a company that will self report accurately and timely. Are any of your numbers based on actual working plants now in operation? Proforma numbers are prepared in advance of a planned project. It is an anticipated and desired result, not results garnered from long term studies,with real businesses, real people and their mistakes. We want to see hard evidence, not computer generated models, do any exist? You also state that Portland cement, sand, gravel and crushed stone are considered non-hazardous under normal conditions and that silica (Portland cement) can cause silicosis and lung cancer when inhaled over long periods of time. What exactly is a permanent facility if not one that is expected to be around for a long period of time, operating 24 hours a day, 7 days a week? What long term studies can you produce on facilities that have been in operation? We would like the name of the person responsible for the site review. Under the Freedom of Information Act we would also request performance reviews of this person and any actions taken against them and or complaints.

Response #3:

The response validity is predicated upon self-reporting, with auditing that the required self-reporting is performed. Please provide statistics that indicate self-reporting has worked. Our experience in the aircraft and hydrocarbon processing industries is that self-reporting is ineffective and breeds a culture of cover-up.

Please justify how the TCEQ site report can conclude with "no concerns" when the closest residence within the 440-yard impact zone has COPD?

Response #4:

Since "TCEQ does not have jurisdiction to consider facility location when determining whether to approve or deny a permit application", then why isn't the 440-yard impact consideration based on the *lot line* instead of the equipment placement since the plant owner can place the equipment anywhere on the lot?

As TCEQ states in the response, 30 TAC Section 101.4 prohibits a person from creating or maintaining a nuisance that interferes with a landowner's use and enjoyment of his property. Please explain why you think the proposed plant will not interfere with landowner's enjoyment of their property when over 200 negative comments were received, and the immediate neighbors all state the plant would spoil the enjoyment they get from their property? What must the neighbors still do so that TCEQ realizes the proposed plant WILL interfere with our enjoyment of our property?

TCEQ states "the proposed plant will not be using diesel engine or generator". Please explain how the aggregate delivery trucks, the onsite front-end loaders, and the concrete trucks do not use diesel engines?

Response 5:

The response fails to answer the question regarding how often the reports are reviewed by a TCEQ investigator.

The response fails to answer the following question that was submitted: "When these state requirements are monitored, is it done on a scheduled basis or do monitors show up unannounced?"

Response 6:

TCAA 382.056 states, "applicants are required to publish notice in a newspaper of general circulation in the municipality in which the facility is proposed to be located, or in the municipality nearest to the location of the proposed location of the facility." The proposed location is in an unincorporated area of Comal County where the nearest municipality is Bulverde. Neither of the papers in which the notice was published are

readily available in the retail facilities that service the neighborhood surrounding the proposed location. The New Braunfels newspaper and the Bulverde newspaper are both readily available. Please explain how Tex-Mix met the requirements of the law for public notice in a newspaper.

Response 9

You state that TCEQ jurisdiction is established by the Legislature and is limited to the issues set forth in statute. Texas is a pro business state and success lobbying is an integral part of that. Since the needs and desires of a community such as ours falls in direct conflict with business, we fail to see how you can practice objectivity, rather the fox guarding the hen house mentality. If TCEQ is so bound in constraints by the legislature, how can we be assured of true protection, when you are not allowed to act independently? What have you denied and why? How many permits granted and how many denied?

Response 13:

The response did not answer the question. Please provide the information requested. If no permit application has been denied, please state so.

Response 14:

We have been attempting to inform TCEQ that issuing the proposed permit WILL interfere with our enjoyment of our property. Why is that message not getting through?

Why isn't a concrete batch plant that is permitted to operate 24 hours per day and 7 days per week within a residential area a violation?

What must we do so that TCEQ realizes the proposed plant WILL interfere with our enjoyment of our property?
This response is inadequate, what exactly does one have to do ?

Response 17:

The response states that, "the commission will initiate enforcement action…". The fines issued by TCEQ against Tex-Mix indicate the fine was ALWAYS reduced to administrative fees less than $1000. What evidence exists to show that this practice, which typically does not motivate change, results in minimizing future incidents?

Sincerely,

Sid and Becky Atkinson
210-273-8786
batkinson@gvtc.com

Marisa Weber

From:	PUBCOMMENT-OCC
Sent:	Wednesday, August 21, 2013 12:04 PM
To:	PUBCOMMENT-OCC2
Subject:	FW: Public comment on Permit Number 109839
Attachments:	contested case hearing letter2.docx

NSR 87379

H

From: batkinson@gvtc.com [mailto:batkinson@gvtc.com]
Sent: Tuesday, August 20, 2013 4:17 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Becky P Atkinson

E-MAIL: batkinson@gvtc.com

COMPANY: Neighbors of Spring Branch

ADDRESS: 13084 REBECCA CREEK RD
SPRING BRANCH TX 78070-6320

PHONE: 2102738786

FAX:

COMMENTS: The Neighbors of Spring Branch have respectfully submitted a letter requesting a contested case hearing.

MW

August 12, 2013

The Neighbors of Spring Branch are filing a request for a contested case hearing against Tex- Mix Ready Mix Concrete (permit # 109839), in support of the affected members of our group:

Emery and Annette Gass
12471 US Hwy 281 N
Spring Branch, Texas 78070
830-885-4447

Their home is within 440 yards of the proposed Tex-Mix plant site. Their property is situated directly across Highway 281.

Emery Gass has chronic obstructive pulmonary disease. He currently takes several prescription medications and is on oxygen for 6 to 8 hours daily. He has marked worsening on "air quality alert days" and finds himself unable to breathe, on those days, without continuous oxygen. He is unable to go outside on such days.

In addition to being his home the property and land is Emory's business. His business is a production of grass and alfalfa for sale as hay. Emory also raises and sells cattle. He also has several stock ponds which serve to water the cattle and provide fish for personal consumption.

Fugitive and concrete dust has been known to cause lung disease and to exacerbate pre –existing pulmonary conditions as well as exacerbate heart disease. It has also been shown to damage the teeth of animals that graze upon hay or grass, thus the problem would not be limited to Emory's cattle but to anyone else who purchases hay from him. This would render him unable to sell his hay for use as animal fodder. The effect on the fish is unknown, but those persons consuming the fish would likely damage their teeth and health, as has been demonstrated in grazing animals.

The Neighbors of Spring Branch have concerns for multiple businesses which operate outdoors. There are several restaurants which serve patrons outdoors with playgrounds for children. There is a smaller ranch nearby which has multiple species of animals raised organically. On this ranch are honeybee hives, since bees travel up to 3 miles for food and can introduce toxic elements from their foraging into honey production. Officials at the Central Texas Beekeepers Association have joined us in concern about the effects on this most important agricultural resource, which is a cornerstone of all agriculture, since pollination often requires them. We will make application to the Texas Department of Agriculture to involve them in helping us maintain this area for agricultural use and not industrial use. Silica dust, which is a known by product of concrete batch plants, is known to kill honeybees. This ranch is also an environment for outdoor activity and is available for therapeutic visits of medically fragile individuals, whose pulmonary status may be compromised by the dust exposure.

There are also concerns about the effect on the enjoyment of the land by all of us who live in the area. The Texas Administrative Code Title 30 part 1 Chapter 101 Subchapter A Rule 101.4, States that, "No

person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property." Our group feels we will be infringed upon, and expect our state officials to perform their appointed duty, and deny this application. If they, despite our stated opposition, grant the application we further request a contested case hearing in this matter, in which we will join with our neighbors the Gass family.

We further contend that any land which borders within 440 yards of the proposed facility will be affected since the land is used for agriculture, and animals require their owners to speak for them, not just those whose house lies within 440 yards. Thus we believe the Texas Commission on Environmental Quality has misinterpreted their guidelines and defaulted on their mission, in limiting the opposition to a single family whose home lies within 440 yards.

Submitted by Neighbors of Spring Branch

Dr. Sid W. Atkinson, President

Marisa Weber

From:	PUBCOMMENT-OCC
Sent:	Wednesday, August 21, 2013 12:04 PM
To:	PUBCOMMENT-OCC2
Subject:	FW: Public comment on Permit Number 109839
Attachments:	contested case hearing letter2.docx

H

ALJR 87379

From: batkinson@gvtc.com [mailto:batkinson@gvtc.com]
Sent: Tuesday, August 20, 2013 4:18 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Becky P Atkinson

E-MAIL: batkinson@gvtc.com

COMPANY: Neighbors of Spring Branch

ADDRESS: 13084 REBECCA CREEK RD
SPRING BRANCH TX 78070-6320

PHONE: 2102738786

FAX:

COMMENTS: The Neighbors of Spring Branch have respectfully submitted a letter requesting a contested case hearing.

MW

August 12, 2013

The Neighbors of Spring Branch are filing a request for a contested case hearing against Tex- Mix Ready Mix Concrete (permit # 109839), in support of the affected members of our group:

Emery and Annette Gass
12471 US Hwy 281 N
Spring Branch, Texas 78070
830-885-4447

Their home is within 440 yards of the proposed Tex-Mix plant site. Their property is situated directly across Highway 281.

Emery Gass has chronic obstructive pulmonary disease. He currently takes several prescription medications and is on oxygen for 6 to 8 hours daily. He has marked worsening on "air quality alert days" and finds himself unable to breathe, on those days, without continuous oxygen. He is unable to go outside on such days.

In addition to being his home the property and land is Emory's business. His business is a production of grass and alfalfa for sale as hay. Emory also raises and sells cattle. He also has several stock ponds which serve to water the cattle and provide fish for personal consumption.

Fugitive and concrete dust has been known to cause lung disease and to exacerbate pre –existing pulmonary conditions as well as exacerbate heart disease. It has also been shown to damage the teeth of animals that graze upon hay or grass, thus the problem would not be limited to Emory's cattle but to anyone else who purchases hay from him. This would render him unable to sell his hay for use as animal fodder. The effect on the fish is unknown, but those persons consuming the fish would likely damage their teeth and health, as has been demonstrated in grazing animals.

The Neighbors of Spring Branch have concerns for multiple businesses which operate outdoors. There are several restaurants which serve patrons outdoors with playgrounds for children. There is a smaller ranch nearby which has multiple species of animals raised organically. On this ranch are honeybee hives, since bees travel up to 3 miles for food and can introduce toxic elements from their foraging into honey production. Officials at the Central Texas Beekeepers Association have joined us in concern about the effects on this most important agricultural resource, which is a cornerstone of all agriculture, since pollination often requires them. We will make application to the Texas Department of Agriculture to involve them in helping us maintain this area for agricultural use and not industrial use. Silica dust, which is a known by product of concrete batch plants, is known to kill honeybees. This ranch is also an environment for outdoor activity and is available for therapeutic visits of medically fragile individuals, whose pulmonary status may be compromised by the dust exposure.

There are also concerns about the effect on the enjoyment of the land by all of us who live in the area. The Texas Administrative Code Title 30 part 1 Chapter 101 Subchapter A Rule 101.4, States that, "No

person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property." Our group feels we will be infringed upon, and expect our state officials to perform their appointed duty, and deny this application. If they, despite our stated opposition, grant the application we further request a contested case hearing in this matter, in which we will join with our neighbors the Gass family.

We further contend that any land which borders within 440 yards of the proposed facility will be affected since the land is used for agriculture, and animals require their owners to speak for them, not just those whose house lies within 440 yards. Thus we believe the Texas Commission on Environmental Quality has misinterpreted their guidelines and defaulted on their mission, in limiting the opposition to a single family whose home lies within 440 yards.

Submitted by Neighbors of Spring Branch

Dr. Sid W. Atkinson, President

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, August 08, 2013 12:50 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

NSR 87379

From: batkinson@gvtc.com [mailto:batkinson@gvtc.com]
Sent: Thursday, August 08, 2013 12:25 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Becky Atkinson

E-MAIL: batkinson@gvtc.com

COMPANY: Rebecca Creek Bed and Breakfast

ADDRESS: 13084 REBECCA CREEK RD
SPRING BRANCH TX 78070-6320

PHONE: 2102738786

FAX:

COMMENTS: Printed below is an article from a Texas newspaper of the African dust that will settle over our state for the coming days. It has traveled thousands of miles and will unfortunately be a serious problem for those with compromised health. While Mother Nature resists "management" and humans deal as they can with these challenges, an individual should be able to protest, protect and resist human caused issues which affect our health. If this type of damaging dust can travel thousands of miles and still create health issues, please tell

MW

me why the only people who have a legal right to complain fall inside a 440 yard radius. Where did this number come from? What studies were done to confirm that they are the only affected parties? What measurements do you do to determine those outside the "circle" will not breathe in microscopic dust that is cancerous in nature? Once this plant is in, how will the general public know if processing chemicals, procedures, added equipment, or increased production is implemented? And how will we know what these chemicals or procedures will be ? If we are having air quality alerts due to ozone in San Antonio, heavy microscopic dangerous particles from thousands of miles away, what will you do, TCEQ, to monitor the air quality that will be affected by a much smaller distance. The closest station to my knowledge is in Bulverde, not good enough. Please read the article below, in one other paper your comment was not to worry about this, we would have some beautiful sunsets from it. Small consolation if you want to protect your lungs. African dust cloud spreads to Texas Bringing in contaminants, causing breathing woes Updated: Friday, 27 Jul 2012, 10:59 AM CDT Published : Friday, 27 Jul 2012, 10:56 AM CDT Stephanie Heracleous AUSTIN (KXAN) - Hundreds of millions of tons of mineral dust are transferred thousands of miles through the atmosphere from Africa to the Caribbean and the Americas every year, said U.S. Geology Survey. National Geographic said that the African dust clouds carry contaminants like metals, pesticides and microorganisms which have potential for polluting oceans in the Caribbean and southeastern U.S. Friday The dust clouds are spreading and will eventually cover much of the eastern half of Texas by the afternoon with possibly higher PM2.5 levels. Particulate matter less than 2.5 micrometers in diameter are referred to as PM2.5. These particles are so small that they can go deep into lungs and cause breathing problems. •KXAN's Weather forecast There will be moderate PM2.5 levels over much of central and Southeast Texas and increasing levels over the course of the day as far as the Dallas-Ft. Worth area. In other parts of the state, moderate winds and heavy cloud cover with rain should help to keep air quality in the good range. Saturday The African dust cloud should expand and cover much of the state with the exception of far West Texas as the clouds and rain help to keep the good air quality. Higher PM2.5 levels are expected in parts of south, and Southeast Texas. Moderate levels will be present in Central Texas. Lower PM2.5 levels are expected in Northeast Texas and West Texas. Sunday The African dust cloud will cover much of the state, with moderate fine particulate levels expected everywhere except for West Texas and Northeast Texas. PM2.5 levels should be on the lower side.

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Friday, August 09, 2013 9:17 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

NSR 87379

From: batkinson@gvtc.com [mailto:batkinson@gvtc.com]
Sent: Thursday, August 08, 2013 3:06 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Becky Atkinson

E-MAIL: batkinson@gvtc.com

COMPANY: Rebecca Creek Bed and Breakfast

ADDRESS: 13084 REBECCA CREEK RD
SPRING BRANCH TX 78070-6320

PHONE: 2102738786

FAX:

COMMENTS: In searching for the African dust cloud I inadvertently posted an article from last years event into the comment section. Below is THIS year's problem with the cloud that travels thousands of miles to settle on Texas. It's a yearly visitor, let's add some concrete dust to the mix..... The skies over San Antonio are a slightly different color. The haze is caused by African dust from the Saharan Desert. Every summer, strong winds in the Saharan Desert kick up and dust particles are carried 15,000 feet into the atmosphere and across the

MW

Atlantic. The dust likes to drop itself right over Texas. The calls are coming in at Dilley Allergy & Asthma. "They're coughing and they got headaches," said Dr. Dennis Dilley. "Their voice is gone, they have a sore throat." Dilley said patients are listing a number of symptoms not necessarily consistent with allergies. He said the dust is very fine and can travel into the smallest part of someone's lungs. "So what I find is people are affected by it right away or there is a delayed affect, so maybe a day or two after the dust is gone before people feel the affects," Dilley said. People with respiratory issues should avoid the outdoors. Asthmatics may find they're using their inhalers a lot more often, but for most of us nothing will make the symptoms go away but time. Dr. Joseph Elizondo at Texas MedClinic is also hearing patient complain about a runny nose, itchy eyes and sore throat. He recommends staying on allergy medication and rinsing your eyes and face.

	Very Satisfied *Muy Satisfecho*				Very Dissatisfied *Muy Insatisfecho*	Not Applicable *No Aplicable*
Overall, *En General*						
How satisfied are you: *¿Qué tan satisfecho está usted...*						
4. With the Texas Commission on Environmental Quality? *...Con la Comisión de Calidad Ambiental de Texas?*	5	4	3	2	1	N/A
5. That the TCEQ is attentive to customer complaints? *...Con la atención que la TCEQ brinda a las quejas de los clientes?*	5	4	3	2	1	N/A
TCEQ Employees, *Empleados de la TCEQ*						
How satisfied are you: *¿Qué tan satisfecho está usted...*						
6. That staff identified themselves adequately? *...Con la forma en que el personal se identifica?*	5	4	3	2	1	N/A
7. That the staff is sufficiently knowledgeable? *...Con la suficiencia de conocimiento que tiene el personal?*	5	4	3	2	1	N/A
8. That the staff is professional and courteous? *...Con el profesionalismo y cortesía del personal?*	5	4	3	2	1	N/A
Telephone Calls, *Atención Telefónica*						
How satisfied are you: *¿Qué tan satisfecho está usted...*						
9. With the handling of telephone calls you've placed to the TCEQ? *...Con la forma en que se manejan las llamadas telefónicas que usted ha hecho a la TCEQ?*	5	4	3	2	1	N/A
10. With the length of time you wait to reach the right person on the phone? *...Con el tiempo de espera para que le atienda la persona adecuada en el teléfono?*	5	4	3	2	1	N/A
Written Information or Documentation, *Información Escrita y Documentación*						
How satisfied are you: *¿Qué tan satisfecho está usted...*						
11. With the accuracy/helpfulness of the written information or documentation you received? *...Con la exactitud y utilidad de la información escrita y documentación que recibió?*	5	4	3	2	1	N/A
12. With the ease of understanding the written information or documentation you received? *...Con la facilidad con que se entiende la información escrita o documentación recibida?*	5	4	3	2	1	N/A

	Very Satisfied *Muy Satisfecho*				Very Dissatisfied *Muy Insatisfecho*	Not Applicable *No Aplicable*
Website, *Sitio Web*						
How satisfied are you: *¿Qué tan satisfecho está usted...*						
13. With the ease of finding information on our website? *...Con la facilidad de encontrar información en nuestro sitio web?*	5	4	3	2	1	N/A
14. With the usefulness of information on our website? *...Con la utilidad de la información que hay en nuestro sitio web?*	5	4	3	2	1	N/A
Facilities, *Instalaciones*						
How satisfied are you: *¿Qué tan satisfecho está usted...*						
15. With the appearance and location of our facilities? *...Con la apariencia y ubicación de nuestras instalaciones?*	5	4	3	2	1	N/A
16. With the accessibility of our facilities? *...Con el acceso a nuestras instalaciones?*	5	4	3	2	1	N/A
If You Filed a Complaint, *Si Presentó una Queja*						
How satisfied are you: *¿Qué tan satisfecho está usted...*						
17. With the way your complaint was handled? *...Con la forma en que se manejó su queja?*	5	4	3	2	1	N/A
18. With the response you received regarding your complaint? *...Con la respuesta que recibió sobre su queja?*	5	4	3	2	1	N/A
19. With the timeliness of staff in handling your complaint? *...Con la puntualidad con la que el personal de la TCEQ atendió su queja?*	5	4	3	2	1	N/A

Remains to be seen

Other, *Otros*

20. Do you have any other comments or concerns? *¿Tiene usted algún otro comentario o preocupación?*

Don't GRANT this Air quality permit to Tex-Mix
Air # 109839

☒ TCEQ staff may contact me if they have any questions. *El personal de la TCEQ puede comunicarse conmigo si tienen alguna pregunta.*

☐ I need the TCEQ to contact me because I have further items to discuss. *Necesito que la TCEQ se comunique conmigo porque tengo más asuntos para discutir.*

Name: Becky A Tanson *Nombre:* Phone Number: 210-273-8786 *Número de Teléfono:*

E-mail: batlanson@gvtc.com *Correo Electrónico:*

Note: An e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body is confidential in most, but not all, cases. See more information at <www.tceq.state.tx.us/goto/privacy>. Also, individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512-239-3282.

Nota: Una dirección de correo electrónico de un miembro del público que se proporciona para el propósito de comunicarse electrónicamente con una entidad gubernamental es confidencial en la mayoría, pero no todos, de los casos. Vea más información en <www.tceq.state.tx.us/goto/privacy>. Además, individuos tienen derecho de pedir y examinar su información personal que la agencia reúne en sus formularios. También tienen derecho de que se corrija cualquier error que haya en su información. Para examinar tal información, comuníquense con nosotros al 512-239-3282.

REVIEWED
JUL 10 2013
By

CHIEF CLERKS OFFICE
2013 JUL -9 AM 10:40
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

MW

NSR
87379

NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES

BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 2953 AUSTIN, TX
POSTAGE WILL BE PAID BY ADDRESSEE

OFFICE OF PUBLIC ASSISTANCE MC 108
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY
PO BOX 13087
AUSTIN TX 78711-9958

Customer Satisfaction Survey
Encuesta de Satisfacción del Cliente

Texas Commission on Environmental Quality
Comisión de Calidad Ambiental de Texas

(Please fold in thirds and staple to show return address.)
(Favor de doblarlo en tres y grapar lo, de modo que se vea la dirección.)

Thank you for completing our survey.
Gracias por completar nuestra encuesta.

If you wish to file a complaint or comment in more detail, please contact our Customer Service Representative at 1-800-687-4040 or send an e-mail message to custserv@tceq.state.tx.us, or mail in your comments to the Office of Public Assistance MC-108, TCEQ, P.O. Box 13087, Austin, TX 78711.

Si desea presentar una queja o comentario con más detalle, favor de comunicarse con nuestro Representante de Servicio al Cliente, al teléfono 1-800-687-4040, o envíe un correo electrónico a custserv@tceq.state.tx.us, ó envíe sus comentarios por correo a la Oficina de Asistencia al Público MC-108, TCEQ, P.O. Box 13087, Austin, TX 78711.

The TCEQ is an equal opportunity employer. The agency does not allow discrimination on the basis of race, color, religion, national origin, sex, disability, age, sexual orientation, or veteran status.
La TCEQ es un empleador con igualdad de oportunidades. La agencia tiene prohibido la discriminación por motivos de raza, color de piel, religión, origen nacional, sexo, discapacidad, edad, orientación sexual o condición de veterano.

Printed on recycled paper using vegetable-based ink. / *Impreso en papel reciclado usando tinta vegetal.*

RECEIVED JUN 27 2013 AT PUBLIC MEETING
RECEIVED JUN 27 2013 AT PUBLIC MEETING
62237

Texas Commission on Environmental Quality
Comisión de Calidad Ambiental de Texas

Customer Satisfaction Survey
Encuesta de Satisfacción del Cliente

Have we provided the service you need?
¿Le hemos dado el servicio que usted necesita?

Please complete this survey and return to us—or go online at <www.tceq.state.tx.us/goto/customersurvey>.
Por favor complete esta encuesta y devuélvanosla —o vaya en línea a <www.tceq.state.tx.us/goto/encuestadelcliente>.

General Information, ***Información General***

1. **Which customer type would you consider yourself:** (mark only one)
¿Cuál categoría de cliente considera que le corresponde a usted? (marque sólo una)

- ☒ Citizen, *Ciudadano*
- ☐ Owner or Employee of Regulated Company *Propietario o Empleado de una Empresa Regulada*
- ☐ Environmental Group Representative *Representante de Grupo Ecologista*
- ☐ Public/Elected Official *Funcionario Público y/o Elegido*
- ☐ Industry/Association Representative *Representante de Industria o Asociación*
- ☐ Neighborhood/Community Representative *Representante de Vecinos/Comunidad*
- ☐ Attorney/Consultant, *Abogado/Consultor*
- ☐ Other (please describe):, *Otro (favor de describir):* _____

2. **What county do you live in?** Comal
¿En qué condado tiene su domicilio?

3. **How did you find out about this survey?** (mark only one)
¿Cómo se enteró de esta encuesta? (marque sólo una)

- ☐ A letter I received *Una carta que recibí*
- ☐ An e-mail I received *Un correo electrónico que recibí*
- ☐ A TCEQ publication *Una publicación de la TCEQ*
- ☒ A TCEQ employee *Un empleado de la TCEQ*
- ☐ Surfing the TCEQ website *Navegando en el sitio web de la TCEQ*
- ☐ Other (please describe): *Otro (favor de describir):* _____

TCEQ-10333 (12/10)

Form formal or comment (2)

TCEQ Public Meeting Form
June 27, 2013

Tex-Mix Partners, Ltd.
Air Quality Standard Permit
Registration No. 109839

RECEIVED
JUN 27 2013
AT PUBLIC MEETING

PLEASE PRINT

Name: Becky Atkinson

Mailing Address: 13084 Rebecca Creek Rd

Physical Address (if different): _____

City/State: Spring Branch Zip: TX 78070

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

Email: batkinson@gvtc.com

Phone Number: 210-273-8786

- 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.

MS

RECEIVED
JUN 27 2013
AT PUBLIC MEETING

Spring Branch TX 78070

Good evening, my name is Becky Atkinson. My husband and I live at 13084 Rebecca Creek Road, approximately ¼ mile from the proposed Tex-Mix property operation. We wish to thank you for the opportunity to express our concerns. All of us present this evening are here to have a meaningful dialogue regarding numerous concerns regarding our health and safety.

We have multiple objections to this location desired by Tex-Mix. I will outline the most contentious. Let me begin by expressing my disappointment in being unable to arrange a meeting with Tex-Mix. We believed it would have been helpful to discuss our concerns directly with Tex-Mix. I made several attempts to schedule an appointment with Mr. Dan Hanrahan with Tex-Mix. I left messages at the main office and his cell phone. Mr. Hanrahan nor any other Tex-Mix representative returned my call. So I am particularly grateful that you have made yourself available to intervene on our behalf.

Our most serious concern is air quality. In addition, I want to refer to Texas Code, Rule 101.4, regarding nuisance. Dust is a nuisance. Fugitive dust from a cement batch plant is a nuisance and harmful, this is well documented. Prior to 1999, before an air quality permit was issued, fugitive dust was part of the air dispersion model in determining the amount of particulate matter in the air. Successful lobbying by the concrete industry eliminated this important part of the equation; otherwise, the industry would not be able to meet the standards designed to protect human health. This omission of pertinent information does not make us any safer or change the conditions which threaten our health and property. It also brings into question the difficulty TCEQ faces in order to fulfill their mission statement which is to protect the state's public health consistent with sustainable economic development. What is the rational for placing heavy industry, known for health risks from dangerous air borne dust, so close to homes and water sources? Please, if eleven states can see evidence of volcanic ash from Mount St. Helen, how much crystalline silica will be blown into our lungs on a windy day on a far shorter distance?

I would like to continue to enjoy our 60 acres, without toxic dust, where we raise several hundred animals and practice rotational grazing, garden without the use of pesticides, Roundup or GMO seeds, mulch every scrap available to create rich garden soil without the aid of chemicals. We raise bees, which are disappearing at an alarming rate worldwide. Bees travel miles for their food source, silica dust can affect vegetation and also kill since it is an agent used in pest control. Without toxic dust we would like guests to enjoy our Bed and Breakfast. We have 150+ guests a year where agritourism is a large part of our draw. This B&B in turn provides customers and revenue for our community as we recommend restaurants, wineries, stores, groceries, places to visit and things to do. We have plans for extensive expansion and renovation but the drawbacks of heavy industry close by have us greatly concerned. There isn't a scenario I can imagine where I would say, "Hey, when you see the concrete batch plant on 281, take the next right, go ¼ mile and have a restful weekend.....if you forget your mask and ear plugs we have some available", I don't think so.

The natural world, free from toxicity, is vital to humanity and this neighborhood in particular. There is much research to validate the emotional, spiritual, mental and physical benefits of encounters in nature. Our property is available for therapeutic goals. We have 6 animals certified by an international therapy

organization, walking trails and places to sit in quiet contemplation. Some of whom we will be working with are children who are physically challenged and animals have a marvelous way to reach those in need. Toxic dust does not need to be introduced to already medically fragile children.

We are no strangers to business. We have multiple concerns in Virginia and Texas, commercial and residential and have been running businesses for 20 years. They are successfully run and we are confident in our abilities. We are clearly not anti business, we just don't believe the gateway to the Hill Country should be a cement batch plant nor should it be forced upon private lives and homes.

A batch plant by design is a nuisance to a community. It belongs in an industrial park. It appears that the majority, if not all, of the Tex-Mix plants in the Austin vicinity are located away from residential areas. Based on the nuisance of the dust, the degradation of air quality, the potential negative effect to the safety and health of our neighbors and the nuisance of the noise and activity in this tranquil area, we are requesting denial of the permit request by Tex-Mix.

RECEIVED
JUN 27 2013
AT PUBLIC MEETING

Marisa Weber

From: PUBCOMMENT
Sent: Thursday, May 30, 2013 11:37 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839
Attachments: Word Tex-Mix1.pdf

NSR 87379

PM

From: PUBCOMMENT-OCC
Sent: Thursday, May 30, 2013 11:07 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 109839

From: batkinson@gvtc.com [mailto:batkinson@gvtc.com]
Sent: Thursday, May 30, 2013 10:55 AM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Becky Atkinson

E-MAIL: batkinson@gvtc.com

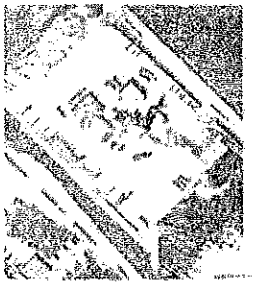
COMPANY: Rebecca Creek Bed and Breakfast

ADDRESS: 13084 REBECCA CREEK RD
SPRING BRANCH TX 78070-6320

PHONE: 2102738786

FAX:

COMMENTS: My husband and I are opposed to the proposed Tex-Mix plant scheduled to be built .5 mile south of Rebecca Creek Road on Hwy 281. I respectfully request a public meeting. We own 60 acres on Rebecca Creek Road, as the crow flies, very close to the proposed site. We operate Rebecca Creek Bed and Breakfast and have 150+ guests a year and plan for expansion. Our guests come to enjoy the quiet, take walks around the property and observe in nature what you cannot obtain from city life. Keeping this type of environment is not only critical to our business, but to how we life a quality life. We are home to a multitude of wild animals, native plant life (we have had a walk about with members of the Native Plant Society), approximately 75 birds, most of which are Heritage breeds (chickens, ducks and turkeys), goats, donkeys, sheep, and 6 Pineywood cows that are an endangered breed of "heritage " livestock descended from the original Spanish stock left by the Spanish explorers in the early 1500's. We have (16) 4' x 8' raised bed gardens which supplies our family and guests and all of what we raise and cultivate is done without chemicals or pesticides. We also host the Branches Fellowship at our ranch, which meets twice a month. We are working to establish a non-profit that will serve to educate and demonstrate the importance of the natural world on our physical and mental health. We have 6 registered therapy animals certified by an international organization as part of this endeavor. In short, we take our environment quite seriously. My husband retired several years ago after 30+ years with the Army. We have traveled most of our married life and ended up in San Antonio. We purchased this ranch for the quiet, the space and a chance to cultivate and share with others the beauty and importance of the natural world. We left behind growing traffic, air pollution alert days and the ever increasing noise from being 8 miles from the airport and unfortunately in their flight landing pattern. When we are not entertaining guests in the B&B we are enjoying our children and grandchildren and wish to leave a legacy of the current beauty we are enjoying, not the encumbrances of a cement batch plant. We now see an industrial blight knocking at the back door. I have attached a photo of one of the Tex-Mix plants, it is located in San Marcos. This is NOT what I envision or want close to our homes, our air, our water. The possibilities for noise pollution are high, the danger to our water, and our air quality are not worth the risk. Aesthetically, it is an eyesore. What will this do to our property values?? In looking at the other Tex-Mix plants I see none close to neighborhoods, they are located in industrial areas (or cemeteries). Of the plethora of sites available, why this one???? This is a poor location choice for many, many reasons. Please do not grant this permit.



Marisa Weber

From: PUBCOMMENT-OCC
Sent: Wednesday, August 21, 2013 12:04 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

H

NSR 87379

From: atkinsons3@uthscsa.edu [mailto:atkinsons3@uthscsa.edu]
Sent: Tuesday, August 20, 2013 6:23 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: DR. Sid Atkinson

E-MAIL: atkinsons3@uthscsa.edu

COMPANY: Neighbors of Spring Branch

ADDRESS: 13084 REBECCA CREEK RD
SPRING BRANCH TX 78070-6320

PHONE: 8308852449

FAX:

COMMENTS: August 12, 2013 The Neighbors of Spring Branch are filing a request for a contested case hearing against Tex- Mix Ready Mix Concrete (permit # 109839), in support of the affected members of our group: Emery and Annette Gass 12471 US Hwy 281 N Spring Branch, Texas 78070 830-885-4447 Their home is within 440 yards of the proposed Tex-Mix plant site. Their property is situated directly across Highway 281, Emery Gass has chronic obstructive pulmonary disease. He currently takes several prescription medications and

is on oxygen for 6 to 8 hours daily. He has marked worsening on "air quality alert days" and finds himself unable to breathe, on those days, without continuous oxygen. He is unable to go outside on such days. In addition to being his home the property and land is Emory's business. His business is a production of grass and alfalfa for sale as hay. Emory also raises and sells cattle. He also has several stock ponds which serve to water the cattle and provide fish for personal consumption. Fugitive and concrete dust has been known to cause lung disease and to exacerbate pre –existing pulmonary conditions as well as exacerbate heart disease. It has also been shown to damage the teeth of animals that graze upon hay or grass, thus the problem would not be limited to Emory's cattle but to anyone else who purchases hay from him. This would render him unable to sell his hay for use as animal fodder. The effect on the fish is unknown, but those persons consuming the fish would likely damage their teeth and health, as has been demonstrated in grazing animals. The Neighbors of Spring Branch have concerns for multiple businesses which operate outdoors. There are several restaurants which serve patrons outdoors with playgrounds for children. There is a smaller ranch nearby which has multiple species of animals raised organically. On this ranch are honeybee hives, since bees travel up to 3 miles for food and can introduce toxic elements from their foraging into honey production. Officials at the Central Texas Beekeepers Association have joined us in concern about the effects on this most important agricultural resource, which is a cornerstone of all agriculture, since pollination often requires them. We will make application to the Texas Department of Agriculture to involve them in helping us maintain this area for agricultural use and not industrial use. Silica dust, which is a known by product of concrete batch plants, is known to kill honeybees. This ranch is also an environment for outdoor activity and is available for therapeutic visits of medically fragile individuals, whose pulmonary status may be compromised by the dust exposure. There are also concerns about the effect on the enjoyment of the land by all of us who live in the area. The Texas Administrative Code Title 30 part 1 Chapter 101 Subchapter A Rule 101.4, States that, "No person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property." Our group feels we will be infringed upon, and expect our state officials to perform their appointed duty, and deny this application. If they, despite our stated opposition, grant the application we further request a contested case hearing in this matter, in which we will join with our neighbors the Gass family. We further contend that any land which borders within 440 yards of the proposed facility will be affected since the land is used for agriculture, and animals require their owners to speak for them, not just those whose house lies within 440 yards. Thus we believe the Texas Commission on Environmental Quality has misinterpreted their guidelines and defaulted on their mission, in limiting the opposition to a single family whose home lies within 440 yards.
Submitted by Neighbors of Spring Branch Dr. Sid W. Atkinson, President

Have formal oral comment (1)

TCEQ Public Meeting Form
June 27, 2013

Tex-Mix Partners, Ltd.
Air Quality Standard Permit
Registration No. 109839

RECEIVED
JUN 27 2013
AT PUBLIC MEETING

PLEASE PRINT

Name: Sid W. Atkinson MD

Mailing Address: 13084 Rebecca Creek Rd

Physical Address (if different):

City/State: Spring Branch **Zip:** 78070

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

Email:

Phone Number:

- 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

13084 Rebecca Creek
Spring Branch, TX 78070

RECEIVED
JUN 27 2013
AT PUBLIC MEETING

Ladies and Gentlemen, Commissioners, neighbors

I am Dr. Sid Atkinson, I live in Spring Branch, TX. My home is slightly over 440 yards from the proposed Tex-Mix Concrete Batch Plant. I work in San Antonio, but enjoy the life in this rural area, and love my neighbors. For my profession, I am a professor at the University of Texas Health Science Center at San Antonio, where I practice my medial specialty.

Dust is a recognized health hazard. The International Standardization Organization defines dust as

"Dust: small solid particles, conventionally taken as those particles below 75 microns... which settle out under their own weight but which may remain suspended for some time."

The Glossary of Atmospheric Chemistry Terms defines dust as:

Dust: Small, dry, solid particles projected into the air by natural forces , such as wind, volcanic eruption, and by mechanical or man-made processes such as crushing, grinding, milling, drilling, demolition, shoveling, conveying, screening, bagging, and sweeping. Dust particles are usually in the range of 1-100 microns in diameter and they settle slowly under the influence of gravity."

The World Health Organization expresses particular concern about the effects of "**mineral dusts**, such as those containing free crystalline silica (eg as quartz) coal, and cement dusts;

The dust enters the human body primarily through the respiratory system. In nasal breathing these enter the nose and large particles settle there. With exercise or in ill health mouth breathing occurs and the particles enter the lungs. This can be especially true in active children.

Silica, a very seriously hazardous dust is stirred up and projected into the air in "granule handling operations such as weighing and mixing (common to batch processes) and transferring raw materials and products, as on conveyor belts, or transfer from one container to another"

Whenever there is breakdown of sand, rocks, or ores containing free crystalline silica there may be a very serious hazard, which increases with the proportion of "respirable" particles and the free silica content of the dust.

Health risks: These are correlated with the type of dust, and the length of exposure.

The main concern is on pulmonary tissues, but dust enters the body and can be found to cause not only COPD, and asthma exacerbations, but cancer of the stomach, and permanent loss of dental enamel and gum disease. Most insidious, though, it has been found to exacerbate hardening of the arteries, thus increasing strokes and heart attacks. It shortens the life of those exposed to it.

RECEIVED
JUN 27 2013
AT PUBLIC MEETING

Under **Texas Administrative Code; Title 30, Part 1; Chapter 101, Subchapter A, Rule 101.4 Nuisance**

No person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or adversely affect human health or welfare, animal life, vegetation, or property or as to interfere with the normal use and enjoyment of animal life, vegetation, or property.

My neighbors and I have many concerns. Many of us have serious lung problems or have had cardiac disease. I am a veteran of long military service and have both lung disease and heart disease. My friend Emery Gass, has chronic lung disease, and his house is within 440 yards of the proposed site of this toxic dust spewing plant. Juanita Proffitt has moved her aged father here, at some expense, to care for him in his elderly years. Only to have this toxic dust spewing plant be proposed on land that touches hers.

The one time event of Sept 11th, 2001 caused an estimated 10,000 people to suffer pulmonary injuries, for that they had gifts establishing a fund of 534 million dollars, for compensation. Tex Mix is proposing to spew toxic dust into the air, offer us no compensation, and expose us to this dust every day of our lives, for years to come. Other Tex Mix sites appear to be away from residential property, one adjoins a graveyard. Let them move their plant there, not near living, breathing humans.

I am so concerned that to help my neighbors, and support the community I have begun steps to start a medical research project. I seek to enroll selected members of the community in the project, offering my services to evaluate their respiratory and cardiac health at the free clinic at the Bulverde Spring Branch EMS station a few hundred yards from the proposed Tex Mix facility. I hope to offer these neighbors my help in making claims for any disability or injury that can be discerned.

I urge you to deny this request from Tex Mix to establish a batch plant on the proposed site.

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Monday, March 31, 2014 8:34 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

RFR

From: butler@gvtc.com [mailto:butler@gvtc.com]
Sent: Sunday, March 30, 2014 8:53 PM
To: donotReply@tceq.texas.gov
Subject: Public comment on Permit Number 109839

NSR 87379

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Robert C. Butler

E-MAIL: butler@gvtc.com

COMPANY:

ADDRESS: 381 BENT OAK DR
SPRING BRANCH TX 78070-6313

PHONE: 2108857230

FAX:

COMMENTS: ROBERT & ANGELA BUTLER 381 Bent Oak Drive, Spring Branch, Texas 210-885-7230 butler@gvtc.com March 30, 2014 Texas Commission on Environmental Quality (TCEQ) RE: Tex-Mix Partners, Ltd. Registration No. 109839 Responses to Response to Comments Dated March 6, 2014 We disagree with the Executive Director's decision that the above-referenced permit application meets the requirements of the applicable law. Eight of the responses from TCEQ to our comments either did not answer the original

question, or did not provide an answer that substantiates that the permit application meets the requirements of the applicable law. As a result, we request reconsideration of the Executive Director's decision Our responses to the TCEQ responses are itemized as follows : Response #2: The site review conducted by the TCEQ Regional Office wrongly concluded that the proposed plant would not pose a nuisance to the 14 residences surrounding the site. None of these neighbors were contacted so that the "nuisance" could be assessed. Please repeat the site survey by accessing the properties. Response #3: The response validity is predicated upon self-reporting, with auditing that the required self-reporting is performed. Please provide statistics that indicate self-reporting has worked. Our experience in the aircraft and hydrocarbon processing industries is that self-reporting is ineffective and breeds a culture of cover-up. Please justify how the TCEQ site report can conclude with "no concerns" when the closest residence within the 440-yard impact zone has COPD? Response #4: Since "TCEQ does not have jurisdiction to consider facility location when determining whether to approve or deny a permit application", then why isn't the 440-yard impact consideration based on the *lot line* instead of the equipment placement since the plant owner can place the equipment anywhere on the lot? As TCEQ states in the response, 30 TAC Section 101.4 prohibits a person from creating or maintaining a nuisance that interferes with a landowner's use and enjoyment of his property. Please explain why you think the proposed plant will not interfere with landowner's enjoyment of their property when over 200 negative comments were received, and the immediate neighbors all state the plant would spoil the enjoyment they get from their property? What must the neighbors still do so that TCEQ realizes the proposed plant WILL interfere with our enjoyment of our property? TCEQ states "the proposed plant will not be using diesel engine or generator". Please explain how the aggregate delivery trucks, the onsite front-end loaders, and the concrete trucks do not use diesel engines? Response 5: The response fails to answer the question regarding how often the reports are reviewed by a TCEQ investigator. The response fails to answer the following question that was submitted: "When these state requirements are monitored, is it done on a scheduled basis or do monitors show up unannounced?" Response 6: TCAA 382.056 states, "applicants are required to publish notice in a newspaper of general circulation in the municipality in which the facility is proposed to be located, or in the municipality nearest to the location of the proposed location of the facility." The proposed location is in an unincorporated area of Comal County where the nearest municipality is Bulverde. Neither of the papers in which the notice was published are readily available in the retail facilities that service the neighborhood surrounding the proposed location. The New Braunfels newspaper and the Bulverde newspaper are both readily available. Please explain how Tex-Mix met the requirements of the law for public notice in a newspaper. Response 13: The response did not answer the question. Please provide the information requested. If no permit application has been denied, please state so. Response 14: We have been attempting to inform TCEQ that issuing the proposed permit WILL interfere with our enjoyment of our property. Why is that message not getting through? Why isn't a concrete batch plant that is permitted to operate 24 hours per day and 7 days per week within a residential area a violation? What must we do so that TCEQ realizes the proposed plant WILL interfere with our enjoyment of our property? Response 17: The response states that, "the commission will initiate enforcement action…". The fines issued by TCEQ against Tex-Mix indicate the fine was ALWAYS reduced to administrative fees less than $1000. What evidence exists to show that this practice, which typically does not motivate change, results in minimizing future incidents? Under the open records act, I am requesting any new information that has developed since my last open records request on any violations of the rules or laws that Tex-Mix has possibly committed. I also am requesting a copy of all internal emails referencing this permit application (109839 between TECQ staff, contractors, and other persons affiliated with TCEQ as well as all emails between TCEQ, the public, and Tex-Mix. Sincerely, Robert & Angela Butler 381 Bent Oak Drive, Spring Branch, TX 78070 210-885-7230

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Friday, August 23, 2013 8:16 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

NSR / 87379

H

From: butler@gvtc.com [mailto:butler@gvtc.com]
Sent: Thursday, August 22, 2013 9:28 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Robert Butler

E-MAIL: butler@gvtc.com

COMPANY:

ADDRESS: 381 BENT OAK DR
SPRING BRANCH TX 78070-6313

PHONE: 2108857230

FAX:

COMMENTS: August 22, 2013 We are filing a request for a contested case hearing against Tex- Mix Ready Mix Concrete (permit # 109839), in support of the affected members of our group: Emery and Annette Gass 12471 US Hwy 281 N Spring Branch, Texas 78070 830-885-4447 Their home is within 440 yards of the proposed Tex-Mix plant site. Their property is situated directly across Highway 281. Emery Gass has chronic obstructive pulmonary disease. He currently takes several prescription medications and is on oxygen for 6 to 8

hours daily. He has marked worsening on "air quality alert days" and finds himself unable to breathe, on those days, without continuous oxygen. He is unable to go outside on such days. In addition to being his home, the property and land is also Emory's business. His business is a production of grass and alfalfa for sale as hay. Emory also raises and sells cattle. He also has several stock ponds which serve to water the cattle and provide fish for personal consumption. Concrete dust has been known to cause lung disease and to exacerbate pre-existing pulmonary conditions as well as exacerbate heart disease. It has also been shown to damage the teeth of animals that graze upon hay or grass, thus the problem would not be limited to Emory's cattle but to anyone else who purchases hay from him. This would render him unable to sell his hay for use as animal fodder. The Neighbors of Spring Branch have concerns for multiple businesses which operate outdoors. There are several restaurants which serve patrons outdoors with playgrounds for children. There is a smaller ranch nearby which has multiple species of animals raised organically. On this ranch are honeybee hives. Since bees travel up to 3 miles for food, this proposed concrete plant can introduce toxic elements from their foraging into honey production. Officials at the Central Texas Beekeepers Association have joined us in concern about the effects on this most important agricultural resource, which is a cornerstone of all agriculture, since pollination often requires them. Silica dust, which is a known by product of concrete batch plants, is known to kill honeybees. This ranch is also an environment for outdoor activity and is available for therapeutic visits of medically fragile individuals, whose pulmonary status may be compromised by the dust exposure. TCEQ's Site Report filed June 30, 2013 records under Surrounding Land Use "Residential, Commercial, Ranchland, Highway", and under Receptor Type "Residential", yet in the summary under Site Review in response to the prompt "In light of the proximity of sensitive receptors and the surrounding land use, please discuss any concerns you have concerning a facility of this type locating at the proposed site", the report recorded "No Concerns". Depending upon where Tex-Mix locates the plant, there are three to six occupied residences that would be within the 440 impact zone, yet no attempt was made to verify if any of these residents would be adversely affected. The current proposed location for the plant results in the residence of a COPD sufferer to lie within the 440 yard impact zone. In addition to the three to six occupied residences that are within the impact zone of the proposed Tex-Mix plant, there are also 24 occupied structures within 440 yards of the lot boundary and another 14 platted residential lots that have not yet been built upon. Only five of these 38 lots is, or would be, commercial, and only two of the structures represent a ranch, resulting in the proposed Tex-Mix plant to adjoin a neighborhood of 31 residential lots. This seems to be an inappropriate location for the plant. Thus we believe the Texas Commission on Environmental Quality has misinterpreted their guidelines and defaulted on their mission, by limiting the opposition to a single family whose home lies within 440 yards. In recent news events, dust traveled to Texas, including the Spring Branch area, from Africa which contained minerals that had an adverse effect on our residents. If dust can travel half way around the world and cause people to become sick, how did TCEQ establish the 440 yard rule? The Texas Administrative Code, Title 30: Environmental Quality, Part 1: Texas Commission on Environmental Quality, Chapter 101: General Air Quality Rules, Sub-chapter A: General Rules, contains Rule 101.4: Nuisance: "No person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property." We refer specifically to the wording, "interfere with the normal use and enjoyment of ....property." We think the proposed 24 hours-per-day, 7 days-per-week concrete batch plant within a residential area, would be a clear violation of this rule. How can TCEQ guarantee that Tex-Mix will not contaminate the area beyond 440 yards? If it can travel half way around the world, what is to stop the migration of dust beyond your rule of 440 yards? We expect our state officials to perform their appointed duty, and deny the subject Air Permit application. In lieu of this, I am requesting, under the open records act, that TCEQ provide any and all records showing that Tex-Mix has violated any provisions of previous permits issued to them by TCEQ and any complaints that TCEQ has received since the issue of their first permit by TCEQ or any other Texas agency that may have preceded TCEQ. If TCEQ, despite our stated opposition, grants the Air Permit, we request a contested case hearing in which we will support our neighbors the Gass family. Sincerely, Robert and Angela Butler 381 Bent Oak Dr. 78070 Members of neighborsofspringbranch.org

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

June 5, 2013

2013 JUN -7 AM 11: 13

CHIEF CLERKS OFFICE

Texas Commission on Environmental Quality
Office of Air, Air Permits Division, MC-163
Attn: Mr. Don Nelon
PO Box 13087
Austin, TX 78711-3087

NSR
87379

Re: Contested Case Hearing in reference to Air Quality Registration Proposal No. 109839

Dear Mr. Nelon:

Please accept this as a formal request for a "Contested Case Hearing" on the Tex-Mix Partners, Ltd. proposal No. 109839 to construct a concrete batch plant at Highway 281 near Rebecca Creek Road in Comal County.

As a resident at 381 Bent Oak Dr., Spring Branch, TX 78070, our property lies within 440 yards of this site's boundary. We have lived at this address for 30 years, raised our family, board horses, and are currently building a guest house to serve as a bed and breakfast. There are approximately 20 neighbors who live within the 440 yard impact zone as described in the permit request.

Tex-Mix claims they will only use about 5 acres for the facility, but they are not constrained to where they build the mixing station on the land, and they are not constrained from building out to the perimeter in the future. We can only assume that Tex-Mix intends to use the entire acreage, or they would have purchased a smaller amount of land. It is our understanding that the permit that Tex-Mix is applying for is for a permanent facility that can operate 24 hours a day.

Having horses and future guest staying on our place, we are concerned with the hazards this proposed plant poses to the air quality for human life, animals, and our environment. The proximity of the proposed plant and the dust it would produce will have adverse effect on our ability to attract clients to our business.

We request a public hearing to contest the award of the subject Air Permit.

Sincerely,

Robert L Butler
Angela Butler

Robert and Angela Butler
381 Bent Oak Dr.
Spring Branch, Texas 78070
(210) 885-7230

REVIEWED
JUN 10 2013
By

H

mw

Cc:

Lt. Governor David Dewhurst
Capitol Station
P. O. Box 12068
Austin, Texas 78711

The Honorable Donna Campbell
Texas Senate, District 25
1902 E. Common St. Ste. 500
New Braunfels, TX 78130

The Honorable Doug Miller
Texas House, District 73
407 W. Mill Street
New Braunfels, Texas 78130

The Honorable Jan Kennady
Comal County Commissioner, Precinct 4
100 Main Plaza
New Braunfels, Texas 78130

ROBERT & ANGELA BUTLER
381 BENT OAK DRIVE
SPRING BRANCH, TX 78070

RECEIVED
JUN 07 2013
TCEQ MAIL CENTER
MM

SAN ANTONIO TX 780
RIO GRANDE DISTRICT
05 JUN 2013 PM 5 L

Liberty
FOREVER

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2013 JUN -7 AM 11:14
CHIEF CLERKS OFFICE

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

78711308787

Marisa Weber

From:	PUBCOMMENT
Sent:	Wednesday, June 05, 2013 3:56 PM
To:	PUBCOMMENT-OCC2
Subject:	FW: Public comment on Permit Number 109839
Attachments:	TCEQ Hearing Request1.pdf

H

RSR 87379

From: PUBCOMMENT-OCC
Sent: Wednesday, June 05, 2013 2:54 PM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 109839

From: butler@gvtc.com [mailto:butler@gvtc.com]
Sent: Wednesday, June 05, 2013 2:39 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Robert Butler

E-MAIL: butler@gvtc.com

COMPANY:

ADDRESS: 381 BENT OAK DR
SPRING BRANCH TX 78070-6313

PHONE: 2108857230

FAX:

COMMENTS: Requesting a hearing on this permit. Please see attached PDF file.

June 5, 2013

Texas Commission on Environmental Quality
Office of Air, Air Permits Division, MC-163
Attn: Mr. Don Nelon
PO Box 13087
Austin, TX 78711-3087

Re: Contested Case Hearing in reference to Air Quality Registration Proposal No. 109839

Dear Mr. Nelon:

Please accept this as a formal request for a "Contested Case Hearing" on the Tex-Mix Partners, Ltd. proposal No. 109839 to construct a concrete batch plant at Highway 281 near Rebecca Creek Road in Comal County.

As a resident at 381 Bent Oak Dr., Spring Branch, TX 78070, our property lies within 440 yards of this site's boundary. We have lived at this address for 30 years, raised our family, board horses, and are currently building a guest house to serve as a bed and breakfast. There are approximately 20 neighbors who live within the 440 yard impact zone as described in the permit request.

Tex-Mix claims they will only use about 5 acres for the facility, but they are not constrained to where they build the mixing station on the land, and they are not constrained from building out to the perimeter in the future. We can only assume that Tex-Mix intends to use the entire acreage, or they would have purchased a smaller amount of land. It is our understanding that the permit that Tex-Mix is applying for is for a permanent facility that can operate 24 hours a day.

Having horses and future guest staying on our place, we are concerned with the hazards this proposed plant poses to the air quality for human life, animals, and our environment. The proximity of the proposed plant and the dust it would produce will have adverse effect on our ability to attract clients to our business.

We request a public hearing to contest the award of the subject Air Permit.

Sincerely,

Robert C. Butler
Angela Butler

Robert and Angela Butler
381 Bent Oak Dr.
Spring Branch, Texas 78070
(210) 885-7230

Cc:

Lt. Governor David Dewhurst
Capitol Station
P. O. Box 12068
Austin, Texas 78711

The Honorable Donna Campbell
Texas Senate, District 25
1902 E. Common St. Ste. 500
New Braunfels, TX 78130

The Honorable Doug Miller
Texas House, District 73
407 W. Mill Street
New Braunfels, Texas 78130

The Honorable Jan Kennady
Comal County Commissioner, Precinct 4
100 Main Plaza
New Braunfels, Texas 78130

Have formal Oral comment

(7)

TCEQ Public Meeting Form
June 27, 2013

Tex-Mix Partners, Ltd.
Air Quality Standard Permit
Registration No. 109839

PLEASE PRINT

Name: Robert C. Butler

Mailing Address: 381 Bent Oak Drive

Physical Address (if different): _____

City/State: Spring Branch TX **Zip:** 78070

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

Email: butler@gvtc.com

Phone Number: _____

- 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.

MS

Marisa Weber

From: PUBCOMMENT
Sent: Wednesday, May 22, 2013 10:15 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

PM

DSR 07379

From: PUBCOMMENT-OCC
Sent: Wednesday, May 22, 2013 9:33 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 109839

From: butlerra@gvtc.com [mailto:butlerra@gvtc.com]
Sent: Tuesday, May 21, 2013 9:22 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: ROBERT C. BUTLER

E-MAIL: butlerra@gvtc.com

COMPANY:

ADDRESS: 381 BENT OAK DR
SPRING BRANCH TX 78070-6313

PHONE: 2108857230

FAX:

MW

COMMENTS: My wife and I have lived at 381 Bent Oak Drive in Spring Branch, TX, since 1983. Our residence is located within the 440 yard limit of the proposed concrete mixing station and on top of a hill towards in the back of Rebecca Creek Estates. The application shows a permanent, 24 hour concrete mixing station to be built adjacent to our subdivision which will produce cement and rock dust particles that will pollute our neighborhood. We would like to request a public meeting on this proposed permit and that TCEQ notify us in writing and email of the time and date that the meeting will be held. If the meeting is to be held in the Spring Branch area, I would like to suggest that it be held at the Guadalupe Valley Telephone Cooperative. They do not charge for public meetings and can be reached at 830-885-4411. Robert C. Butler

AIR PERMITS DIVISION
JUN 10 2013
RECEIVED

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2013 JUN 13 AM 8:57
CHIEF CLERKS OFFICE

June 7, 2013

Texas Commission on Environmental Quality
Office of Air, Air Permits Division, MC-163
Attn: Mr. Don Nelon
PO Box 13087
Austin, TX 78711-3087

NSR 87379

Re: Contested Case Hearing in reference to Air Quality Registration Proposal No. 109839

Dear Mr. Nelon:

Please accept this as a formal request for a "Contested Case Hearing" on the Tex-Mix Partners, Ltd. proposal No. 109839 to construct a concrete batch plant at Highway 281 near Rebecca Creek Road in Comal County.

I currently live on 3.7 acres, all of which is well within the 440 yard limit. My parents live on acreage right next to mine, all of which is also well within the 440 yard limit. The property of both my family and my parents share a fence line with this property which essentially reduces the range to ZERO.

Tex-Mix claims they will only use about 5 acres for the facility, but they are not constrained to where they build the mixing station on the land, and they are not constrained from building out to the perimeter in the future. We can only assume that Tex-Mix intends to use the entire acreage, or they would have purchased a smaller amount of land. It is our understanding that the permit that Tex-Mix is applying for is for a permanent facility that can operate 24 hours a day.

I have a teenage daughter and my parents are well into their retirement age carrying the health issues associated with such. I am concerned with the hazards this proposed plant poses to the air quality for human life, animals, and our environment. The proximity of the proposed plant, the dust it would generate and the constant noise would very likely have an adverse effect upon our health and happiness.

I do not understand why anyone would even consider building or allowing to be built, what is essentially a heavy industrial facility, right next door to a residential area.

We request a public hearing to contest the award of the subject Air Permit.

Sincerely,

REVIEWED
JUN 13 2013
By

IP # 172862 — IP # 172863
William, Liliya and Erica Colston
672 Craig Lane
Spring Branch, Texas 78070
(830) 481-7377

IP # 172861
William SR and Janie Colston
616 Craig LN
Spring Branch, TX 78070
830-885-4235

Cc:

The Honorable Donna Campbell
Texas Senate, District 25
1902 E. Common St. Ste. 500
New Braunfels, TX 78130

The Honorable Doug Miller
Texas House, District 73
407 W. Mill Street
New Braunfels, Texas 78130

The Honorable Jan Kennady
Comal County Commissioner, Precinct 4
100 Main Plaza
New Braunfels, Texas 78130

COLSTON
672 CLAIG LN
Spring Branch TX
78070

SAN ANTONIO TX 780
RIO GRANDE DISTRICT
JUN 2013 PM 6 L

Justice
FOREVER

RECEIVED

JUN 10 2013

TCEQ MAIL CENTER
MM

TCEQ
OFFICE OF AIR, AIR PERMITS DIVISION, MC-163
ATTN: MR DON NELSON
PO Box 13087
AUSTIN, TX 78711-3087

78711308787

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, August 22, 2013 2:54 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

NSR 07379

H

From: rjamesd@gmail.com [mailto:rjamesd@gmail.com]
Sent: Thursday, August 22, 2013 2:50 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Ron and Donna Deage\

E-MAIL: rjamesd@gmail.com

COMPANY:

ADDRESS: 951 BRENT SPRINGS RD
SPRING BRANCH TX 78070-4976

PHONE: 4699648781

FAX:

COMMENTS: August 12, 2013 The Neighbors of Spring Branch are filing a request for a contested case hearing against Tex- Mix Ready Mix Concrete (permit # 109839), in support of the affected members of our group: Emery and Annette Gass 12471 US Hwy 281 N Spring Branch, Texas 78070 830-885-4447 Their home is within 440 yards of the proposed Tex-Mix plant site. Their property is situated directly across Highway 281. Emery Gass has chronic obstructive pulmonary disease. He currently takes several prescription medications and

nw

is on oxygen for 6 to 8 hours daily. He has marked worsening on "air quality alert days" and finds himself unable to breathe, on those days, without continuous oxygen. He is unable to go outside on such days. In addition to being his home the property and land is Emory's business. His business is a production of grass and alfalfa for sale as hay. Emory also raises and sells cattle. He also has several stock ponds which serve to water the cattle and provide fish for personal consumption. Fugitive and concrete dust has been known to cause lung disease and to exacerbate pre –existing pulmonary conditions as well as exacerbate heart disease. It has also been shown to damage the teeth of animals that graze upon hay or grass, thus the problem would not be limited to Emory's cattle but to anyone else who purchases hay from him. This would render him unable to sell his hay for use as animal fodder. The effect on the fish is unknown, but those persons consuming the fish would likely damage their teeth and health, as has been demonstrated in grazing animals. The Neighbors of Spring Branch have concerns for multiple businesses which operate outdoors. There are several restaurants which serve patrons outdoors with playgrounds for children. There is a smaller ranch nearby which has multiple species of animals raised organically. On this ranch are honeybee hives, since bees travel up to 3 miles for food and can introduce toxic elements from their foraging into honey production. Officials at the Central Texas Beekeepers Association have joined us in concern about the effects on this most important agricultural resource, which is a cornerstone of all agriculture, since pollination often requires them. We will make application to the Texas Department of Agriculture to involve them in helping us maintain this area for agricultural use and not industrial use. Silica dust, which is a known by product of concrete batch plants, is known to kill honeybees. This ranch is also an environment for outdoor activity and is available for therapeutic visits of medically fragile individuals, whose pulmonary status may be compromised by the dust exposure. There are also concerns about the effect on the enjoyment of the land by all of us who live in the area. The Texas Administrative Code Title 30 part 1 Chapter 101 Subchapter A Rule 101.4, States that, "No person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property." Our group feels we will be infringed upon, and expect our state officials to perform their appointed duty, and deny this application. If they, despite our stated opposition, grant the application we further request a contested case hearing in this, matter, in which we will join with our neighbors the Gass family. We further contend that any land which borders within 440 yards of the proposed facility will be affected since the land is used for agriculture, and animals require their owners to speak for them, not just those whose house lies within 440 yards. Thus we believe the Texas Commission on Environmental Quality has misinterpreted their guidelines and defaulted on their mission, in limiting the opposition to a single family whose home lies within 440 yards. Submitted by Neighbors of Spring Branch Dr. Sid W. Atkinson, President We wish to sign on to the above August 12, 2013 Neighbors of Spring Branch letter and request a contested case hearing against Tex-Mix Concrete (permit number 109839) in support of the affected members of our group, Emery and Annette Goss, 12471 US Hwy 281 North, Spring Branch, TX, 78070. In addition, we would like to add the following comments. Comments: With a drought going on in the area, any dust emitted from the plant will be broadcast into a larger surrounding area due to the lack of rain and humidity which would naturally dampen the spread of airborne contaminants. Also, here in the country, residents spend a greater percentage of time outside than would most urban dwellers. This is an area where people are more likely to eat, entertain, and engage in recreational activities outdoors on a year round basis and so would be more negatively affected by the Tex-Mix batch plant than would an area where there weren't more things happening outdoors. In addition, there are several restaurants with outdoor dining that have weekend entertainment with outdoor concerts, bands and dancing that will be very close to the 24/7 batch plant. This plant will be exceptionally close to the Guadalupe and the Little Blanco and larger Blanco River and near to Canyon Lake. There are boating, kayaking, skiing, and fishing activities on these waterways and a multitude of businesses whose livelihood depends on tourists using their services. If the general air quality is substandard, these businesses will suffer. Also, there is a honey bee farm quite close to the batch plant. There is a major concern about the effect of cement dust on the hives. Officials and the Central Texas Beekeepers Association are exceptionally concerned about the effects on the bees. The Silica dust, a known product of cement batch plants, is known to kill honey bees. Texas administrative code, title 30, part one, chapter 101, subchapter A, rule 101.4 states that, "No person shall

discharge from any source whatsoever, one or more air contaminants or combinations thereof, in such concentration and of such duration, as are or may tend to be injurious or adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property." If this code is enforced, we expect our state officials to do their duty and refuse this application. There have been numerous complaints against other Tex-Mix plants, from their neighbors complaining about excessive noise in unreasonable hours, excessive dust and grit inside and outside their homes, spilled concrete on roads and highways resulting in both driving hazards and damage to windshields and tires. Many homeowners who live near Tex-Mix plants feel that their health and quality of life has been negatively impacted by the dust, noise, and traffic problems. The bushes and trees around the already existing Tex-Mix batch plant near Bulverde, TX are covered with varying degrees of concrete dust and appear permanently gray or whiteish is color. I would like for Tex-Mix to respond to the following questions. How often is the air tested? At what distance from the plant is the air tested? What tests are used? If it's raining on testing dates, are the tests rescheduled on a later dry day? What are the required air quality parameters the cement plant must follow? If the results don't fall into the acceptable range, what sanctions are applied? Were reliability and validity measures used in the establishment of the tests and procedures? If so, what are they? Since Tex Mix states it will only be using a small corner portion of the land they bought for the plant, will they be legally precluded from expanding the batch plant into other areas on that property that may negatively affect other homes or property in the future? What measures will be used to insure that the trucks from the batch plant do not leave the plant area with their tires coated in concrete dust that would be dispersed a significant distance from the plant? Will there be a designed entrance and exit for the plant? How will Tex-Mix safely accommodate several trucks waiting to enter the plant at the same time? Since Hwy 281 has a speed limit of 60 mph in that area, how will the entrance and exit of fully loaded concrete trucks be safely managed? Will surrounding water and stock tanks be tested for contamination from concrete dust? How often would that be done? What tests would be used How will run-off water from the Tex-Mix plant be restricted from contaminating surrounding land and other water sources? How will businesses and home owners who are near the batch plant location and are adversely affected by the air quality be compensated for their loss of business or loss of home value? Will area residents with no prior health concerns who develop respiratory problems that are attributed to poor air quality be compensated for their medical expenses and their loss of life quality by Tex-Mix or TCEQ? We will be purchasing indoor air quality measurement instruments, and will be using them for some time prior to Tex-Mix beginning operations, to determine an air quality baseline in our home. How will we be compensated if our indoor air quality significantly declines and our health is affected after Tex-Mix begins operation? If our indoor air quality declines and our home requires extensive filtration media or other technology in order to regain our previous air quality level, how will we be compensated? Submitted by local residents of Spring Branch Donna and Ron Deage 951 Brent Springs Rd. Spring Branch, TX 78070

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Wednesday, April 02, 2014 3:03 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

NSR 87379

H

From: danterg@gmail.com [mailto:danterg@gmail.com]
Sent: Wednesday, April 02, 2014 1:52 PM
To: donotReply@tceq.texas.gov
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Annette Gass

E-MAIL: danterg@gmail.com

COMPANY:

ADDRESS: 12471 US HIGHWAY 281 N
SPRING BRANCH TX 78070-6318

PHONE: 8308854447

FAX:

COMMENTS: To: Bridget C. Bohac, Chief Clerk TCEQ, MC-105 P.O. Box 13087 Austin, TX 78711-3087 From: Emery & Annette Gass 12471 US Hwy 281 Spring Branch, TX 78070 830-885-4447 Ref: Tex-Mix Partners, Ltd. Registration No. 109839 To Whom It May Concern, We are requesting a contested case hearing on the above referenced application. We are an affected person who has a personal justifiable interested related to this application. Our permanent place of residence is located across the street from the proposed permit site

and well within 440 yards of the proposed plant. The approval of this application will adversely affect the health of Mr. Gass who suffers from COPD and other breathing issues. The plants emissions of particle dust particles, plus the emissions of increased truck traffic together are an issue we feel has not been addressed by TCEQ. The approval of this application would also have an adverse effect on the use of the Gass property. The proposed site of the batch plant is to be located on a creek that runs from the applicant's property, under Hwy 281 and into a retaining pond on the Gass property, which is used to water cattle. The high probability that contaminant run off from the batch plant into the creek causes a nuisance based on the inability to use the pond for watering purposes, therefore having to find another source for watering, and could possibly destroy the current fish population. I would like to direct your attention to the Executive Director's Response to Public Comments. We have listed several of the Director's responses below to the public comments and believe that most of the comments are inadequate for the concerns. • Public Comment 1 and 2 in reference to Air Quality and Health Effects. The Executive Director's response in both comments refers to the Particle Matter restrictions set out in the Standard Permit. However, it he goes on to say, in comment 2, that "The Air Quality Standard Permit for Concrete Bach Plants is designed to be in compliance with these standards." He does not say that it is in compliance. Also in response 2 he states "When a company operates in compliance with the proposed permit, there should be no deterioration of air quality or the generation of dust such that impacts visibility." He cannot say that there will not be. • Public Comment #3 refers to the 440-yard impact zone, in which commenters question the effects of the batch plants within this radius and the impact on agricultural property. The Executive Director in the response gives the definition of "affected person" but does not answer the concern. After reviewing your policies I have found that under the "Air Quality Standard Permit for Concrete Batch Plants with Enhanced Controls" under the Design and Operating Requirements, Section K the following: (K) The following distance limitations must be met: If the plant is located in an area that is not subject to municipal zoning regulation, the central baghouse must be located at least 440 yards from any building used as a single or multifamily, school, or place of worship at the time the standard permit registration is filed with the commission. Based on this statue alone, we don't know how you can issue a permit to the applicant because our residence is within that 440 yards. There were many more comments that we feel were not properly responded to, in which we intent to bring up at the contested hearing. Your attention to this matter is greatly appreciated and we kindly request that you reconsider any decision to grant the applicants permit. Thank you, Emery and Annette Gass

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Texas Commission on Environmental Quality
Office of Air, Air Permits Division, MC-163
Attn: Mr. Don Nelon
PO Box 13087
Austin TX 78711-3087

2013 JUN 1 AM 8:03

CHIEF CLERKS OFFICE

NSR 87379

AIR PERMITS DIVISION
JUN 07 2013
RECEIVED

Re: Contested Case Hearing in reference to Air Quality Registration Proposal No. 109839

Dear Mr. Nelon:

Please accept this as a formal request for a "Contested Case Hearing" on the Tex-Mix Partners, Ltd. Proposal No. 109839 to construct a concrete batch plant at Highway 281 near Rebecca Creek Road in Comal County.

As a resident at 12471 US HWY 281 N., Spring Branch TX 78070 our home lies within 440 yards west of this site's boundary. We would be straight across the highway from the proposed plant. My husband and I live on this ranch which has been in our family for over 100 years. We even still live in the house that he was born in. He has put in long hard hours on the ranch to have it looking like it does. He makes his own hay for his cattle. He even built several ponds for the cattle so he would not have to pump water from underground. Also the ponds have been stocked with fish so we can go fishing. In 2006 he received the Outstanding Conservation Rancher Award for Comal County and in 2007 he won runner-up Resident Conservation Rancher in Region III. This is what you call a rancher, and to have this proposed cement plant come in would ruin everything he has done. Plus, take into consideration when it rains any runoff water from the plant would go into our fish ponds.

The cement dust from this proposed plant could be harmful to my husband's health which suffers from COPD. He takes daily breathing treatments and is on oxygen. The days when air quality is high along with the cement dust in the air would even compound his health issues even more.

I appreciate your attention to this matter.

Sincerely,

Annette Gass

REVIEWED H
JUN 10 2013
By

Emery & Annette Gass
12471 US Hwy 281 N.
Spring Branch TX 78070
June 4, 2013

Cc:
The Honorable Donna Campbell
Texas Senate, District 25
1902 E. Common St. Ste, 500
New Braunfels TX 78130

The Honorable Doug Miller
Texas House, District 73
407 W. Mill Street
New Braunfels TX 78130

The Honorable Jan Kennady
Comal County Commissioner, Precinct 4
100 Main Plaza
New Braunfels TX 78130

BAR-G RANCH
EMERY OR ANNETTE GASS
12471 US HWY 281 N
SPRING BRANCH, TX 78070

RECEIVED
JUN 07 2013
TCEQ MAIL CENTER
MM

SAN ANTONIO TX 780
RIO GRANDE DISTRICT
05 JUN 2013 PM 5 L

Liberty
FOREVER

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2013 JUN 10 AM 8:04
CHIEF CLERKS OFFICE

Texas Commission on Environmental Quality
Office of Air, Air Permits Division MC 163
Attention: Mr. Don Nelon
P.O. Box 13087
Austin, Texas 78711-3087

RECEIVED
JUN 07 2013
AIR PERMITS DIVISION

7871130878 7

Marisa Weber

From: PUBCOMMENT
Sent: Monday, June 10, 2013 8:14 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

H

NSR 87379

From: PUBCOMMENT-OCC
Sent: Thursday, June 06, 2013 7:09 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 109839

From: ritaann@gvtc.com [mailto:ritaann@gvtc.com]
Sent: Wednesday, June 05, 2013 8:22 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Annette Gass

E-MAIL: ritaann@gvtc.com

COMPANY:

ADDRESS: 12471 US HIGHWAY 281 N
SPRING BRANCH TX 78070-6318

PHONE: 8308854447

FAX:

MW

COMMENTS: Please accept this as a formal request for a "Contested Case Hearing" on the Tex-Mix Partners, Ltd. Proposal No. 109839 to construct a concrete batch plant at Highway 281 near Rebecca Creek Road in Comal County. As a resident at 12471 US HWY 281 N., Spring Branch TX 78070 our home lies within 440 yards west of this site's boundary. We would be straight across the highway from the proposed plant. My husband and I live on this ranch which has been in our family for over 100 years. We even still live in the house that he was born in. He has put in long hard hours on the ranch to have it looking like it does. He makes his own hay for his cattle. He even built several ponds for the cattle so he would not have to pump water from underground. Also the ponds have been stocked with fish so we can go fishing. In 2006 he received the Outstanding Conservation Rancher Award for Comal County and in 2007 he won runner-up Resident Conservation Rancher in Region III. This is what you call a rancher, and to have this proposed cement plant come in would ruin everything he has done. Plus, take into consideration when it rains any runoff water from the plant would go into our fish ponds. The cement dust from this proposed plant could be harmful to my husband's health which suffers from COPD. He takes daily breathing treatments and is on oxygen. The days when air quality is high along with the cement dust in the air would even compound his health issues even more.

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, August 22, 2013 12:56 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

NSR 87379

From: ritaann@gvtc.com [mailto:ritaann@gvtc.com]
Sent: Wednesday, August 21, 2013 7:31 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Annette Gass

E-MAIL: ritaann@gvtc.com

COMPANY:

ADDRESS: 12471 US HIGHWAY 281 N
SPRING BRANCH TX 78070-6318

PHONE: 8308854447

FAX:

COMMENTS: August 21, 2013 In regards to the Air Quality Permit (#109839) for Tex-Mix Ready Mix Concrete. First of all, I want to say that my husband and I fully support and stand by the comments and concerns made by The Neighbors of Spring Branch President, Dr. Sid W. Atkinson. My residence at 12471 US Hwy 281 North, lies within 440 yards of this proposed plant. I am concerned of how the added dust from this plant will affect my family's health. My husband suffers from a respiratory condition which requires him to

MW

have daily breathing treatments, medication, and oxygen to help him breathe easier. On days when there is an Air Quality day, he sometimes cannot leave his house because it is hard for him to breathe. I can only imagine what it will be like if this plant comes in. Not only am I concerned with the effects of the cement dust on human life, but what about the wildlife? How will it affect the fish that live in our 3 stock ponds that my husband built so his children and grandchildren would have a place to go fishing? What about the cattle, deer, and ducks that live on their ranch? What about the coastal my husband plants every year to make hay for his cattle? We also use the cattle, deer, and fish as a food resource. By us consuming these resources, will that affect our health as well? Thank you. Emery & Annette Gass 12471 US Hwy 281 N. Spring Branch TX 78070 830-885-4447 ritaann@gvtc.com

Marisa Weber

From: PUBCOMMENT
Sent: Wednesday, May 29, 2013 2:25 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

PM
H

From: PUBCOMMENT-OCC
Sent: Wednesday, May 29, 2013 1:33 PM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 109839

From: ddhager07@msn.com [mailto:ddhager07@msn.com]
Sent: Wednesday, May 29, 2013 1:23 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Diana D Hager

E-MAIL: ddhager07@msn.com

COMPANY:

ADDRESS: 740 CRAIG LN
SPRING BRANCH TX 78070-6316

PHONE: 2103830440

FAX:

COMMENTS: I request a public meeting on this proposed permit. Our property is within the perimeters of the proposed site for the concrete batch plant. I encouraged my sister who is caregiver to our 93 year old father to move to this area for a healthier environment. His doctors in El Paso encouraged the move citing fresh air, lower elevation and higher humidity would greatly improve his breathing. Since moving here my Dad has been doing really well, requiring less breathing treatments, and less trips to the Doctor. This concrete batch plant will be extremely detrimental to his health as well as to ours. The views off the back of our property are breath taking, and the sunsets are incredible. It would be truly sad to look out and see a huge monstrosity marring our view! We were so excited when we bought our little piece of heaven and are very worried about what it will do to the landscape, wildlife, property values, and most importantly our health and well being. Please reconsider the permit and allow us a public meeting and hearing. Thank You!

June 5, 2013

Texas Commission on Environmental Quality
Office of Air, Air Permits Division, MC-163
Attn: Mr. Don Nelon
PO Box 13087
Austin, TX 78711-3087

ALSR 87379

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2013 JUN -7 AM 11:12
CHIEF CLERKS OFFICE

Re: Contested Case Hearing in reference to Air Quality Registration Proposal No. 109839

Dear Mr. Nelon:

Please accept this as a formal request for a "Contested Case Hearing" on the Tex-Mix Partners, Ltd. proposal No. 109839 to construct a concrete batch plant at Highway 281 near Rebecca Creek Road in Comal County.

We currently live on a ranch which lies within 440 yards of this site's boundary. We have lived at this address for 20 years and currently have a cattle operation that is a major source of income. Our house lies just outside the 440 yard limit but we have rental property inside the 440 yard perimeter which is occupied by a young couple expecting their first child.

Tex-Mix claims they will only use about 5 acres for the facility, but they are not constrained to where they build the mixing station on the land, and they are not constrained from building out to the perimeter in the future. We can only assume that Tex-Mix intends to use the entire acreage, or they would have purchased a smaller amount of land. It is our understanding that the permit that Tex-Mix is applying for is for a permanent facility that can operate 24 hours a day.

Having livestock, renters, and frequent guests on our place, we are concerned with the hazards this proposed plant poses to the air quality for human life, animals, and our environment. The proximity of the proposed plant and the dust it would have an adverse effect on our ability to function as a working ranch.

We request a public hearing to contest the award of the subject Air Permit.

Sincerely,

Johnny A. Henke
June Henke

Johnny and June Henke
12251 Rebecca Creek Road
Spring Branch, Texas 78070
(830) 885-7699

REVIEWED
JUN 10 2013
By

MU

Cc:

The Honorable Donna Campbell
Texas Senate, District 25
1902 E. Common St. Ste. 500
New Braunfels, TX 78130

The Honorable Doug Miller
Texas House, District 73
407 W. Mill Street
New Braunfels, Texas 78130

The Honorable Jan Kennady
Comal County Commissioner, Precinct 4
100 Main Plaza
New Braunfels, Texas 78130

Mr Johnny Henke
12251 Rebecca Creek Rd
Spring Branch TX 78070-6309

SAN ANTONIO TX 780
RIO GRANDE DISTRICT
05 JUN 2013 PM 5 L

RECEIVED

JUN 07 2013

TCEQ MAIL CENTER
MM

USA
Equality
FOREVER

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2013 JUN 07 AM 11:12

CHIEF CLERKS OFFICE

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

78711308787

Marisa Weber

From:	PUBCOMMENT
Sent:	Monday, June 10, 2013 8:14 AM
To:	PUBCOMMENT-OCC2
Subject:	FW: Public comment on Permit Number 109839
Attachments:	TCEQ Hearing Request from Henke1.pdf

H

NSR 87379

From: PUBCOMMENT-OCC
Sent: Thursday, June 06, 2013 7:10 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 109839

From: jjhenke@gvtc.com [mailto:jjhenke@gvtc.com]
Sent: Wednesday, June 05, 2013 6:33 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Johnny Henke

E-MAIL: jjhenke@gvtc.com

COMPANY:

ADDRESS: 12251 REBECCA CREEK RD
SPRING BRANCH TX 78070-6309

PHONE: 8308857699

FAX:

COMMENTS: Requesting a public hearing on this permit. Please see attached PDF filr.

June 5, 2013

Texas Commission on Environmental Quality
Office of Air, Air Permits Division, MC-163
Attn: Mr. Don Nelon
PO Box 13087
Austin, TX 78711-3087

Re: Contested Case Hearing in reference to Air Quality Registration Proposal No. 109839

Dear Mr. Nelon:

Please accept this as a formal request for a "Contested Case Hearing" on the Tex-Mix Partners, Ltd. proposal No. 109839 to construct a concrete batch plant at Highway 281 near Rebecca Creek Road in Comal County.

We currently live on a ranch which lies within 440 yards of this site's boundary. We have lived at this address for 20 years and currently have a cattle operation that is a major source of income. Our house lies just outside the 440 yard limit but we have rental property inside the 440 yard perimeter which is occupied by a young couple expecting their first child.

Tex-Mix claims they will only use about 5 acres for the facility, but they are not constrained to where they build the mixing station on the land, and they are not constrained from building out to the perimeter in the future. We can only assume that Tex-Mix intends to use the entire acreage, or they would have purchased a smaller amount of land. It is our understanding that the permit that Tex-Mix is applying for is for a permanent facility that can operate 24 hours a day.

Having livestock, renters, and frequent guests on our place, we are concerned with the hazards this proposed plant poses to the air quality for human life, animals, and our environment. The proximity of the proposed plant and the dust it would have an adverse effect on our ability to function as a working ranch.

We request a public hearing to contest the award of the subject Air Permit.

Sincerely,

Johnny Henke
June Henke

Johnny and June Henke
12251 Rebecca Creek Road
Spring Branch, Texas 78070
(830) 885-7699

Cc:

The Honorable Donna Campbell
Texas Senate, District 25
1902 E. Common St. Ste. 500
New Braunfels, TX 78130

The Honorable Doug Miller
Texas House, District 73
407 W. Mill Street
New Braunfels, Texas 78130

The Honorable Jan Kennady
Comal County Commissioner, Precinct 4
100 Main Plaza
New Braunfels, Texas 78130

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2013 AUG 26 AM 10: 53

CHIEF CLERKS OFFICE

NSR 87379

REVIEWED

AUG 26 2013

By

August 21, 2013

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

FROM: Diane Kime, Marilyn Pozero, James Wollmann
Spring Branch Residents; 180 Lipizzan Lane.

RE: Tex- Mix Ready Mix Concrete (permit # 109839)

This letter is to notify the Commission of our support for a hearing regarding the above permit. We support a local organization, Neighbors for Spring Banch, which has investigated this matter and brought it to community residents' attention.

We believe using unincorporated land for the "ease" of permit approval goes beyond what is right and necessary for the specific location that Tex-Mix Ready Mix has requested. First, the intersection of U.S. 281 and Rebecca Springs Rd. has seen at least 2 major accidents per yr. for the last 3 yrs. It has required air-evacuation for the motorists. Large trucks entering and leaving the area will only add to more traffic congestion and greater risk for accidents.

In addition, concrete dust is known to cause lung disease and aggravate pre-existing pulmonary conditions as well as heart disease. I have been diagnosed with pulmonary pneumonitis and irritants in the air make my condition worse. Concrete dust has also been shown to damage the teeth of animals that graze upon hay or grass. The effect on the fish is unknown, but persons consuming the fish would likely damage their teeth and health, as has been demonstrated in grazing animals.

The community organization, Neighbors of Spring Branch, and my family as well, has concerns for businesses that operate outdoors. Several restaurants serve patrons outdoors with playgrounds for children while others have stages for musical entertainment. There is a small ranch nearby which has multiple species of animals raised organically. On this ranch are honeybee hives. Since bees travel up to 3 miles for food, this proposed concrete plant could introduce toxic elements from their foraging into honey production. Officials at the Central Texas Beekeepers Association have joined us in concern about the effects on this most important agricultural resource, which is a cornerstone of all agriculture, since pollination often requires them. NSP will make application to the Texas Department of Agriculture to help maintain this area for

agricultural use and not industrial use. Silica dust, which is a known by product of concrete batch plants, is known to kill honeybees.

Finally, there are concerns about the effect on land use by all who live in the area. Less than two miles from the proposed site is a large, outdoor athletic area where hundreds of children & parents enjoy soccer, baseball and football. Dare we give many of these people pulmonary problems from silica dust? The Texas Administrative Code Title 30 part 1 Chapter 101 Subchapter A Rule 101.4, States that, "No person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property." Our family and NSP believe we will be infringed upon, and expect our state officials to perform their appointed duty to ***protect the environment and Texas residents.*** Please deny this application. If the permit is granted, despite our stated opposition, I will join the NSP organization to request a contested case hearing in this matter.

Sincerely,

Diane Kime

Marilyn Pozero

James Wollmann

IP# 173819, 173898

M. Diane Kime
180 Lipizzan Ln.
Spring Branch, TX 78070-3770

SAN ANTONIO TX 780
RIO GRANDE DISTRICT
23 AUG 2013 PM 5 L

RECEIVED
AUG 26 2013
TCEQ MAIL CENTER
BC

TCEQ
Office of The Chief Clerk, MC 10
P.O. Box 13087
Austin, TX 78711-3087

2013 AUG 26 AM 10:53
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

78711308787

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, August 22, 2013 12:56 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

NSR 87379

From: mdkime@gvtc.com [mailto:mdkime@gvtc.com]
Sent: Wednesday, August 21, 2013 10:16 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Diane Kime

E-MAIL: mdkime@gvtc.com

COMPANY:

ADDRESS: 180 LIPIZZAN LN
SPRING BRANCH TX 78070-3770

PHONE: 8308856311

FAX:

COMMENTS: Asking how the Tex-Mix Plant will ensure that pollutants are limited to their defined area. I have pulmonary pneumonitis and additional irritants in the air could be detrimental, as well as for children at nearby athletic fields, businesses, ranches and wildlife. In addition, there have been at least 3 critical accidents requiring air-evac along that part of 281. Large concrete trucks would add to the traffic situation and increase the chance of such accidents.

June 5, 2013

AIR PERMITS DIVISION
JUN 07 2013
RECEIVED

Texas Commission on Environmental Quality
Office of Air, Air Permits Division, MC-163
Attn: Mr. Don Nelon
PO Box 13087
Austin TX 78711-3087

NSR 87379

Re: Contested Case Hearing in reference to Air Quality Registration Proposal No. 109839

Dear Mr. Nelon:

Please accept this as a formal request for a "Contested Case Hearing" on the Tex-Mix Partners, Ltd. Proposal No. 109839 to construct a concrete batch plant at Highway 281 near Rebecca Creek Road in Comal County.

As a landowner at 13375 Rebecca Creek Road (A-38 SUR-42 W M BROWN, ACRES 2.155), my property lies within 440 yards of the proposed concrete batch plant boundaries. Even though I do not currently reside there, I still own and rent out my home to tenants. If this plant were to be constructed, I fear that the air quality over time would deteriorate due to the fine cement dust this plant will generate. It will cause respiratory problems to healthy people and would wreak havoc on those individuals with existing breathing conditions.

With that being said, I am first and foremost concerned for my parents whom live directly across the street at 12471 US Hwy 281, also within 440 yards from this proposed sight. Not only are they senior citizens with other health problems, but my father is currently on breathing treatments and this plant would be detrimental to his health. The diminished air quality this plant will create can cause respiratory problems to both my parents as well as their livestock which are their livelihood. My parent's home and land have been in our family for over 100 years and I would be devastated if they had to spend their remaining years on this property ingesting harmful particles this plant will create.

Even though this is HWY 281, it is a residential area with a high concentration of homeowners. This plant should be located away from residents and subdivisions to help the greater good.

I appreciate your attention to this matter.

Sincerely,

Rhonda Luman

Rhonda Gass Luman
13375 Rebecca Creek Rd

Mailing Address:
205 Aviation Ave
Schertz, TX 78154

REVIEWED
JUN 10 2013
By

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2013 JUN 10 AM 8:03
CHIEF CLERKS OFFICE

Cc:
The Honorable Donna Campbell
Texas Senate, District 25
1902 E. Common St. Ste, 500
New Braunfels TX 78130

The Honorable Doug Miller
Texas House, District 73
407 W. Mill Street
New Braunfels TX 78130

The Honorable Jan Kennady
Comal County Commissioner, Precinct 4
100 Main Plaza
New Braunfels TX 78130

Rhonda Luman
205 Aviation Ave
Schertz, TX 78154

RECEIVED
JUN 07 2013
TCEQ MAIL CENTER
MM

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 000.46°
0003942151 JUN 05 2013
MAILED FROM ZIP CODE 78266

2013 JUN 10 AM 8:03
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Texas Commission on Environmental Quality
Office of Air, Air Permits Division, MC-163
Attn: Mr. Don Nelon
PO Box 13087
Austin, TX 78711-3087

AIR PERMITS DIVISION
JUN 07 2013
RECEIVED

7871183087 B012

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

June 5, 2013

2013 JUN -7 AM 11: 13

CHIEF CLERKS OFFICE

Texas Commission on Environmental Quality
Office of Air, Air Permits Division, MC-163
Attn: Mr. Don Nelon
PO Box 13087
Austin TX 78711-3087

NSR 87379

Re: Contested Case Hearing in reference to Air Quality Registration Proposal No. 109839

Dear Mr. Nelon:

Please accept this as a formal request for a "Contested Case Hearing" on the Tex-Mix Partners, Ltd. Proposal No. 109839 to construct a concrete batch plant at Highway 281 near Rebecca Creek Road in Comal County.

As a landowner at 13375 Rebecca Creek Road (A-38 SUR-42 W M BROWN, ACRES 2.155), my property lies within 440 yards of the proposed concrete batch plant boundaries. Even though I do not currently reside there, I still own and rent out my home to tenants. If this plant were to be constructed, I fear that the air quality over time would deteriorate due to the fine cement dust this plant will generate. It will cause respiratory problems to healthy people and would wreak havoc on those individuals with existing breathing conditions.

With that being said, I am first and foremost concerned for my parents whom live directly across the street at 12471 US Hwy 281, also within 440 yards from this proposed sight. Not only are they senior citizens with other health problems, but my father is currently on breathing treatments and this plant would be detrimental to his health. The diminished air quality this plant will create can cause respiratory problems to both my parents as well as their livestock which are their livelihood. My parent's home and land have been in our family for over 100 years and I would be devastated if they had to spend their remaining years on this property ingesting harmful particles this plant will create.

Even though this is HWY 281, it is a residential area with a high concentration of homeowners. This plant should be located away from residents and subdivisions to help the greater good.

I appreciate your attention to this matter.

Sincerely,

Rhonda Luman

REVIEWED
JUN 10 2013
By

Rhonda Gass Luman
13375 Rebecca Creek Rd

Mailing Address:
205 Aviation Ave
Schertz, TX 78154

Cc:
The Honorable Donna Campbell
Texas Senate, District 25
1902 E. Common St. Ste, 500
New Braunfels TX 78130

The Honorable Doug Miller
Texas House, District 73
407 W. Mill Street
New Braunfels TX 78130

The Honorable Jan Kennady
Comal County Commissioner, Precinct 4
100 Main Plaza
New Braunfels TX 78130

Rhonda Luman
205 Aviation Ave
Schertz, TX 78154

RECEIVED

JUN 07 2013

TCEQ MAIL CENTER
MM

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 000.46⁰
0003942151 JUN 05 2013
MAILED FROM ZIP CODE 78266

2013 JUN -7 AM 11:13

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CHIEF CLERKS OFFICE

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

78711$3087 B012

Marisa Weber

From: PUBCOMMENT
Sent: Wednesday, June 05, 2013 8:37 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

H

NSR 87379

From: PUBCOMMENT-OCC
Sent: Wednesday, June 05, 2013 8:27 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 109839

From: danterg@gmail.com [mailto:danterg@gmail.com]
Sent: Wednesday, June 05, 2013 8:20 AM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Rhonda Luman

E-MAIL: danterg@gmail.com

COMPANY:

ADDRESS: 205 AVIATION AVE
SCHERTZ TX 78154-1701

PHONE: 8306609816

FAX:

MW

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2014 APR -2 AM 10: 16

CHIEF CLERK'S OFFICE

REVIEWED
APR 02 2014
By

March 31, 2014

Steve & Juanita Proffitt
740 Craig Lane
Spring Branch, TX 78070
jpspranch@aol.com
915-329-5332

Bridget C. Bohac, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, TX 78711-3087

RE: Tex-Mix Partners, Ltd., Registration No. 109839

We are requesting a Contested Case Hearing!

After reviewing TCEQ's Response #4; *Accordingly, the TCEQ does not have jurisdiction to consider facility location when determining whether to approve or deny a permit application. However, as mentioned in the comments above, 30 TAC 101.4 prohibits a person from creating or maintaining a nuisance that interferes with a landowner's use and enjoyment of his property.*

We are "affected person's", as is all our neighbors on Craig Lane. We submit the attached Map showing our relationship in proximity of the proposed plant. Since the TCEQ cannot regulate where placement of the proposed plant will be, please accept this as proof. I have reviewed the map from Tex-Mix and their map also shows several homes inside the parameter of said plant.

In Response 2: TCEQ has contradicted themselves in paragraphs 4 and 5. Stating the make-up of concrete to four main ingredients; water, *Portland cement*, fly ash and aggregates.

- *Portland cement* is the most common cement used and is composed of alumina, *silica,*
  - Lime, iron, fly ash, and gypsum
- Aggregates are: sand, gravel, and crushed stone

TCEQ states "These ingredients are considered non-hazardous dust under normal conditions. Certain types of *silica*, when inhaled over a long period, have been shown to cause silicosis and lung cancer. But determined by TCEQ not to make a significant contribution of air contaminants to the atmosphere. TCEQ goes on to say; No adverse effects are expected to occur from facilities that meet all requirements.....etc.

Our questions are:

1) What does TCEQ consider "normal conditions?
2) How can you approve the permit with even the slight possibility of the silica damage to humans?
3) Obviously TCEQ states they aren't expected to occur, **but can occur!!**

In paragraph 6 of Response 2 it states that the San Antonio Regional Office conducted a site review of the area on June 21, 2013, and that according to the site review, nuisance, odor and hazard potentials were low.

Our response to that is; OF COURSE they were low, the plant has not been built. But once the plant is built nuisance, odor and hazard potentials will be high!!! We would like to have the chance to review the San Antonio Regional Offices site review. No one ever discussed it with us!! This shows partiality to Tex-Mix, which I don't think is legal.

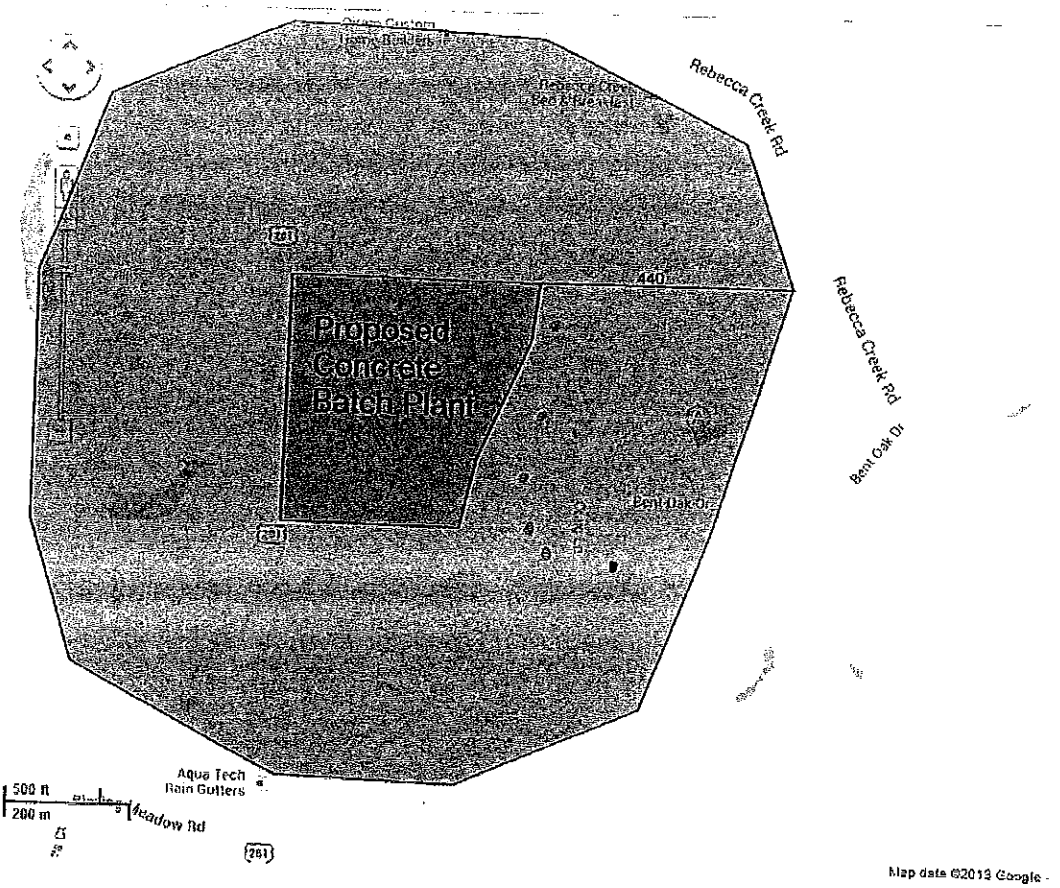
Rules and requirements developed by the TCEQ are there to help big businesses not the community. TCEQ has stated that they conducted an extensive protectiveness review. We, the public, would like to have a chance to see that review!

In Response 6 TCEQ states that adverse impacts to the public health or welfare are not expected. This leaves me to believe that there is a chance for adverse impacts to happen. May not be expected, but the possibility exists!

Since moving here I have developed allergies to the Mountain Cedar and Oak, now to be exasperated by concrete dust with the possibility of getting silicosis and lung cancer, which you cannot guarantee that all of us won't be affected.

With even the remote possibility of our air being contaminated, and the enjoyment of our property and home, please accept our request.

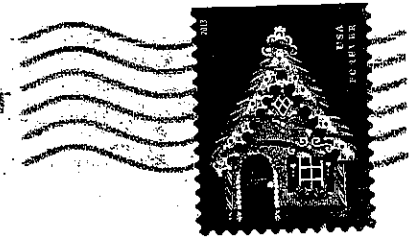
Steve and Juanita Proffitt
915-329-5332
jpspranch@aol.com



Map data ©2013 Google

Steve & Juanita Proffitt
740 Craig Ln
Spring Branch, TX 78070

SAN ANTONIO TX 780
RIO GRANDE DISTRICT
31 MAR 2014 PM 3 L



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2014 APR -2 AM 10:16
CHIEF CLERK'S OFFICE

Bridget C. Bohac, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, TX 78711-3087

RECEIVED
APR 02 2014
TCEQ MAIL CENTER
JR

78711308787

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2014 APR -2 AM 10:16

CHIEF CLERK'S OFFICE

March 31, 2014

Steve & Juanita Proffitt
740 Craig Lane
Spring Branch, TX 78070
jpspranch@aol.com
915-329-5332

REVIEWED
APR 02 2014
By

RFR

Bridget C. Bohac, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, TX 78711-3087

NSR 87379

RE: Tex-Mix Partners, Ltd., Registration No. 109839

Please accept this as a Request for Reconsideration of the Executive Director's Decision.

As we throw ourselves at the mercy of a government entity designed to protect our lives, I am disheartened at the response letter dated March 6, 2014.

I am totally impressed with the bulk of the package, not by your responses but by the pages of neighbors opposed to this plant being allowed in our community.

TCEQ has implemented rules and regulations for permits that do not protect the public only protecting themselves. It's basically saying "we've done our part" don't blame us!

I base our request for reconsideration focusing on the following:

After reviewing TCEQ's Response #4; *Accordingly, the TCEQ does not have jurisdiction to consider facility location when determining whether to approve or deny a permit application. However, as mentioned in the comments above, 30 TAC 101.4 prohibits a person from creating or maintaining a nuisance that interferes with a landowner's use and enjoyment of his property.*

We are "affected person's", as is all our neighbors on Craig Lane. We submit the attached Map showing our relationship in proximity of the proposed plant. Since the TCEQ cannot regulate where placement of the proposed plant will be, please accept this as proof. I have reviewed the map from Tex-Mix and their map also shows several homes inside the parameter of said plant.

In Response 2: TCEQ has contradicted themselves in paragraphs 4 and 5. Stating the make-up of concrete to four main ingredients; water, *Portland cement*, fly ash and aggregates.

- *Portland cement* is the most common cement used and is composed of alumina, *silica,*
  - Lime, iron, fly ash, and gypsum
- Aggregates are: sand, gravel, and crushed stone

TCEQ states "These ingredients are considered non-hazardous dust under normal conditions. Certain types of *silica*, when inhaled over a long period, have been shown to cause silicosis and lung cancer.

But determined by TCEQ not to make a significant contribution of air contaminants to the atmosphere. TCEQ goes on to say; No adverse effects are expected to occur from facilities that meet all requirements.....etc.

Our questions are:

1) What does TCEQ consider "normal conditions?
2) How can you approve the permit with even the slight possibility of the silica damage to humans?
3) Obviously TCEQ states they aren't expected to occur, **but can occur!!**

In paragraph 6 of Response 2 it states that the San Antonio Regional Office conducted a site review of the area on June 21, 2013, and that according to the site review, nuisance, odor and hazard potentials were low.

Our response to that is; OF COURSE they were low, the plant has not been built. But once the plant is built nuisance, odor and hazard potentials will be high!!! We would like to have the chance to review the San Antonio Regional Offices site review. No one ever discussed it with us!! This shows partiality to Tex-Mix, which I don't think is legal.

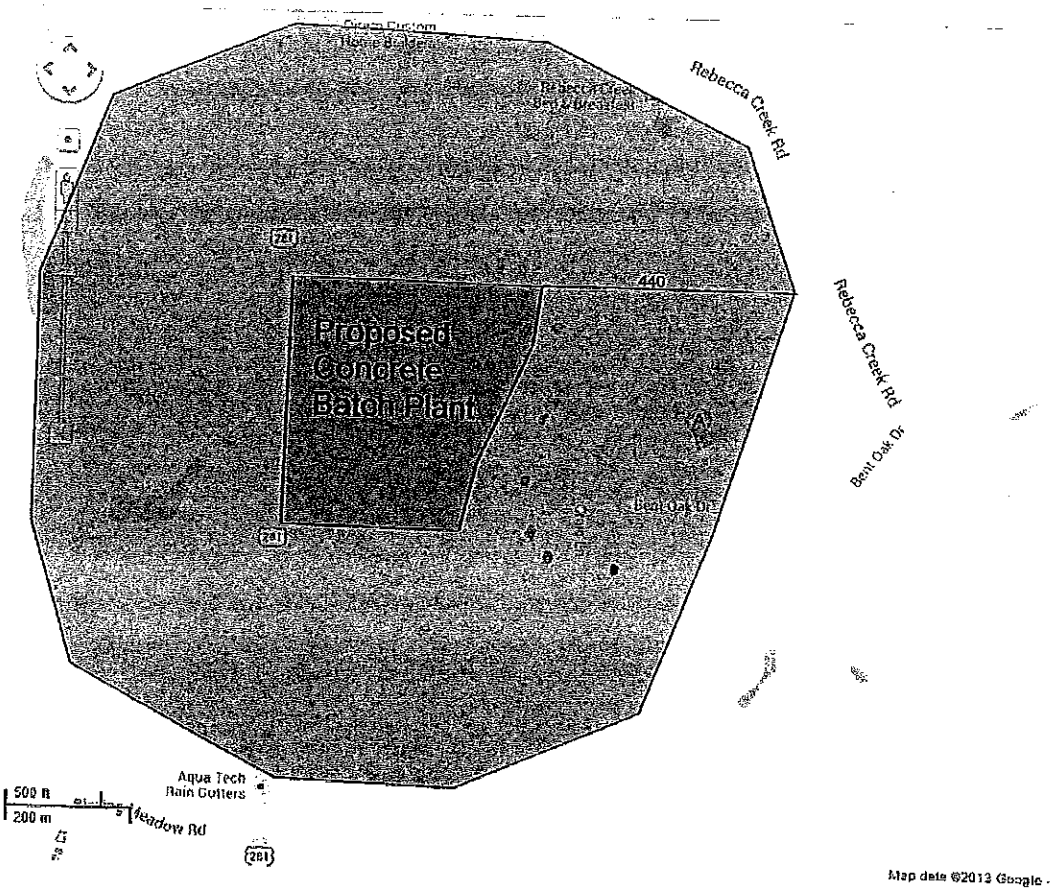
Rules and requirements developed by the TCEQ are there to help big businesses not the community. TCEQ has stated that they conducted an extensive protectiveness review. We, the public, would like to have a chance to see that review!

In Response 6 TCEQ states that adverse impacts to the public health or welfare are not expected. This leaves me to believe that there is a chance for adverse impacts to happen. May not be expected, but the possibility exists!

As I've researched all documents pertaining to implementation of the plant. I've noticed a very odd pattern in the relationship with TCEQ and Melissa Fitts with Westward Environmental, Inc. It seems that documents are updated and changed with the help of TCEQ and discussions about upcoming public meetings. There are a lot of emails stating the constant moving of the plant to be 440 yds. a way from residents and trying to keep it away from any residents on the east side of the property, but as stated, *Accordingly, the TCEQ does not have jurisdiction to consider facility location when determining whether to approve or deny a permit application. However, as mentioned in the comments above, 30 TAC 101.4 prohibits a person from creating or maintaining a nuisance that interferes with a landowner's use and enjoyment of his property.* Our homes on Craig Lane are within the boundaries of the property. It could be as close as my backyard!!

This means they can put it anywhere they want! FOUL, jump ball, arrow is in our court!!
With even the remote possibility of our air being contaminated, and the enjoyment of our property and home, please accept our request for reconsideration.

Steve and Juanita Proffitt
915-329-5332
jpspranch@aol.com



Map data ©2013 Google

Steve & Juanita Proffitt
740 Craig Ln
Spring Branch, TX 78070

SAN ANTONIO TX 780
RIO GRANDE DISTRICT
31 MAR 2014 PM 3 L

RECEIVED
APR 02 2014
TCEQ MAIL CENTER
JR

Bridget C. Bohac, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, TX 78711-3087

2014 APR -2 AM 10:15
CHIEF CLERK'S OFFICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

78711308787

Marisa Weber

From:	PUBCOMMENT-OCC
Sent:	Monday, March 31, 2014 2:04 PM
To:	PUBCOMMENT-OCC2
Subject:	FW: Public comment on Permit Number 109839
Attachments:	Concrete Plant Map.pdf

NSR 87379

H

From: jpspranch@aol.com [mailto:jpspranch@aol.com]
Sent: Monday, March 31, 2014 1:34 PM
To: donotReply@tceq.texas.gov
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Juanita M Proffitt

E-MAIL: jpspranch@aol.com

COMPANY:

ADDRESS: 740 CRAIG LN
SPRING BRANCH TX 78070-6316

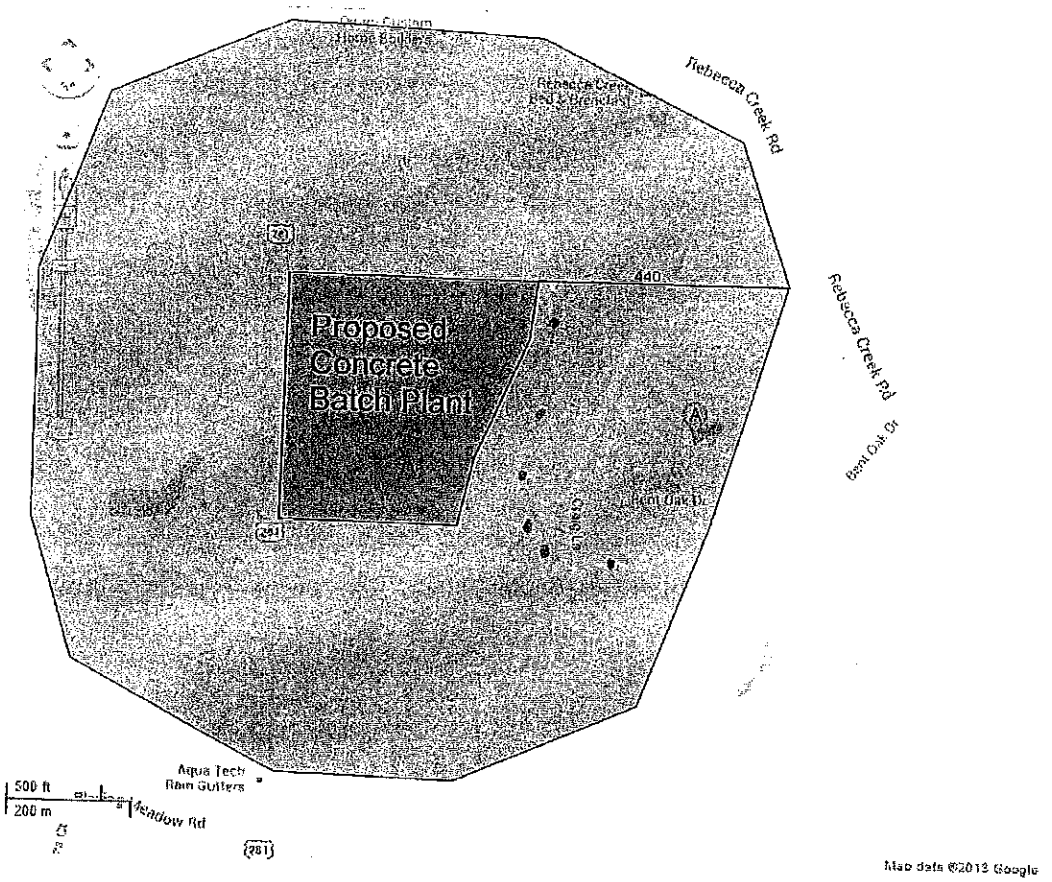
PHONE: 9153295332

FAX:

COMMENTS: RE: Tex-Mix Partners, Ltd., Registration No. 109839 We are requesting a Contested Case Hearing! After reviewing TCEQ's Response #4; Accordingly, the TCEQ does not have jurisdiction to consider facility location when determining whether to approve or deny a permit application. However, as mentioned in the comments above, 30 TAC 101.4 prohibits a person from creating or maintaining a nuisance that interferes

MW

with a landowner's use and enjoyment of his property. We are "affected person's", as is all our neighbors on Craig Lane. We submit the attached Map showing our relationship in proximity of the proposed plant. Since the TCEQ cannot regulate where placement of the proposed plant will be, please accept this as proof. I have reviewed the map from Tex-Mix and their map also shows several homes inside the parameter of said plant. In Response 2: TCEQ has contradicted themselves in paragraphs 4 and 5. Stating the make-up of concrete to four main ingredients; water, Portland cement, fly ash and aggregates. • Portland cement is the most common cement used and is composed of alumina, silica, o Lime, iron, fly ash, and gypsum • Aggregates are: sand, gravel, and crushed stone TCEQ states "These ingredients are considered non-hazardous dust under normal conditions. Certain types of silica, when inhaled over a long period, have been shown to cause silicosis and lung cancer. But determined by TCEQ not to make a significant contribution of air contaminants to the atmosphere. TCEQ goes on to say; No adverse effects are expected to occur from facilities that meet all requirements.....etc. Our questions are: 1) What does TCEQ consider "normal conditions? 2) How can you approve the permit with even the slight possibility of the silica damage to humans? 3) Obviously TCEQ states they aren't expected to occur, but can occur!! In paragraph 6 of Response 2 it states that the San Antonio Regional Office conducted a site review of the area on June 21, 2013, and that according to the site review, nuisance, odor and hazard potentials were low. Our response to that is; OF COURSE they were low, the plant has not been built. But once the plant is built nuisance, odor and hazard potentials will be high!!! We would like to have the chance to review the San Antonio Regional Offices site review. No one ever discussed it with us!! This shows partiality to Tex-Mix, which I don't think is legal. Rules and requirements developed by the TCEQ are there to help big businesses not the community. TCEQ has stated that they conducted an extensive protectiveness review. We, the public, would like to have a chance to see that review! In Response 6 TCEQ states that adverse impacts to the public health or welfare are not expected. This leaves me to believe that there is a chance for adverse impacts to happen. May not be expected, but the possibility exists! Since moving here I have developed allergies to the Mountain Cedar and Oak, now to be exasperated by concrete dust with the possibility of getting silicosis and lung cancer, which you cannot guarantee that all of us won't be affected. With even the remote possibility of our air being contaminated, and the enjoyment of our property and home, please accept our request. Steve and Juanita Proffitt 915-329-5332 jpspranch@aol.com


Rebecca Creek Rd
Rebecca Creek Rd
Proposed Concrete Batch Plant
440
Aqua Tech Rain Gutters
500 ft
200 m
Meadow Rd
281
Map data ©2012 Google

Marisa Weber

From:	PUBCOMMENT-OCC
Sent:	Monday, March 31, 2014 2:04 PM
To:	PUBCOMMENT-OCC2
Subject:	FW: Public comment on Permit Number 109839
Attachments:	Concrete Plant Map.pdf

NSR 87379

RFR

From: jpspranch@aol.com [mailto:jpspranch@aol.com]
Sent: Monday, March 31, 2014 1:58 PM
To: donotReply@tceq.texas.gov
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Juanita M Proffitt

E-MAIL: jpspranch@aol.com

COMPANY:

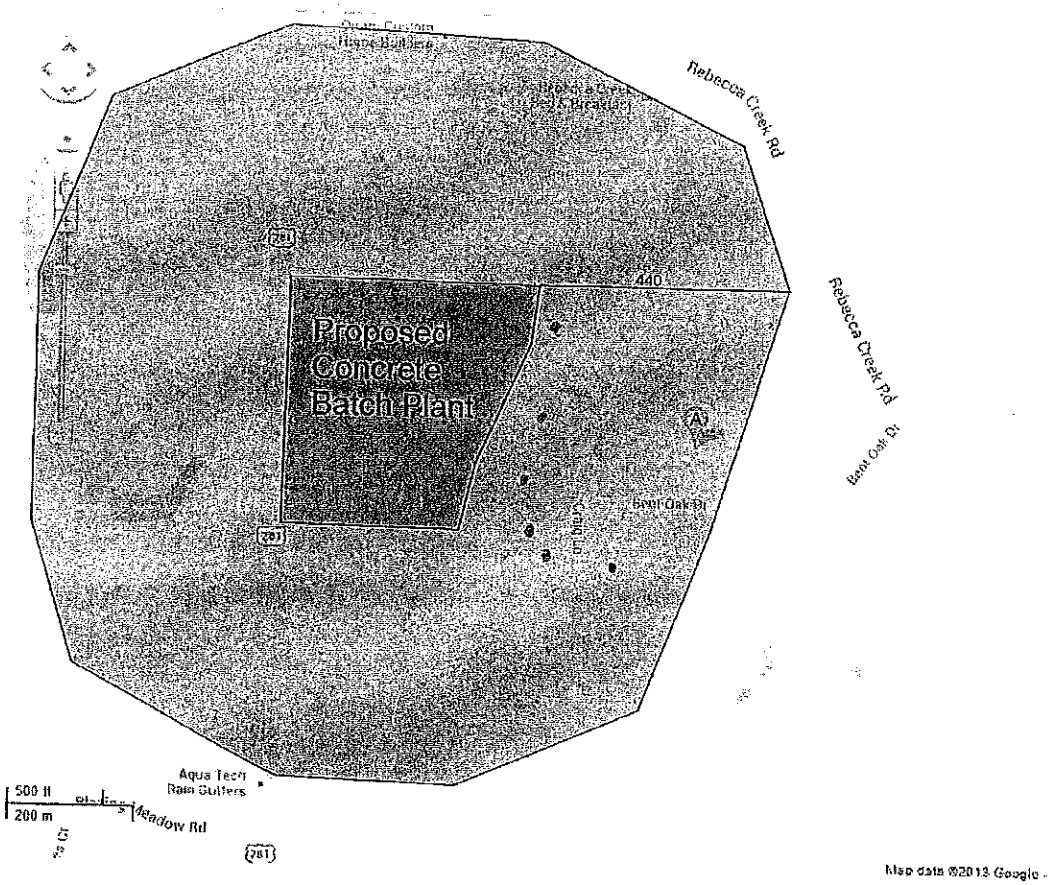
ADDRESS: 740 CRAIG LN
SPRING BRANCH TX 78070-6316

PHONE: 9153295332

FAX:

COMMENTS: Bridget C. Bohac, Chief Clerk TCEQ, MC-105 P.O. Box 13087 Austin, TX 78711-3087 RE: Tex-Mix Partners, Ltd., Registration No. 109839 Please accept this as a Request for Reconsideration of the Executive Director's Decision. As we throw ourselves at the mercy of a government entity designed to protect our lives, I am disheartened at the response letter dated March 6, 2014. I am totally impressed with the bulk of

the package, not by your responses but by the pages of neighbors opposed to this plant being allowed in our community. TCEQ has implemented rules and regulations for permits that do not protect the public only protecting themselves. It's basically saying "we've done our part" don't blame us! I base our request for reconsideration focusing on the following: After reviewing TCEQ's Response #4; Accordingly, the TCEQ does not have jurisdiction to consider facility location when determining whether to approve or deny a permit application. However, as mentioned in the comments above, 30 TAC 101.4 prohibits a person from creating or maintaining a nuisance that interferes with a landowner's use and enjoyment of his property. We are "affected person's", as is all our neighbors on Craig Lane. We submit the attached Map showing our relationship in proximity of the proposed plant. Since the TCEQ cannot regulate where placement of the proposed plant will be, please accept this as proof. I have reviewed the map from Tex-Mix and their map also shows several homes inside the parameter of said plant. In Response 2: TCEQ has contradicted themselves in paragraphs 4 and 5. Stating the make-up of concrete to four main ingredients; water, Portland cement, fly ash and aggregates. • Portland cement is the most common cement used and is composed of alumina, silica, o Lime, iron, fly ash, and gypsum • Aggregates are: sand, gravel, and crushed stone TCEQ states "These ingredients are considered non-hazardous dust under normal conditions. Certain types of silica, when inhaled over a long period, have been shown to cause silicosis and lung cancer. But determined by TCEQ not to make a significant contribution of air contaminants to the atmosphere. TCEQ goes on to say; No adverse effects are expected to occur from facilities that meet all requirements.....etc. Our questions are: 1) What does TCEQ consider "normal conditions? 2) How can you approve the permit with even the slight possibility of the silica damage to humans? 3) Obviously TCEQ states they aren't expected to occur, but can occur!! In paragraph 6 of Response 2 it states that the San Antonio Regional Office conducted a site review of the area on June 21, 2013, and that according to the site review, nuisance, odor and hazard potentials were low. Our response to that is; OF COURSE they were low, the plant has not been built. But once the plant is built nuisance, odor and hazard potentials will be high!!! We would like to have the chance to review the San Antonio Regional Offices site review. No one ever discussed it with us!! This shows partiality to Tex-Mix, which I don't think is legal. Rules and requirements developed by the TCEQ are there to help big businesses not the community. TCEQ has stated that they conducted an extensive protectiveness review. We, the public, would like to have a chance to see that review! In Response 6 TCEQ states that adverse impacts to the public health or welfare are not expected. This leaves me to believe that there is a chance for adverse impacts to happen. May not be expected, but the possibility exists! As I've researched all documents pertaining to implementation of the plant. I've noticed a very odd pattern in the relationship with TCEQ and Melissa Fitts with Westward Environmental, Inc. It seems that documents are updated and changed with the help of TCEQ and discussions about upcoming public meetings. There are a lot of emails stating the constant moving of the plant to be 440 yds. a way from residents and trying to keep it away from any residents on the east side of the property, but as stated, Accordingly, the TCEQ does not have jurisdiction to consider facility location when determining whether to approve or deny a permit application. However, as mentioned in the comments above, 30 TAC 101.4 prohibits a person from creating or maintaining a nuisance that interferes with a landowner's use and enjoyment of his property. Our homes on Craig Lane are within the boundaries of the property. It could be as close as my backyard!! This means they can put it anywhere they want! FOUL, jump ball, arrow is in our court!! With even the remote possibility of our air being contaminated, and the enjoyment of our property and home, please accept our request for reconsideration. Steve and Juanita Proffitt 915-329-5332 jpspranch@aol.com


Rebecca Creek Rd
Rebecca Creek Rd
Proposed
Concrete
Batch Plant
440
281
281
Aqua Tech
Rain Gutters
500 ft
200 m
Meadow Rd
281
Map data ©2013 Google

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

June 3, 2013

2013 JUN 10 AM 9:05
CHIEF CLERKS OFFICE

AIR PERMITS DIVISION
JUN 07 2013
RECEIVED

NSR
87379

Texas Commission on Environmental Quality
Office of Air, Air Permits Division, MC-163
Attn: Mr. Don Nelon
PO Box 13087
Austin, TX 78711-3087

Re: Contested Case Hearing in reference to Air Quality Registration Proposal No. 109839

Dear Mr. Nelon:

Please accept this as my a formal request for a "Contested Case Hearing" on the Tex-Mix Partners, Ltd. proposal No. 109839 to construct a concrete batch plant at Highway 281 near Rebecca Creek Road in Comal County. As a resident at 740 Craig Lane, Spring Branch, TX 78070, our home lies approximately 150 yards from this site to the east.

I am caregiver to my elderly father and for health reasons we relocated here from El Paso Texas. We purchased this property, bought a brand new double wide mobile home, built porches and ramps to accommodate my Dad's wheelchair. He is on continual oxygen at 2 liters and now after moving he only does breathing treatments as needed. His doctor's said moving to a lower altitude, higher humidity and fresh air would be beneficial to my father. We spent our savings making this move.
When our septic was installed and they had to jack hammer through limestone it put a fine dust in the house and I had to give him breathing treatments every 4 hours. His doctor's here agree that this concrete batch plant could be very detrimental to his health. His health has improved since moving here. This proposed concrete batch plant will be a travesty for my entire family. We will no longer be able to go on nature walks and enjoy this beautiful fresh air on our property, because looking out toward our back will be a monstrosity of a plant marring our beauty and the air we breathe. Not to mention the disturbing of peace and rest during the night. Part of healing and health is good sleep!

After hours of research, the hazards to our residential area are profound, which include the air quality for human life, plant life, wildlife and domestic animals. Our average wind speed lately has been 16 to 20 miles per hour, if a burning ember can travel one mile can you imagine how far the fine cement dust can travel.

My father's name is Clarence Hubbard and I am attaching a letter from his physician!

We appreciate your attention to this very important life changing matter.

Sincerely,

REVIEWED
JUN 10 2013
By

Juanita M. Proffitt
740 Craig Lane
Spring Branch, Texas 78070
(915) 329-5332

CC: Hon. Donna Campbell, Hon. Doug Miller, Commissioner Jan Kennady

Smithson Valley Family Medicine, L.L.P.
"Quality Healthcare in the heart of the Hill Country"

6098 FM 311
Spring Branch, TX 78070
(830)885-5541 • Fax (830)885-5542

www.mysvdoctor.com

13201 FM 306
Canyon Lake, TX 78133
(830)964-5575 • Fax (830)964-5574

May 30, 2013

Mr Clarence Hubbard is followed for severe COPD. He requires home oxygen and regular nebulized breathing treatments. I do not feel that it would be a good idea for him to be exposed to any increased quantity of known respiratory irritants. If you have any further questions please contact me.

Stephen Vreeke, M.D.

AIR PERMITS DIVISION
JUN 0 7 2013
RECEIVED

Steve & Juanita Proffitt
740 Craig Ln
Spring Branch, TX 78070

RECEIVED
JUN 07 2013
TCEQ MAIL CENTER
MM

SAN ANTONIO TX 780
RIO GRANDE DISTRICT
05 JUN 2013 PM 5 L

USA
Freedom
FOREVER

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2013 JUN 3 AM 8:04
CHIEF CLERKS OFFICE

Texas Commission on Environmental Quality
Office of Air, Air Permits Division, MC-163
Attn: Mr. Don Nelon
P.O. Box 13087
Austin, Tx 78711-3087

AIR PERMITS DIVISION
JUN 07 2013
RECEIVED

79711308787

Marisa Weber

From:	PUBCOMMENT
Sent:	Monday, June 03, 2013 10:24 AM
To:	PUBCOMMENT-OCC2
Subject:	FW: Public comment on Permit Number 109839
Attachments:	TCEQ Hearing request.pdf

H

From: PUBCOMMENT-OCC
Sent: Monday, June 03, 2013 10:09 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 109839

From: jpspranch@aol.com [mailto:jpspranch@aol.com]
Sent: Monday, June 03, 2013 10:09 AM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Juanita Marga Proffitt

E-MAIL: jpspranch@aol.com

COMPANY:

ADDRESS: 740 CRAIG LN
SPRING BRANCH TX 78070-6316

PHONE: 9153295332

FAX:

COMMENTS: I request a public hearing! Please see attached letter!

June 3, 2013

Texas Commission on Environmental Quality
Office of Air, Air Permits Division, MC-163
Attn: Mr. Don Nelon
PO Box 13087
Austin, TX 78711-3087

Re: Contested Case Hearing in reference to Air Quality Registration Proposal No. 109839

Dear Mr. Nelon:

Please accept this as my a formal request for a "Contested Case Hearing" on the Tex-Mix Partners, Ltd. proposal No. 109839 to construct a concrete batch plant at Highway 281 near Rebecca Creek Road in Comal County. As a resident at 740 Craig Lane, Spring Branch, TX 78070, our home lies approximately 150 yards from this site to the east.

I am caregiver to my elderly father and for health reasons we relocated here from El Paso Texas. We purchased this property, bought a brand new double wide mobile home, built porches and ramps to accommodate my Dad's wheelchair. He is on continual oxygen at 2 liters and now after moving he only does breathing treatments as needed. His doctor's said moving to a lower altitude, higher humidity and fresh air would be beneficial to my father. We spent our savings making this move.
When our septic was installed and they had to jack hammer through limestone it put a fine dust in the house and I had to give him breathing treatments every 4 hours. His doctor's here agree that this concrete batch plant could be very detrimental to his health. His health has improved since moving here. This proposed concrete batch plant will be a travesty for my entire family. We will no longer be able to go on nature walks and enjoy this beautiful fresh air on our property, because looking out toward our back will be a monstrosity of a plant marring our beauty and the air we breathe. Not to mention the disturbing of peace and rest during the night. Part of healing and health is good sleep!

After hours of research, the hazards to our residential area are profound, which include the air quality for human life, plant life, wildlife and domestic animals. Our average wind speed lately has been 16 to 20 miles per hour, if a burning ember can travel one mile can you imagine how far the fine cement dust can travel.

We appreciate your attention to this very important life changing matter.

Sincerely,

Juanita M. Proffitt
740 Craig Lane
Spring Branch, Texas 78070
(915) 329-5332

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, August 22, 2013 12:58 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

105R
87379

From: jpspranch@aol.com [mailto:jpspranch@aol.com]
Sent: Wednesday, August 21, 2013 3:51 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Juanita Marga Proffitt

E-MAIL: jpspranch@aol.com

COMPANY:

ADDRESS: 740 CRAIG LN
SPRING BRANCH TX 78070-6316

PHONE: 9153295332

FAX:

COMMENTS: It is my understanding the Tex Mix Partners LTD is claiming that only one family is within the 440yds (1320 ft) of the proposed Concrete Batch Plant. This is one family too many, which to me would be reason enough to not approve this permit!!! Why, are you continuing with this application? My other concern is according to my calculations there are approximately 4 families on Craig Lane who are within the 440yds. 1) Please provide proof that we are not within this range on Craig Lane. 2) Please provide who came up with the

MW

440yd limitations. I am deeply upset that you have no regard for the family that "Tex Mix" claims is the only one that will be affected. What do you say to this family??? Are you saying "oh well, too bad". Well, we stand by them!! Member of the Neighbors of Spring Branch!!!

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, July 11, 2013 2:01 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

NSR 87379

From: jpspranch@aol.com [mailto:jpspranch@aol.com]
Sent: Thursday, July 11, 2013 11:32 AM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Juanita Marga Proffitt

E-MAIL: jpspranch@aol.com

COMPANY:

ADDRESS: 740 CRAIG LN
SPRING BRANCH TX 78070-6316

PHONE: 9153295332

FAX:

COMMENTS: After receiving your preliminary decision to approve the air permit, I am totally amazed that you would consider this permit with all the comments opposed to it! With that being said; I as a citizen of Comal County in the State of Texas of the USA request an Environmental Impact Study on the effects this will have on our air, water and wildlife. As I heard on the news last night, words right out of the Director of the Natural Resource Center, cement/concrete dust plays a big part of the TCEQ's Air Quality Alerts! As children,

MW

adults and animals are affected by the ozone alerts!! I am requesting this Study, as is my right, through the NEPA, EPA, TXDOT and the TCEQ! These entities are here to protect human environment and our tax dollars pay that bill. With the possibility of using upwards of 60,000 gals of water daily and the fact that we sit right on top of the Edwards Aquifer, with the only source of pure water being fed to San Antonio. As citizens will be under water restrictions, Tex-Mix will be using an enormous amount of water on a piece of land that only has a well for housing. On behalf of my family I submit a request for the Environmental Impact Study!! To be continued.....

Some formal comment

(14)

TCEQ Public Meeting Form
June 27, 2013

Tex-Mix Partners, Ltd.
Air Quality Standard Permit
Registration No. 109839

PLEASE PRINT

Name: JUANITA PROFFITT

Mailing Address: 740 CRAIG LN

Physical Address (if different): _____

City/State: SPRING BRANCH, TX Zip: 78070

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

Email: jpspranch@aol.com

Phone Number: 915-329-5332

- 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.

MS

Marisa Weber

From: PUBCOMMENT
Sent: Wednesday, June 05, 2013 8:09 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839
Attachments: Dr Vreeke's Letter.pdf

From: PUBCOMMENT-OCC
Sent: Wednesday, June 05, 2013 7:59 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 109839

From: jpspranch@aol.com [mailto:jpspranch@aol.com]
Sent: Tuesday, June 04, 2013 7:08 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Juanita Marga Proffitt

E-MAIL: jpspranch@aol.com

COMPANY:

ADDRESS: 740 CRAIG LN
SPRING BRANCH TX 78070-6316

PHONE: 9153295332

FAX:

COMMENTS: I have attached a letter from my father, Clarence Hubbard's doctor. This just solidifies my fear for my father's health if this Concrete Batch Plant is allowed.

Smithson Valley Family Medicine, L.L.P.
"Quality Healthcare in the heart of the Hill Country"

6098 FM 311
Spring Branch, TX 78070
(830)885-5541 • Fax (830)885-5542

www.mysvdoctor.com

13201 FM 306
Canyon Lake, TX 78133
(830)964-5575 • Fax (830)964-5574

May 30, 2013

Mr Clarence Hubbard is followed for severe COPD. He requires home oxygen and regular nebulized breathing treatments. I do not feel that it would be a good idea for him to be exposed to any increased quantity of known respiratory irritants. If you have any further questions please contact me.

Stephen Vreeke, M.D.

Marisa Weber

From: PUBCOMMENT
Sent: Monday, June 03, 2013 10:24 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

PM

1US12
87379

From: PUBCOMMENT-OCC
Sent: Monday, June 03, 2013 10:09 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 109839

From: jpspranch@aol.com [mailto:jpspranch@aol.com]
Sent: Monday, June 03, 2013 10:04 AM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Juanita Marga Proffitt

E-MAIL: jpspranch@aol.com

COMPANY:

ADDRESS: 740 CRAIG LN
SPRING BRANCH TX 78070-6316

PHONE: 9153295332

FAX:

MW

COMMENTS: I request a public meeting on this proposed permit. Our property lies directly in contact with this site. We have purchased this property and I moved my 93 year old father here from El Paso, Texas. We moved here to be in a better air quality environment. My father is on continual oxygen at 2 liters. His health has improved since moving to a lower altitude and higher humidity and beautiful fresh air. If this plant is allowed and the fine dust is in the air, it could be very detrimental to his health. We've moved here to be closer to family including my sister, brother-in-law, son and grandkids. This was a big and costly move for us. I sincerely hope and pray that a meeting will be allowed.

Marisa Weber

From: PUBCOMMENT
Sent: Wednesday, May 22, 2013 10:14 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

PM

From: PUBCOMMENT-OCC
Sent: Wednesday, May 22, 2013 9:33 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 109839

USR/87379

From: jpspranch@aol.com [mailto:jpspranch@aol.com]
Sent: Tuesday, May 21, 2013 7:18 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Juanita Marga Proffitt

E-MAIL: jpspranch@aol.com

COMPANY:

ADDRESS: 740 CRAIG LN
SPRING BRANCH TX 78070-6316

PHONE: 9153295332

FAX:

COMMENTS: I request a public meeting on this proposed permit. Our property lies directly in contact with this site. We have purchased this property and I moved my 93 year old father here from El Paso, Texas. We moved here to be in a better air quality environment. My father is on continual oxygen at 2 liters. His health has improved since moving to a lower altitude and higher humidity and beautiful fresh air. If this plant is allowed and the fine dust is in the air, it could be very detrimental to his health. We've moved here to be closer to family including my sister, brother-in-law, son and grandkids. This was a big and costly move for us. I sincerely hope and pray that a hearing will be allowed.

Marisa Weber

From: PUBCOMMENT
Sent: Friday, May 31, 2013 9:17 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

H

NSR 87379

From: PUBCOMMENT-OCC
Sent: Friday, May 31, 2013 7:17 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 109839

From: waterfallsup@yahoo.com [mailto:waterfallsup@yahoo.com]
Sent: Thursday, May 30, 2013 8:22 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: MRS Sharon Smith

E-MAIL: waterfallsup@yahoo.com

COMPANY:

ADDRESS: 261 BENT OAK DR
SPRING BRANCH TX 78070-6311

PHONE: 8308854796

FAX:

COMMENTS: Our family is opposed to TEX MIX operating a cement plant in such close proximity to our home. The health problems associated with dust and truck exhaust will overtake individuals who are already fighting allergies and breathing issues. For Comal County and/or the state of Texas approving permits for this cement plant on hwy 281, 2 miles south of hwy 306, would be done so without regard to the safety and security of it's neighboring families. Please, do not approve for these permits for this plant at this location. I am asking for a public hearing to stop this intrusion to my neighborhood. Sincerely, Sharon M. Smith.

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, August 22, 2013 12:57 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

NSR 87379

H

From: jayemale@gvtc.com [mailto:jayemale@gvtc.com]
Sent: Wednesday, August 21, 2013 4:04 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Jay Thomas

E-MAIL: jayemale@gvtc.com

COMPANY:

ADDRESS: 125 GREY FOX CIR
SPRING BRANCH TX 78070-4608

PHONE: 8302285991

FAX:

COMMENTS: August 21, 2013 I am adding my request for a contested hearing concerning the proposed concrete batch plant on Highway 281, permit number 109839. The letter below describes in detail the reasons why we are challenging the location of the proposed plant. We are not convinced by the argument that only a 440-yard radius of the plant will be affected by the toxic concrete dust as well all of the fugitive dust which will

mw

be produced by the plant. In addition, although you will not allow the diesel exhaust fumes from being measured within the air quality levels of the plant, the exhaust fumes alone contain high levels of toxins which have shown by scientific studies to increase certain cancers. While you also will not allow other factors to be considered in your decision for a granted permit, there are also major concerns for water supplies, wildlife, livestock, vegetation, bird and insect safety around the proposed site. There is a major honey bee hive near the proposed plant which would be in jeopardy from the concrete hazardous dust. As you are aware, honey bee populations are decreasing at an alarming rate across the United States. Much of our food supply depends upon the honey bee pollination. When all these major considerations are combined, you have to understand our objection to the site of the proposed concrete batch plant. As the ENVIRONMENTAL QUALITY agency, I am certain that you can appreciate our concerns. Thank you for your attention to this request. Jay Thomas August 21, 2013 The Neighbors of Spring Branch are filing a request for a contested case hearing against Tex- Mix Ready Mix Concrete (permit # 109839), in support of the affected members of our group: Emery and Annette Gass who reside at 12471 US Hwy 281, Spring Branch Texas. Their home is within 440 yards of the proposed Tex-Mix plant site. Their property is situated directly across Highway 281 from the proposed plant. Emery Gass has chronic obstructive pulmonary disease. He currently takes several prescription medications and is on oxygen for 6 to 8 hours daily. He has marked worsening on "air quality alert days" and finds himself unable to breathe, on those days, without continuous oxygen. He is unable to go outside on such days. In addition to being his home the property and land is Emory's business. His business is a production of grass and alfalfa for sale as hay. Emory also raises and sells cattle. He also has several stock ponds which serve to water the cattle and provide fish for personal consumption. Fugitive and concrete dust has been known to cause lung disease and to exacerbate pre-existing pulmonary conditions as well as exacerbate heart disease. It has also been shown to damage the teeth of animals that graze upon hay or grass, thus the problem would not be limited to Emory's cattle but to anyone else who purchases hay from him. This would render him unable to sell his hay for use as animal fodder. The effect on the fish is unknown, but those persons consuming the fish would likely damage their teeth and health, as has been demonstrated in grazing animals. The Neighbors of Spring Branch have concerns for multiple businesses which operate outdoors. There are several restaurants which serve patrons outdoors with playgrounds for children. There is a smaller ranch nearby which has multiple species of animals raised organically. On this ranch are honeybee hives. Since bees travel up to 3 miles for food, this proposed concrete plant can introduce toxic elements from their foraging into honey production. Officials at the Central Texas Beekeepers Association have joined us in concern about the effects on this most important agricultural resource, which is a cornerstone of all agriculture, since pollination often requires them. We will make application to the Texas Department of Agriculture to involve them in helping us maintain this area for agricultural use and not industrial use. Silica dust, which is a known by product of concrete batch plants, is known to kill honeybees. This ranch is also an environment for outdoor activity and is available for therapeutic visits of medically fragile individuals, whose pulmonary status may be compromised by the dust exposure. There are also concerns about the effect on the enjoyment of the land by all of us who live in the area. The Texas Administrative Code Title 30 part 1 Chapter 101 Subchapter A Rule 101.4, States that, "No person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property." Our group feels we will be infringed upon, and expect our state officials to perform their appointed duty, and deny this application. If they, despite our stated opposition, grant the application, we request a contested case hearing in this matter, in which we will join with our neighbors the Gass family. We further contend that any land which borders within 440 yards of the proposed facility will be affected since the land is used for agriculture, and animals require their owners to speak for them, not just those whose house lies within 440 yards. Thus we believe the Texas Commission on Environmental Quality has misinterpreted their guidelines and defaulted on their mission, in limiting the opposition to a single family whose home lies within 440 yards. Dr. Sid W. Atkinson, President

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Wednesday, August 07, 2013 12:54 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

From: jayemale@gvtc.com [mailto:jayemale@gvtc.com]
Sent: Wednesday, August 07, 2013 11:49 AM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Jay Thomas

E-MAIL: jayemale@gvtc.com

COMPANY:

ADDRESS: 125 GREY FOX CIR
SPRING BRANCH TX 78070-4608

PHONE: 8302285991

FAX:

COMMENTS: I have just learned that diesel exhaust fumes emitted from cement trucks are not included in the determination of air quality for the proposed plant. Because there will be a large number of trucks based on plant property and will be continuously driving in and out of the plant during the day, how can the fumes from these trucks not be incorporated into the overall quality of the air? From the data I have gathered already, diesel exhaust fumes contain the same level of carcinogenic agents as asbestos. According to a week-long study in

Lyon, France, continued exposure to diesel exhaust fumes can cause lung cancer and increases the risk of bladder cancer. It seems if the exhaust fumes are as toxic as the dust from the concrete plant, the exhaust fumes MUST be included when considering the overall air quality of the proposed plant. I would like to know when were diesel exhaust fumes excluded from consideration when any cement, concrete or batch plant is being proposed for construction? Why were diesel exhaust fumes excluded from consideration? Who made the determination that diesel exhaust fumes be excluded? How was the determination made that diesel exhaust fumes be excluded from consideration? On what basis were diesel exhaust fumes excluded from consideration?

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, August 22, 2013 12:57 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

MSR 07379

H

From: truthomas@gvtc.com [mailto:truthomas@gvtc.com]
Sent: Wednesday, August 21, 2013 4:03 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Trudy Thomas

E-MAIL: truthomas@gvtc.com

COMPANY:

ADDRESS: 125 GREY FOX CIR
SPRING BRANCH TX 78070-4608

PHONE: 8302285991

FAX:

COMMENTS: August 21, 2013 I am adding my request for a contested hearing concerning the proposed concrete batch plant on Highway 281, permit number 109839. The letter below describes in detail the reasons why we are challenging the location of the proposed plant. We are not convinced by the argument that only a 440-yard radius of the plant will be affected by the toxic concrete dust as well all of the fugitive dust which will be produced by the plant. In addition, although you will not allow the diesel exhaust fumes from being

MW

measured within the air quality levels of the plant, the exhaust fumes alone contain high levels of toxins which have shown by scientific studies to increase certain cancers. While you also will not allow other factors to be considered in your decision for a granted permit, there are also major concerns for water supplies, wildlife, livestock, vegetation, bird and insect safety around the proposed site. There is a major honey bee hive near the proposed plant which would be in jeopardy from the concrete hazardous dust. As you are aware, honey bee populations are decreasing at an alarming rate across the United States. Much of our food supply depends upon the honey bee pollination. When all these major considerations are combined, you have to understand our objection to the site of the proposed concrete batch plant. As the ENVIRONMENTAL QUALITY agency, I am certain that you can appreciate our concerns. Thank you for your attention to this request. Trudy Thomas August 21, 2013 The Neighbors of Spring Branch are filing a request for a contested case hearing against Tex-Mix Ready Mix Concrete (permit # 109839), in support of the affected members of our group: Emery and Annette Gass who reside at 12471 US Hwy 281, Spring Branch Texas. Their home is within 440 yards of the proposed Tex-Mix plant site. Their property is situated directly across Highway 281 from the proposed plant. Emery Gass has chronic obstructive pulmonary disease. He currently takes several prescription medications and is on oxygen for 6 to 8 hours daily. He has marked worsening on "air quality alert days" and finds himself unable to breathe, on those days, without continuous oxygen. He is unable to go outside on such days. In addition to being his home the property and land is Emory's business. His business is a production of grass and alfalfa for sale as hay. Emory also raises and sells cattle. He also has several stock ponds which serve to water the cattle and provide fish for personal consumption. Fugitive and concrete dust has been known to cause lung disease and to exacerbate pre-existing pulmonary conditions as well as exacerbate heart disease. It has also been shown to damage the teeth of animals that graze upon hay or grass, thus the problem would not be limited to Emory's cattle but to anyone else who purchases hay from him. This would render him unable to sell his hay for use as animal fodder. The effect on the fish is unknown, but those persons consuming the fish would likely damage their teeth and health, as has been demonstrated in grazing animals. The Neighbors of Spring Branch have concerns for multiple businesses which operate outdoors. There are several restaurants which serve patrons outdoors with playgrounds for children. There is a smaller ranch nearby which has multiple species of animals raised organically. On this ranch are honeybee hives. Since bees travel up to 3 miles for food, this proposed concrete plant can introduce toxic elements from their foraging into honey production. Officials at the Central Texas Beekeepers Association have joined us in concern about the effects on this most important agricultural resource, which is a cornerstone of all agriculture, since pollination often requires them. We will make application to the Texas Department of Agriculture to involve them in helping us maintain this area for agricultural use and not industrial use. Silica dust, which is a known by product of concrete batch plants, is known to kill honeybees. This ranch is also an environment for outdoor activity and is available for therapeutic visits of medically fragile individuals, whose pulmonary status may be compromised by the dust exposure. There are also concerns about the effect on the enjoyment of the land by all of us who live in the area. The Texas Administrative Code Title 30 part 1 Chapter 101 Subchapter A Rule 101.4, States that, "No person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property." Our group feels we will be infringed upon, and expect our state officials to perform their appointed duty, and deny this application. If they, despite our stated opposition, grant the application, we request a contested case hearing in this matter, in which we will join with our neighbors the Gass family. We further contend that any land which borders within 440 yards of the proposed facility will be affected since the land is used for agriculture, and animals require their owners to speak for them, not just those whose house lies within 440 yards. Thus we believe the Texas Commission on Environmental Quality has misinterpreted their guidelines and defaulted on their mission, in limiting the opposition to a single family whose home lies within 440 yards. Dr. Sid W. Atkinson, President

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Monday, April 07, 2014 8:29 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

From: truthomas@gvtc.com [mailto:truthomas@gvtc.com]
Sent: Monday, April 07, 2014 2:21 AM
To: donotReply@tceq.texas.gov
Subject: Public comment on Permit Number 109839

NSR 87379

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Trudy Thomas

E-MAIL: truthomas@gvtc.com

COMPANY:

ADDRESS: 125 GREY FOX CIR
SPRING BRANCH TX 78070-4608

PHONE: 8302285991

FAX:

COMMENTS: Why are toxic polluting companies not zoned strictly for industrial parks? Why on earth does TCEQ approve permits allowing polluting, noisy, nefarious companies to be built in residential communities? And why when residents object and present valid reasons why a certain company is not conducive to the area, are the complaints not seriously considered? You would not want such an offensive company or business in your neighborhood and neither do we. We are fighting construction of this concrete batch plant the only way we

know possible, by communicating our reasons why Tex-Mix is not a compatible neighbor, by explaining in detail how the excessive noise, lighting, dust, pollution and increased concrete truck traffic is not an asset to our quiet community yet, after receiving the responses to our comments, we believe that no one at the TCEQ even read our comments. Did anyone at TCEQ take our assertions, our complaints and our concerns into consideration? We deserve to be heard and our comments need to be taken seriously. If you approve the air permit for Tex-Mix without understanding and appreciating why we do not want the concrete batch plant in our community, then the TCEQ is nothing more than an agency with a rubber stamp.

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Monday, April 07, 2014 8:28 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

NSR 87379

From: truthomas@gvtc.com [mailto:truthomas@gvtc.com]
Sent: Sunday, April 06, 2014 11:04 PM
To: donotReply@tceq.texas.gov
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Trudy Thomas

E-MAIL: truthomas@gvtc.com

COMPANY:

ADDRESS: 125 GREY FOX CIR
SPRING BRANCH TX 78070-4608

PHONE: 8302285991

FAX:

COMMENTS: The question was submitted: Has the TCEQ EVER denied a permit to any dangerous, explosive, hazardous and/or toxic company, business or plant? If you have denied a permit, please provide, in detail, the type of industry involved, the date that the permit was denied, the proposed locations for the industry and the reason for the denial. The response Comment 13: Permit Denials does not even begin to address or answer a single question asked. I did not ask if the applicant could withdraw the application, I asked if TCEQ

MW

EVER denied a permit. I respectfully am resubmitting the question and fully expect names of companies that were denied a permit, dates of the denial, the types of industry involved, the proposed location of the industry and the reason the permit was DENIED.

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Monday, April 07, 2014 8:28 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

NSR 07379

From: truthomas@gvtc.com [mailto:truthomas@gvtc.com]
Sent: Sunday, April 06, 2014 11:20 PM
To: donotReply@tceq.texas.gov
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Trudy Thomas

E-MAIL: truthomas@gvtc.com

COMPANY:

ADDRESS: 125 GREY FOX CIR
SPRING BRANCH TX 78070-4608

PHONE: 8302285991

FAX:

COMMENTS: Again, I am requesting documentation who made the determination, how this measurement was ascertained and ultimately why homes only within a 440-yard radius is used when considering granting a permit. I am also requesting information whether the 440-yard radius includes ONLY the house or also takes into consideration any personal property that falls within that radius that could be contaminated by concrete dust. Finally, as I understand, this 440-yard radius is measured from the Central Bag House Exhaust. Since Tex-

Mix has purchased a large tract of land, it could theoretically relocate that Central Bag House Exhaust after the air permit is granted. What recourse would residents have, should the Central Bag House be relocated in such a way that it would affect many more houses?

Trudy A. Thomas

125 Grey Fox Circle
Spring Branch TX 78070-4608
830.228.5991
truthomas@gvtc.com

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2014 JAN 10 PM 2:41

CHIEF CLERKS OFFICE

January 5, 2014

NSR 87379

REVIEWED
JAN 10 2014
By

RECEIVED
JAN 09 2014
Texas Commission on Environmental Quality
Commissioners' Offices

Mr. Byran W. Shaw, Ph.D., P.E.
Chairman
TCEQ
PO Box 13087 MC 100
Austin, TX 78711-3087

RE: Proposed Concrete Batch Plant on Highway 281 Spring Branch TX Permit #109839

Dear Mr. Shaw:

I am writing in opposition to the proposed above-mentioned air permit for a concrete plant which is under review by the Office of Air Permits.

Please allow me a moment to explain why the residents of Spring Branch have been so adamant and have been fighting so diligently to have the looming air permit for construction of the Tex Mix concrete batch plant be denied. Mr. Shaw, no one living here is anti business. We fully understand that we need businesses all across the state to create jobs. There are, however, appropriate businesses for a residential area and totally inappropriate businesses. Spring Branch is a quiet residential and ranching community about thirty miles north of San Antonio. To date the businesses in our community service the residents of our community and are compatible with environmental concerns, the existing homes, the land usage and traffic flow. Tex Mix in no way adheres to any of those concerns. The concrete plant can emit dangerous toxic fugitive dust, which science has shown to be cancer causing. We will be forced to constantly inhale this dust which will blanket our homes and our property. The plant can be in operation 24/7 creating excessive noise for homes surrounding the proposed plant. In addition there will be increase dangerous truck traffic as the aggregate and concrete trucks arrive, load and speed to unload before the cement hardens in the trucks.

We understand that a TCEQ representative from San Antonio was sent to survey the site and submit a report to the committee. We are contending that this is not enough when we are facing such a dangerous new neighbor. We are asking that you or someone from your office come to Spring Branch and meet face to face with our representatives. Please see for yourself why this is a totally improper location for Tex Mix.

Mr. Shaw, we have very real concerns and those concerns should be addressed before any permit is granted. We are fighting for our quality of life. I am confident, if this was your neighborhood, you would be fighting as diligently.

Thank you for your time and your consideration.

Sincerely,

Trudy A Thomas

Trudy A. Thomas

MW

Thomas
125 Grey Fox Circle
Spring Branch TX 78070-4608

RECEIVED
JAN 09 2014
TCEQ MAIL CENTER
JR

SAN ANTONIO TX 780
RIO GRANDE DISTRICT
07 JAN 2014 PM 4 L

Mr. Byran W. Shaw, Ph.D., P.E.
Chairman
TCEQ
PO Box 13087 MC 100
Austin, TX 78711-3087

78711308787

Trudy A. Thomas

125 Grey Fox Circle
Spring Branch TX 78070-4608
830.228.5991
truthomas@gvtc.com

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2014 JAN 10 PM 2:41

CHIEF CLERKS OFFICE

January 5, 2014

NSR 87379

REVIEWED
JAN 10 2014
By

RECEIVED
JAN 09 2014
EXECUTIVE DIRECTOR

Mr. Richard A. Hyde, P.E.
Deputy January 5, 2014Executive Director
TCEQ
PO Box 13087 MC 109
Austin, TX 78711-3087

RE: Proposed Concrete Batch Plant on Highway 281 Spring Branch TX Permit #109839

Dear Mr. Hyde:

I am writing in opposition to the proposed above-mentioned air permit for a concrete plant which is under review by the Office of Air Permits.

Please allow me a moment to explain why the residents of Spring Branch have been so adamant and have been fighting so diligently to have the looming air permit for construction of the Tex Mix concrete batch plant be denied. Mr. Hyde, no one living here is anti business. We fully understand that we need businesses all across the state to create jobs. There are, however, appropriate businesses for a residential area and totally inappropriate businesses. Spring Branch is a quiet residential and ranching community about thirty miles north of San Antonio. To date the businesses in our community service the residents of our community and are compatible with environmental concerns, the existing homes, the land usage and traffic flow. Tex Mix in no way adheres to any of those concerns. The concrete plant can emit dangerous toxic fugitive dust, which science has shown to be cancer causing. We will be forced to constantly inhale this dust which will blanket our homes and our property. The plant can be in operation 24/7 creating excessive noise for homes surrounding the proposed plant. In addition there will be increase dangerous truck traffic as the aggregate and concrete trucks arrive, load and speed to unload before the cement hardens in the trucks.

We understand that a TCEQ representative from San Antonio was sent to survey the site and submit a report to the committee. We are contending that this is not enough when we are facing such a dangerous new neighbor. We are asking that you or someone from your office come to Spring Branch and meet face to face with our representatives. Please see for yourself why this is a totally improper location for Tex Mix.

Mr. Hyde, we have very real concerns and those concerns should be addressed before any permit is granted. We are fighting for our quality of life. I am confident, if this was your neighborhood, you would be fighting as diligently.

Thank you for your time and your consideration.

Sincerely,

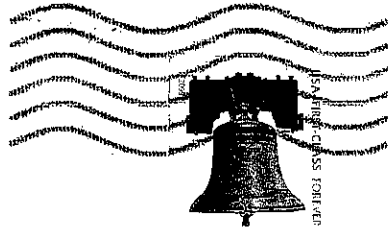
Trudy A Thomas

Trudy A. Thomas

MW

Thomas
125 Grey Fox Circle
Spring Branch TX 78070-4608

SAN ANTONIO TX 780
RIO GRANDE DISTRICT
07 JAN 2014 PM 4 L



Mr. Richard A. Hyde, P.E.
Deputy Executive Director
TCEQ
PO Box 13087 MC 109
Austin, TX 78711-3087

RECEIVED
JAN 09 2014
TCEQ MAIL CENTER
JR

Trudy A. Thomas

125 Grey Fox Circle
Spring Branch TX 78070-4608
830.228.5991
truthomas@gvtc.com

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2014 JAN 10 PM 2:41
CHIEF CLERKS OFFICE

Penny cc-Zak Richard

NSR 87379

January 5, 2014

REVIEWED
JAN 10 2014
By

RECEIVED
JAN 09 2014
EXECUTIVE DIRECTOR

Mr. Zak Covar
Executive Director
TCEQ
PO Box 13087 MC 109
Austin, TX 78711-3087

RE: Proposed Concrete Batch Plant on Highway 281 Spring Branch TX Permit #109839

Dear Mr. Covar:

I am writing in opposition to the proposed above-mentioned air permit for a concrete plant which is under review by the Office of Air Permits.

Please allow me a moment to explain why the residents of Spring Branch have been so adamant and have been fighting so diligently to have the looming air permit for construction of the Tex Mix concrete batch plant be denied. Mr. Covar, no one living here is anti business. We fully understand that we need businesses all across the state to create jobs. There are, however, appropriate businesses for a residential area and totally inappropriate businesses. Spring Branch is a quiet residential and ranching community about thirty miles north of San Antonio. To date the businesses in our community service the residents of our community and are compatible with environmental concerns, the existing homes, the land usage and traffic flow. Tex Mix in no way adheres to any of those concerns. The concrete plant can emit dangerous toxic fugitive dust, which science has shown to be cancer causing. We will be forced to constantly inhale this dust which will blanket our homes and our property. The plant can be in operation 24/7 creating excessive noise for homes surrounding the proposed plant. In addition there will be increase dangerous truck traffic as the aggregate and concrete trucks arrive, load and speed to unload before the cement hardens in the trucks.

We understand that a TCEQ representative from San Antonio was sent to survey the site and submit a report to the committee. We are contending that this is not enough when we are facing such a dangerous new neighbor. We are asking that you or someone from your office come to Spring Branch and meet face to face with our representatives. Please see for yourself why this is a totally improper location for Tex Mix.

Mr. Covar, we have very real concerns and those concerns should be addressed before any permit is granted. We are fighting for our quality of life. I am confident, if this was your neighborhood, you would be fighting as diligently.

Thank you for your time and your consideration.

Sincerely,

Trudy A. Thomas

Trudy A. Thomas

Thomas
125 Grey Fox Circle
Spring Branch TX 78070-4608

SAN ANTONIO TX 780
RIO GRANDE DISTRICT
07 JAN 2014 PM 4 L

RECEIVED
JAN 09 2014
TCEQ MAIL CENTER
JR

Mr. Zak Covar
Executive Director
TCEQ
PO Box 13087 MC 109
Austin, TX 78711-3087

Trudy A. Thomas

125 Grey Fox Circle
Spring Branch TX 78070-4608
830.228.5991
truthomas@gvtc.com

NSR
87379

REVIEWED
NOV 20 2013
By

CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RECEIVED
NOV 18 2013
Texas Commission on Environmental Quality
Commissioners' Offices

November 15, 2013

Mr. Toby Baker, Commissioner
TCEQ
12100 Park Thirty Five Circle
Austin, TX 78753-1808

RE: Proposed Concrete Batch Plant on Highway 281 Spring Branch TX Permit #109839

Dear Mr. Baker:

I previously wrote a letter to you on October 6, 2013, addressing, among other things, the need for a new air monitor near the above-mentioned proposed concrete batch plant. I contacted the Region Six EPA office to request a current air quality level report. We believe that it is vital to have a current report of air quality if we are to be able to accurately measure any changes in our air quality should you decide to grant the air permit to Tex Mix. I was provided the web site for information concerning current monitors in the State of Texas. We understand that the closest monitor to Spring Branch is at the Bulverde Elementary School. One of our neighbors is an *obsessive engineer*, as he calls himself. He looked at the different sites and the existing monitors and made the stunning and startling observation. He discovered that the monitor at the Elementary School monitors **ONLY** ozone levels. You have to be aware that our health concern pertains to PM2.5 and PM10 particulate emitted by concrete batch plants. With this information at hand, we are again requesting appropriate monitors be installed prior to the construction and operation of the concrete batch plant with no cost to the residents.

Sadly, we are not convinced that the Texas Commission on **Environmental Quality** is currently taking into consideration the needs and health of the residents of Texas as much as it is to the requests of proposed business. We understand that there **HAS** to be a balance to protect the health of Texas citizens as well as to allow businesses to operate and hope that you are in agreement. There is, however, a nagging question here is Spring Branch as exactly how TCEQ actually processes a request for a permit. Do any members of TCEQ actually physically tour the proposed site to verify that the business is compatible with other structures in and around the proposed area? I do not believe that I am asking for any classified

MS

information as to how the TCEQ approves permits to companies, especially toxic carcinogenic generating businesses.

We fully understand that very few homes are visible from Highway 281 but it only takes a turn off the main road onto Rebecca Creek Road to understand that there are many homes which will be impacted by the proposed plant. Therefore, I am again requesting that the permit required to allow Tex Mix to construct and run a concrete batch plant so close to existing homes in Spring Branch be denied. The proposed site is totally inappropriate. As I stated in my previous letter, there are homes which have been in the area for decades and some have been here for a century or more. Tex Mix has the option where the plant can be constructed. The homeowners have no such option. It is impossible and unrealistic to think that we can uproot our homes and relocate our families simply because a toxic business decides to build so close to our existing houses. **Please understand**, if the plant is allowed to operate, we will be forced to continually inhale carcinogenic particles 24/7/365. Our bodies, our children's bodies, our grandchildren's bodies, our homes, our property, our livestock, natural wildlife and all flora in and around the area will be invaded by constant concrete dust. There are other sites, probably in or close to the area, which would be better suited for Tex Mix to build this plant. Plants such as Tex Mix should be constructed in industrial parks, surrounded by other environmentally questionable businesses, not near existing homes. Our neighborhood is definitely not a suitable site for such an environmentally hazardous company.

We ask that you appreciate, Mr. Baker, we are fighting for our health, for our community and for our quality of life. We are confident that you would be waging the same fight if a concrete batch plant was proposed for your neighborhood.

I thank you once again for your attention to this letter.

Sincerely,

Trudy A. Thomas

Trudy A. Thomas

cc: Bryan W. Shaw, Chairman TCEQ
Ms. Gina McCarthy, Administrator Federal EPA
Mr. Samuel Coleman, Deputy Regional Administrator EPA Region Six

Thomas
125 Grey Fox Circle
Spring Branch TX 78070-4608

RECEIVED
NOV 18 2013
TCEQ MAIL CENTER
BC

SAN ANTONIO TX 780
RIO GRANDE DISTRICT
15 NOV 2013 PM 3 1

USA FIRST-CLASS FOREVER

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2013 NOV 2 PM 3:24
CHIEF CLERKS OFFICE

Mr. Toby Baker, Commissioner
TCEQ
12100 Park Thirty Five Circle
Austin, TX 78753-1808

109

78753180800

CHIEF CLERKS OFFICE
2013 NOV 20 PM 3:21
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Trudy A. Thomas

125 Grey Fox Circle
Spring Branch TX 78070-4608
830.228.5991
truthomas@gvtc.com

REVIEWED
OCT 14 2013
By hp

2013 OCT 10 PM 4: 22
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NSR 87379

RECEIVED
OCT 09 2013
Texas Commission on Environmental Quality
Commissioners' Offices

October 6, 2013

Mr. Toby Baker, Commissioner
TCEQ
12100 Park Thirty Five Circle
Austin, TX 78753-1808

RE: Proposed Concrete Batch Plant on Highway 281 Spring Branch TX Permit #109839

Dear Mr. Baker:

I am writing on behalf of the residents who will be in direct harm should Tex-Mix be granted an air quality permit to construct the proposed plant. Please understand that I am writing from my perspective but I am confident that my views mirror the consensus of all residents in the area of concern.

My initial problem concerns the reason why **ONLY** air quality is required when all elements of the environment will be directly impacted by the plant. The scientific community has evidence that the dust in and around concrete and cement plants contain particles, both visible and invisible, which are carcinogenic. Why a plant would be granted a permit when it is in such close proximity to existing homes does not seem logical. Yes, there are plants in Bulverde and Blanco but both are much smaller than the proposed plant and were built away from existing neighborhoods.

The second concern is what the concrete dust will do to flora and fauna in and around the area of the plant. Besides the normal wildlife we enjoy in the hill country, many homes have livestock. We even have much needed bees hives at one home located near the proposed plant. You are in charge of the environment so you have to be aware that the population of bees across the country is diminishing at an alarming rate. Does it not make sense to try to protect such a vital part of our food chain?

Another area of major concern is the water supply. It is my understanding that Canyon Lake has granted Tex-Mix rights to use 9,000 gallons of water **PER HOUR** from the Lake. I understand that Canyon Lake is very large and is thought to be totally sustainable. However, as you are also well aware, we have been in a severe drought for years. In mid-August all of

the rivers and streams which feed Canyon Lake dried. This can be verified by checking with Steve Browne, KSAT weatherman. The recent rains probably have eased the conditions but they are simply a drop in a bucket when you consider that Canyon Lake is 12' below full pool. There are severe consequences for residents if our water system is compromised. In addition, I believe that our area is on the border of the Edwards Aquifer recharge zone. It does not take a rocket scientist to realize that the water Tex-Mix will consume at the proposed plant will filter into the underground water system.

Another item of concern is the increase of noise in and around the neighborhood. Besides the excessive noise from the plant, there will be as many as 30 cement trucks racing up and down the streets once the plant is in full production. I use the word ***racing*** because I fully understand that once the concrete is loaded into a truck there is a time limit on how long that concrete can remain in the truck before it hardens. This fact encourages drivers of the trucks to drive very quickly to the site so they can dump their loads. Besides the increased truck traffic on Highway 281, we are very concerned that there will be a large number of trucks speeding on Rebecca Creek Road. You might not be familiar with Rebecca Creek Road, Mr. Baker, but it is a small winding road that connects Highway 281 with Highway 311. It is dangerous enough right now with car and truck traffic as well as blind driveways and streets which feed onto Rebecca Creek. The increase in concrete truck traffic is only one inattentive driver away from a major tragedy.

Mr. Baker, I realize right now that the State of Texas is placing more emphasis on bringing businesses to Texas than considering the health, safety and well-being of its citizens. I have heard Governor Perry, in his advertising, encouraging companies from other states to leave where they are based and come to Texas where there are few regulations required. I fully understand the need for jobs, every state needs jobs, but we also must have a responsible and well-balanced environment where people matter as much as a business.

Finally, we are pragmatic people. We understand that the determination of Tex-Mix is probably going to be considered more than the needs of the citizens of Spring Branch. My final request, should the permit be approved and we are forced to live with a truly unwelcome and unwanted neighbor, that we are granted a new air monitoring system near the plant. A couple of the people are willing to donate part of their land for the monitor. Please understand. The nearest monitor is in Bulverde, approximately twelve miles from the proposed plant. That is much too far away to accurately measure the amount of pollution being emitted from the plant. We would fully expect that the monitor would be in operation prior to the start of business for Tex-Mix and that the residents of Spring Branch would not be required to cover any of the expense of the new monitor.

Mr. Baker, we are devastated that our beautiful peaceful community is threatened by probably the first of *many* polluting companies. We are painfully aware that once a concrete batch plant is allowed to be built, no other company, other than another environmentally hazardous business, would ever consider building in our community. Tex-Mix has options where they put

their business. Many of the residents of Spring Branch have lived here for decades. One family has lived here for more than a century. We all worked hard to purchase our land and build our homes away from the noise and pollution of the big city. Now, because one company is stubbornly determined to build a toxic business so close to our homes, our right to live in a non- harmful environment, our right to liberty and the pursuit of happiness to enjoy our homes and our neighborhood without listening to the noise generated from the concrete batch plant and excessive truck traffic and without our bodies as well as our property being polluted with concrete dust is in real jeopardy. We beg you to please take into consideration our rights as residents of Spring Branch before granting the air quality permit to Tex-Mix.

I apologize for the length of this letter and I do thank you for your time. I would like to leave you with one last question. How enthusiastic would you be if a batch plant was being proposed in your neighborhood?

Cordially,

Trudy Thomas

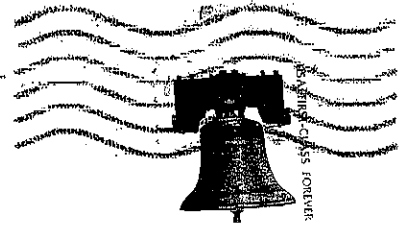
Trudy Thomas

cc: Bryan W. Shaw, Chairman TCEQ

Thomas
125 Grey Fox Circle
Spring Branch TX 78070-4608

100

AUSTIN TX 787
RIO GRANDE DISTRICT
07 OCT 2013 PM 2 L



RECEIVED

OCT 09 2013

TCEQ MAIL CENTER
CS

Mr. Bryan W. Shaw, Chairman
TCEQ
12100 Park Thirty Five Circle
Austin, TX 78753-1808

78753180800

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Wednesday, August 21, 2013 1:55 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

NSR / 87379

From: truthomas@gvtc.com [mailto:truthomas@gvtc.com]
Sent: Wednesday, August 21, 2013 1:37 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Trudy Thomas

E-MAIL: truthomas@gvtc.com

COMPANY:

ADDRESS: 125 GREY FOX CIR
SPRING BRANCH TX 78070-4608

PHONE: 8302285991

FAX:

COMMENTS: Has the TCEQ EVER denied a permit to any dangerous, explosive, hazardous and/or toxic company, business or plant? If you have denied a permit, please provide, in detail, the type of industry involved, the date that the permit was denied, the proposed locations for the industry and the reason for the denial.

MW

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Wednesday, August 21, 2013 12:05 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

NSR / 87379

From: truthomas@gvtc.com [mailto:truthomas@gvtc.com]
Sent: Tuesday, August 20, 2013 3:30 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Trudy Thomas

E-MAIL: truthomas@gvtc.com

COMPANY:

ADDRESS: 125 GREY FOX CIR
SPRING BRANCH TX 78070-4608

PHONE: 8302285991

FAX:

COMMENTS: Texas Administrative Code TITLE 30 ENVIRONMENTAL QUALITY PART 1 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY CHAPTER 101 GENERAL AIR QUALITY RULES SUBCHAPTER A GENERAL RULES RULE §101.4 Nuisance No person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or

mw

property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property. Source Note: The provisions of this §101.4 adopted to be effective January 1, 1976 Please explain how a concrete batch plant would not be governed by the above TCEQ code. Since science has proven conclusively that concrete dust and diesel exhaust fumes contain contaminants which are injurious or adversely affect human health or welfare, animal life, vegetation, or property, please explain how granting a permit to Tex Mix concrete batch plant is not in direct violation of this code. The dust will definitely interfere with the normal use and enjoyment of animal life, vegetation, or property as well as be harm human life. It seems obvious that issuing a permit to Tex Mix for the concrete plant on Highway 281 is in direct violation to your own rule 101.4. Please explain how this is not correct.

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Tuesday, August 20, 2013 3:10 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

NSR 87379

From: truthomas@gvtc.com [mailto:truthomas@gvtc.com]
Sent: Tuesday, August 20, 2013 11:20 AM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Trudy Thomas

E-MAIL: truthomas@gvtc.com

COMPANY:

ADDRESS: 125 GREY FOX CIR
SPRING BRANCH TX 78070-4608

PHONE: 8302285991

FAX:

COMMENTS: Please explain why the Texas Commission on Environmental Quality only issues air quality permits to hazardous toxic companies. As a state ENVIRONMENTAL commission, is it not your responsibility to reduce and/or eliminate any, and where possible, all pollution to the environment? Please explain why is it that the proposed concrete batch plant on Highway 281 is only required to receive an air quality permit while there will be issues with the concrete dust harming other parts of the environment? The plant will not only

MW

pollute the air but the concrete dust will also pollute and/or contaminate water, vegetation, wildlife, livestock as well harm beekeepers in and around the proposed plant. I understand that there is a 440-foot radius used to determine how far the dust should travel, correct? If that is the rational, please explain how smoke from the fires in the Idaho as well as other states west of Texas is now invading our air quality while your explanation is that the dust from the concrete plant will remain only within the 440-foot radius. While you will only address air quality in the permit you are granting to Tex Mix, there are other valid and critical concerns that we, the residents of Spring Branch, have to our environment. You have to be aware that many parts of Texas have been in an extreme drought for the past few years. As of the middle of August 2013, there is no longer any water running INTO Canyon Lake. The proposed concrete batch plant has been granted access to the Canyon Lake Water System which is a vital life line to residents living in the area services by the Lake. Please explain the justification for granting a permit to a business which has acknowledged that, at the very least, they will be pumping 9,000 gallons of water per hour from the Lake. My math says that the batch plant will be pumping 216,000 gallons of water a day when the plant is fully functional. I don't care how large a water supply is, removing 216,000 gallons of water a day with no water flowing to replenish the supply, it won't take very long before Canyon Lake will resemble Medina Lake. This HAS to be alarming to you just as it is horrifying to us.

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Tuesday, August 20, 2013 3:12 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

XLSR / 87379

From: truthomas@gvtc.com [mailto:truthomas@gvtc.com]
Sent: Monday, August 19, 2013 11:08 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Trudy Thomas

E-MAIL: truthomas@gvtc.com

COMPANY:

ADDRESS: 125 GREY FOX CIR
SPRING BRANCH TX 78070-4608

PHONE: 8302285991

FAX:

COMMENTS: I understand that Tex-Mix presented specifications for the proposed batch plant on Highway 281 at the June 27, 2013 meeting. With all due respect, many companies either withhold vital data or deflate potential risks to present their company in a more positive perspective when attempting to build a hazardous plant in a contested area. Once the plant is in place, however, there are sometimes great concerns and issues which arise. It is always preferable to address concerns PRIOR to the construction of the business or plant. With

MW

that in mind, what safeguards or protections are in place for residents who are directly impacted by problems around the plant? How difficult is it to hold a company liable for air, water, wildlife, livestock, vegetation or any other pollution issues which occur AFTER the plant is in place? How many times have residents been successful in any suits against companies found to be violating air pollution standards? What measures are in place to protect residents from hazardous air pollutants? How many times has the TCEQ upheld the rights or come to the defense of the citizens in disputes against hazardous companies?

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Monday, August 12, 2013 8:23 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

NSR 87379

From: truthomas@gvtc.com [mailto:truthomas@gvtc.com]
Sent: Saturday, August 10, 2013 3:11 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Trudy Thomas

E-MAIL: truthomas@gvtc.com

COMPANY:

ADDRESS: 125 GREY FOX CIR
SPRING BRANCH TX 78070-4608

PHONE: 8302285991

FAX:

COMMENTS: Please explain the inspection process currently in place for concrete batch plants. As you are aware, scientific studies have established that the dust from concrete plants and diesel exhaust fumes from the cement trucks, even if YOU do not include the exhaust fumes, contain toxic, harmful carcinogenic particles. Obviously, extra care MUST to be employed to be certain that the air in and around the plant is relatively safe. How often are these plants inspected? Who is in charge of inspections? How is the inspection process

MW

conducted? Are the plants continuously monitored or are the inspections done on a rotating basis? If the air is not continuously monitored, are the inspections scheduled or are they unscheduled? I am going to assume the inspections will, among all other safety concerns, measure air quality. What process is used to collect air samples? How far from the core of the concrete plant are air samples taken? I understand that there is this thing called a 440-foot perimeter now in place, but common sense has to tell you that the winds will carry the dust much further than the 440 feet. Will the air quality be measured beyond the 440 feet? If so, how often will the air be measured? Will the same tests be conducted within and without the 440-foot perimeter? If air quality is compromised within and/or outside of that 440-foot radius, what procedures will be in place to SAFELY remove the dust?

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Friday, August 09, 2013 1:24 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

NSR 87379

From: truthomas@gvtc.com [mailto:truthomas@gvtc.com]
Sent: Friday, August 09, 2013 12:22 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Trudy Thomas

E-MAIL: truthomas@gvtc.com

COMPANY:

ADDRESS: 125 GREY FOX CIR
SPRING BRANCH TX 78070-4608

PHONE: 8302285991

FAX:

COMMENTS: In the aftermath of the April.2013 explosion in West, Texas, it should come as no surprise that citizens are becoming more sensitive to companies trying to construct potentially hazardous businesses near residential communities. Sadly, the trust citizens have placed in agencies created to protect lives, homes, environments and public safety has been jeopardized. With all due respect, I am confident that you can appreciate why we can no longer be certain that these agencies are working for public safety but rather are now

mw

assisting hazardous companies in circumventing regulations. I am not a chemist but am going to assume that there are a number of chemicals needed when mixing the cement into concrete. In fairness to all residents who will be impacted by the proposed plant, there needs to be a full disclosure of what chemicals will be used and the potential risks posed by those chemicals. We should be provided with the names of all chemicals which will be onsite of the proposed concrete batch plant. How will these chemicals be stored and what safety measures will be taken that these chemicals will not cause harm to the air quality? How will the chemicals be transported to and from the plant? How toxic are the chemicals? How volatile are these chemicals? What is the potential harm to the environment, air quality, should one or more of these chemicals become unstable and explode? We deserve to receive a comprehensive unbiased report of the potential harm those chemicals have on the air quality in and around a large radius of the proposed plant.!

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Wednesday, August 07, 2013 11:34 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

NSR / 87379

From: truthomas@gvtc.com [mailto:truthomas@gvtc.com]
Sent: Wednesday, August 07, 2013 11:21 AM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Trudy Thomas

E-MAIL: truthomas@gvtc.com

COMPANY:

ADDRESS: 125 GREY FOX CIR
SPRING BRANCH TX 78070-4608

PHONE: 8302285991

FAX:

COMMENTS: Please explain the 440-foot ruling. I am going to conclude that the contention of this ruling asserts that toxic carcinogenic dust particles travel no further than 440 feet from the point of origin? Correct? On what study was this claim based? Who conducted the study to verify this assertion? Was the study conducted to determine how far the toxic dust travels conducted on any given day under MULTIPLE weather conditions? What methods were used in this study? Where was this study conducted? When was this study

conducted? How was it determined that only HOUSES within the 440-foot radius would be included? This logic, that only homes and not property would be included, would then have to lead to the conclusion that no one leaves the confines of his or her home and walks around the property. Each year dust from the Saharan Desert in Africa travels across the entire Atlantic Ocean and the Gulf of Mexico and invades the air across Texas. If dust from Africa can travel that distance and adversely impact the lives of the citizens of Texas, why is there only a 440-foot perimeter considered for the toxic dust being emitted from the proposed plant?

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Tuesday, August 06, 2013 3:30 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

From: truthomas@gvtc.com [mailto:truthomas@gvtc.com]
Sent: Tuesday, August 06, 2013 2:59 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Trudy Thomas

E-MAIL: truthomas@gvtc.com

COMPANY:

ADDRESS: 125 GREY FOX CIR
SPRING BRANCH TX 78070-4608

PHONE: 8302285991

FAX:

COMMENTS: The proposed construction of a concrete batch plant, permit #109839, on highway 281 south of Rebecca Creek Road is alarming and concerning for us residents of the community of Spring Branch. Besides the obvious concerns of increased cement truck traffic on an already busy and congested highway, a major concern is the quality of the air should the plant be allowed to be built. I have just begun to research the health issues of cement dust as well as diesel fumes. What little I have done is frightening to read and even more

frightening to consider that this will become the reality of our environment. Both of my parents died of COPD so I have intimate knowledge of the insidious lung disease. From what I have read so far, this kind of dust causes lung function impairment, chronic obstructive lung disease, restrictive lung disease, pneumoconiosis and carcinoma of the lungs, stomach and colon, just to name a few problems. What datum do you have that the dust from the plant will not be dangerous to the residents of Spring Branch?

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Wednesday, July 24, 2013 2:23 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

NSR 87379

From: truthomas@gvtc.com [mailto:truthomas@gvtc.com]
Sent: Wednesday, July 24, 2013 1:48 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: MS Trudy Thomas

E-MAIL: truthomas@gvtc.com

COMPANY:

ADDRESS: 125 GREY FOX CIR
SPRING BRANCH TX 78070-4608

PHONE: 8302285991

FAX:

COMMENTS: I am writing out of concern for the proposed cement plant on highway 281 in Spring Branch, permit #109839. My first question to you, are there no state laws restricting where a potentially hazardous and/or dangerous business can be built in Texas? Is there no legislation protection the health and well-being of the citizens of Texas?

MW

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Monday, August 26, 2013 8:08 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

H

From: dbldare@gvtc.com [mailto:dbldare@gvtc.com]
Sent: Saturday, August 24, 2013 3:03 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

NSR 97379

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Barbara Welch

E-MAIL: dbldare@gvtc.com

COMPANY:

ADDRESS: 12830 REBECCA CREEK RD
SPRING BRANCH TX 78070-6361

PHONE: 8308852388

FAX:

COMMENTS: August 12, 2013 The Neighbors of Spring Branch are filing a request for a contested case hearing against Tex- Mix Ready Mix Concrete (permit # 109839), in support of the affected members of our group: Emery and Annette Gass 12471 US Hwy 281 N Spring Branch, Texas 78070 830-885-4447 Their home is within 440 yards of the proposed Tex-Mix plant site. Their property is situated directly across Highway 281. Emery Gass has chronic obstructive pulmonary disease. He currently takes several prescription medications and

is on oxygen for 6 to 8 hours daily. He has marked worsening on "air quality alert days" and finds himself unable to breathe, on those days, without continuous oxygen. He is unable to go outside on such days. In addition to being his home the property and land is Emory's business. His business is a production of grass and alfalfa for sale as hay. Emory also raises and sells cattle. He also has several stock ponds which serve to water the cattle and provide fish for personal consumption. Fugitive and concrete dust has been known to cause lung disease and to exacerbate pre-existing pulmonary conditions as well as exacerbate heart disease. It has also been shown to damage the teeth of animals that graze upon hay or grass, thus the problem would not be limited to Emory's cattle but to anyone else who purchases hay from him. This would render him unable to sell his hay for use as animal fodder. The effect on the fish is unknown, but those persons consuming the fish would likely damage their teeth and health, as has been demonstrated in grazing animals. The Neighbors of Spring Branch have concerns for multiple businesses which operate outdoors. There are several restaurants which serve patrons outdoors with playgrounds for children. There is a smaller ranch nearby which has multiple species of animals raised organically. On this ranch are honeybee hives. Since bees travel up to 3 miles for food, this proposed concrete plant can introduce toxic elements from their foraging into honey production. Officials at the Central Texas Beekeepers Association have joined us in concern about the effects on this most important agricultural resource, which is a cornerstone of all agriculture, since pollination often requires them. We will make application to the Texas Department of Agriculture to involve them in helping us maintain this area for agricultural use and not industrial use. Silica dust, which is a known by product of concrete batch plants, is known to kill honeybees. This ranch is also an environment for outdoor activity and is available for therapeutic visits of medically fragile individuals, whose pulmonary status may be compromised by the dust exposure. There are also concerns about the effect on the enjoyment of the land by all of us who live in the area. The Texas Administrative Code Title 30 part 1 Chapter 101 Subchapter A Rule 101.4, States that, "No person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property." Our group feels we will be infringed upon, and expect our state officials to perform their appointed duty, and deny this application. If they, despite our stated opposition, grant the application, we request a contested case hearing in this matter, in which we will join with our neighbors the Gass family. We further contend that any land which borders within 440 yards of the proposed facility will be affected since the land is used for agriculture, and animals require their owners to speak for them, not just those whose house lies within 440 yards. Thus we believe the Texas Commission on Environmental Quality has misinterpreted their guidelines and defaulted on their mission, in limiting the opposition to a single family whose home lies within 440 yards. Submitted by Neighbors of Spring Branch Barbara Welch

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2013 JUN 13 AM 8:56

CHIEF CLERKS OFFICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

AIR PERMITS DIVISION AM 8:58

JUN 12 2013

CHIEF CLERKS OFFICE

RECEIVED

Texas Commission on Environmental Quality
Office of Air, Air Permits Division, MC-163
Attn: Mr. Don Nelon
PO Box 13087
Austin, TX 78711-3087

NSR
87379

Re: Contested Case Hearing in reference to Air Quality Registration Proposal No. 109839

Dear Mr. Nelon:

Please accept this as my a formal request for a "Contested Case Hearing" on the Tex-Mix Partners, Ltd. proposal No. 109839 to construct a concrete batch plant at Highway 281 near Rebecca Creek Road in Comal County. As a resident at 12830 Rebecca Creek Rd, Spring Branch, TX 78070 our home is less than one mile from the proposed site.

My daughter and two grandchildren also live on this property, and all of us suffer from asthma and use inhalers often, especially when the wind is blowing dust in the air. I fear the batch plant would aggravate our breathing problems.

I raise livestock that would be subjected to this same dust. We moved to this area because it was free of the pollution that was often in the air in San Antonio. And as I write this letter I see that we have an ozone alert day tomorrow. With the expanding city moving north, this plant would add to the polluting of the air in our area. The hazards to our residential area are profound, which include the air quality for human life, plant life, wildlife, livestock and domestic animals.

I appreciate your attention to this very important life changing matter.

Sincerely,

Barbara Welch

Barbara Welch
12830 Rebecca Creek Rd
Spring Branch, TX 78070
(830)885-2388

REVIEWED H
JUN 13 2013
By BC

Barbara Welch
12830 Rebecca Creek Rd
Spring Branch, TX 78070-6361

SAN ANTONIO TX 780
RIO GRANDE DISTRICT
10 JUN 2013 PM 6 L

Equality
FOREVER

RECEIVED
JUN 12 2013
COUNTER

TCEQ
office of Air, Air permits MC -163
ATTN: Mr. Don Nelon
PO Box 13087
Austin, TX 78711 -3087

78711308787

Don Nelon

From: Barbara Welch <dbldare@gvtc.com>
Sent: Sunday, June 02, 2013 4:45 PM
To: ac
Subject: Contested Case Hearing

NSR 87379

REVIEWED 4
JUN 03 2013
By BC

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2013 JUN -3 AM 9:01
CHIEF CLERKS OFFICE

Texas Commission on Environmental Quality
Office of Air, Air Permits Division, MC-163
Attn: Mr. Don Nelon
PO Box 13087
Austin, TX 78711-3087

Re: Contested Case Hearing in reference to Air Quality Registration Proposal No. 109839

Dear Mr. Nelon:

Please accept this as my a formal request for a "Contested Case Hearing" on the Tex-Mix Partners, Ltd. proposal No. 109839 to construct a concrete batch plant at Highway 281 near Rebecca Creek Road in Comal County. As a resident at 12830 Rebecca Creek Rd, Spring Branch, TX 78070 our home is less than one mile from the proposed site.

My daughter and two grandchildren also live on this property, and all of us suffer from asthma and use inhalers often, especially when the wind is blowing dust in the air. I fear the batch plant would aggravate our breathing problems.

I raise livestock that would be subjected to this same dust. We moved to this area because it was free of the pollution that was often in the air in San Antonio. And as I write this letter I see that we have an ozone alert day tomorrow. With the expanding city moving north, this plant would add to the polluting of the air in our area. The hazards to our residential area are profound, which include the air quality for human life, plant life, wildlife, livestock and domestic animals.

I appreciate your attention to this very important life changing matter.

Sincerely,

Barbara Welch
12830 Rebecca Creek Rd
Spring Branch, TX 78070
(830)885-2388

n Nelon

From: ac
Sent: Monday, June 03, 2013 8:42 AM
To: Don Nelon; AIRPERM
Subject: FW: Contested Case Hearing
Attachments: Contested Case Hearing

This came in on the Agency Communications e-mail box. Please copy ac@tceq.texas.gov with your response.

Thanks,

Ken Sherry
Agency Communications

How is our customer service? Fill out our online customer satisfaction survey at www.tceq.texas.gov/customersurvey

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2013 JUN -3 AM 9:01
CHIEF CLERKS OFFICE

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Monday, August 26, 2013 8:08 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

MSR 87379

From: dbldare@gvtc.com [mailto:dbldare@gvtc.com]
Sent: Saturday, August 24, 2013 3:57 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Barbara Welch

E-MAIL: dbldare@gvtc.com

COMPANY:

ADDRESS: 12830 REBECCA CREEK RD
SPRING BRANCH TX 78070-6361

PHONE: 8308852388

FAX:

COMMENTS: What studies have been done in regards to the amount of particulates that will be released and become airborne?> What studies have been done on the effects of particulates in regard to humans and natural species, and domestic animals. What studies have been done on the possible effects on the quality and amount of water an d on the natural water systems. What studies have been done in regards to the economic impact both negative and positive this plant will have on property values in the area of the proposed plant? How much water

mw

will the plant use each day? Are these plants inspected? By what department? How often? What happens if they don't pass inspection. Do you honestly believe the particulate will not travel beyond your 440 yds limits? Then please explain to me how the dust from the African desert manages to come to our area each year. After the explosion in West, we are naturally concerned about the materials used at the plant. Will there be chemicals used? What kind? What are potential risks posed by those chemicals. Today was an ozone awareness day. Are you saying that the concrete plant will not add to this problem.? What about the diesel trucks that whose exhaust contains carcinogens. Who made the determination that diesel fumes be excluded when considering granting a permit? Why does the Commission pay more attention to the lobby from concrete company than to the environment and citizens it is supposed to protect? I have a granddaughter who lives on my property that suffers from an immune deficiency disease which makes her at high risk for lung problems. She has had pneumonia twice and has asthma. Are you assuring me that this plant would not impair her health? Who do we send the medical bills to? I am greatly concerned about the amount of water that will be used for this plant. It was stated they would get their water from a well on the property. What happens when that well has to be dug deeper to get more water and begins to drain our aquifer and our wells run dry. Will Tex-Mix pay for ours to be dug deeper? The Guadalupe is already running dry. What has Tex-Mix done to assure that they are concerned about the environment? What studies were done on the impact from the endangered Golden cheek warbler and black capped vireo which nest in this area? How will they stage the trucks on this already crowded and dangerous highway?What time would they begin daily? Close? Lights? This is a clean healthy environment that we have chosen to live in because there isn't a lot of noise, dust, and industry surrounding us. What consideration was given to the property values in this area if this plant is built? Was any consideration given to the park where children play sports? These children breathe deeply when exercising and playing the sports, thus breathing in the dangerous polluted air. I have livestock that graze on my property. What assurance do I have that the quality of pasture will not decrease nor will my animals have adverse effects from eating the dust. How does Tex-Mix plan to stage the large trucks on an already dangerous 281? There will be slow moving trucks entering and exiting the property. As a member of the Neighbors of Spring Branch group, I am disturbed that this plant might be built in close proximity to several homes and ranches and poses a health threat to Emery Gass, who already depends on oxygen daily. To me this is another example of money versus citizens' rights. I urge you to not grant this permit.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2014 APR -2 AM 10:14
CHIEF CLERK'S OFFICE

March 30, 2013
William & Kristen Wessale
360 Bent Oak Dr.
Spring Branch TX 78070
Wessale@att.net
281-455-6072

Texas Commission on Environmental Quality (TCEQ)

REVIEWED
APR 02 2014
By

RE: Tex-Mix Partners, Ltd.
Registration No. 109839
Responses to Response to Comments
Dated March 6, 2014

We disagree with the Executive Director's decision that the above-referenced permit application meets the requirements of the applicable law.

Eight of the responses from TCEQ to our comments either did not answer the original question, or did not provide an answer that substantiates that the permit application meets the requirements of the applicable law.

As a result, we **request reconsideration** of the Executive Director's decision

Our responses to the TCEQ responses are itemized as follows :

Response #2:

The site review conducted by the TCEQ Regional Office wrongly concluded that the proposed plant would not pose a nuisance to the 14 residences surrounding the site. None of these neighbors were contacted so that the "nuisance" could be assessed. Please repeat the site survey by accessing the properties.

Response #3:

The response validity is predicated upon self-reporting, with auditing that the required self-reporting is performed. Please provide statistics that indicate self-reporting has worked. Our experience in the aircraft and hydrocarbon processing industries is that self-reporting is ineffective and breeds a culture of cover-up.

Please justify how the TCEQ site report can conclude with "no concerns" when the closest residence within the 440-yard impact zone has COPD?

Response #4:

Since "TCEQ does not have jurisdiction to consider facility location when determining whether to approve or deny a permit application", then why isn't the 440-yard impact

consideration based on the *lot line* instead of the equipment placement since the plant owner can place the equipment anywhere on the lot?

As TCEQ states in the response, 30 TAC Section 101.4 prohibits a person from creating or maintaining a nuisance that interferes with a landowner's use and enjoyment of his property. Please explain why you think the proposed plant will not interfere with landowner's enjoyment of their property when over 200 negative comments were received, and the immediate neighbors all state the plant would spoil the enjoyment they get from their property? What must the neighbors still do so that TCEQ realizes the proposed plant WILL interfere with our enjoyment of our property?

TCEQ states "the proposed plant will not be using diesel engine or generator". Please explain how the aggregate delivery trucks, the onsite front-end loaders, and the concrete trucks do not use diesel engines?

Response 5:

The response fails to answer the question regarding how often the reports are reviewed by a TCEQ investigator.

The response fails to answer the following question that was submitted: "When these state requirements are monitored, is it done on a scheduled basis or do monitors show up unannounced?"

Response 6:

TCAA 382.056 states, "applicants are required to publish notice in a newspaper of general circulation in the municipality in which the facility is proposed to be located, or in the municipality nearest to the location of the proposed location of the facility." The proposed location is in an unincorporated area of Comal County where the nearest municipality is Bulverde. Neither of the papers in which the notice was published are readily available in the retail facilities that service the neighborhood surrounding the proposed location. The New Braunfels newspaper and the Bulverde newspaper are both readily available. Please explain how Tex-Mix met the requirements of the law for public notice in a newspaper.

Response 13:

The response did not answer the question. Please provide the information requested. If no permit application has been denied, please state so.

Response 14:

We have been attempting to inform TCEQ that issuing the proposed permit WILL interfere with our enjoyment of our property. Why is that message not getting through?

Why isn't a concrete batch plant that is permitted to operate 24 hours per day and 7 days per week within a residential area a violation?

What must we do so that TCEQ realizes the proposed plant WILL interfere with our enjoyment of our property?

Response 17:

The response states that, "the commission will initiate enforcement action…". The fines issued by TCEQ against Tex-Mix indicate the fine was ALWAYS reduced to administrative fees less than $1000. What evidence exists to show that this practice, which typically does not motivate change, results in minimizing future incidents?

Sincerely,

William and Kristen Wessale
281-455-6072
Wessale@att.net

Wessale
360 Bent Oak Dr.
Spring Branch TX 78070

N HOUSTON
TX 773
31 MAR '14
PM 3 L

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2014 APR -2 AM 10:14

CHIEF CLERKS OFFICE

Bridget C. Bohac, Chief Clerk
TCEQ, MC-105
Box 13087
Austin TX 78711-3087

RECEIVED
APR 02 2014
TCEQ MAIL CENTER
JR

78711308787

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Monday, March 31, 2014 8:36 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

RFR

From: wessale@att.net [mailto:wessale@att.net]
Sent: Sunday, March 30, 2014 8:35 PM
To: donotReply@tceq.texas.gov
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: William Wessale

E-MAIL: wessale@att.net

COMPANY:

ADDRESS: 360 BENT OAK DR
SPRING BRANCH TX 78070-6312

PHONE: 2814556072

FAX:

COMMENTS: March 30, 2013 William & Kristen Wessale 360 Bent Oak Dr. Spring Branch TX 78070 Wessale@att.net 281-455-6072 Bridget C. Bohac, Chief Clerk TCEQ, MC-105 Box 13087 Austin, TX 78711-3087 RE: Tex-Mix Partners, Ltd. Registration No. 109839 Responses to Response to Comments Dated March 6, 2014 We disagree with the Executive Director's decision that the above-referenced permit application meets the requirements of the applicable law. Eight of the responses from TCEQ to our comments either did not

answer the original question, or did not provide an answer that substantiates that the permit application meets the requirements of the applicable law. As a result, we request reconsideration of the Executive Director's decision Our responses to the TCEQ responses are itemized as follows : Response #2: The site review conducted by the TCEQ Regional Office wrongly concluded that the proposed plant would not pose a nuisance to the 14 residences surrounding the site. None of these neighbors were contacted so that the "nuisance" could be assessed. Please repeat the site survey by accessing the properties. Response #3: The response validity is predicated upon self-reporting, with auditing that the required self-reporting is performed. Please provide statistics that indicate self-reporting has worked. Our experience in the aircraft and hydrocarbon processing industries is that self-reporting is ineffective and breeds a culture of cover-up. Please justify how the TCEQ site report can conclude with "no concerns" when the closest residence within the 440-yard impact zone has COPD? Response #4: Since "TCEQ does not have jurisdiction to consider facility location when determining whether to approve or deny a permit application", then why isn't the 440-yard impact consideration based on the *lot line* instead of the equipment placement since the plant owner can place the equipment anywhere on the lot? As TCEQ states in the response, 30 TAC Section 101.4 prohibits a person from creating or maintaining a nuisance that interferes with a landowner's use and enjoyment of his property. Please explain why you think the proposed plant will not interfere with landowner's enjoyment of their property when over 200 negative comments were received, and the immediate neighbors all state the plant would spoil the enjoyment they get from their property? What must the neighbors still do so that TCEQ realizes the proposed plant WILL interfere with our enjoyment of our property? TCEQ states "the proposed plant will not be using diesel engine or generator". Please explain how the aggregate delivery trucks, the onsite front-end loaders, and the concrete trucks do not use diesel engines? Response 5: The response fails to answer the question regarding how often the reports are reviewed by a TCEQ investigator. The response fails to answer the following question that was submitted: "When these state requirements are monitored, is it done on a scheduled basis or do monitors show up unannounced?" Response 6: TCAA 382.056 states, "applicants are required to publish notice in a newspaper of general circulation in the municipality in which the facility is proposed to be located, or in the municipality nearest to the location of the proposed location of the facility." The proposed location is in an unincorporated area of Comal County where the nearest municipality is Bulverde. Neither of the papers in which the notice was published are readily available in the retail facilities that service the neighborhood surrounding the proposed location. The New Braunfels newspaper and the Bulverde newspaper are both readily available. Please explain how Tex-Mix met the requirements of the law for public notice in a newspaper. Response 13: The response did not answer the question. Please provide the information requested. If no permit application has been denied, please state so. Response 14: We have been attempting to inform TCEQ that issuing the proposed permit WILL interfere with our enjoyment of our property. Why is that message not getting through? Why isn't a concrete batch plant that is permitted to operate 24 hours per day and 7 days per week within a residential area a violation? What must we do so that TCEQ realizes the proposed plant WILL interfere with our enjoyment of our property? Response 17: The response states that, "the commission will initiate enforcement action…". The fines issued by TCEQ against Tex-Mix indicate the fine was ALWAYS reduced to administrative fees less than $1000. What evidence exists to show that this practice, which typically does not motivate change, results in minimizing future incidents? Sincerely, William and Kristen Wessale 281-455-6072 Wessale@att.net

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Friday, August 23, 2013 2:24 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839
Attachments: ContestedCaseHearingLetter_BW.docx

NSR 07379

H

From: wessale@att.net [mailto:wessale@att.net]
Sent: Friday, August 23, 2013 2:21 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: William Wessale

E-MAIL: wessale@att.net

COMPANY:

ADDRESS: 360 BENT OAK DR
SPRING BRANCH TX 78070-6312

PHONE: 2814887786

FAX:

COMMENTS: My wife Kristen and I are officially filing this letter of opposition to the Tex-Mix concrete batch plant. As members of the neighborsofspringbranch.org, we have joined the Gass family of 12471 Hwy 281 to request a contested case hearing in the event that TCEQ disregards the evidence and issues the Air Permit. Thank you.

August 23, 2013

We are filing a request for a contested case hearing against Tex- Mix Ready Mix Concrete (permit # 109839), in support of the affected members of our group:

Emery and Annette Gass
12471 US Hwy 281 N
Spring Branch, Texas 78070
830-885-4447

Their home is within 440 yards of the proposed Tex-Mix plant site. Their property is situated directly across Highway 281.

Emery Gass has chronic obstructive pulmonary disease. He currently takes several prescription medications and is on oxygen for 6 to 8 hours daily. He has marked worsening on "air quality alert days" and finds himself unable to breathe, on those days, without continuous oxygen. He is unable to go outside on such days.

In addition to being his home, the property and land is also Emory's business. His business is a production of grass and alfalfa for sale as hay. Emory also raises and sells cattle. He also has several stock ponds which serve to water the cattle and provide fish for personal consumption.

Fugitive and concrete dust has been known to cause lung disease and to exacerbate pre-existing pulmonary conditions as well as exacerbate heart disease. It has also been shown to damage the teeth of animals that graze upon hay or grass, thus the problem would not be limited to Emory's cattle but to anyone else who purchases hay from him. This would render him unable to sell his hay for use as animal fodder. The effect on the fish is unknown, but those persons consuming the fish would likely damage their teeth and health, as has been demonstrated in grazing animals.

The Neighbors of Spring Branch have concerns for multiple businesses which operate outdoors. There are several restaurants which serve patrons outdoors with playgrounds for children. There is a smaller ranch nearby which has multiple species of animals raised organically. On this ranch are honeybee hives. Since bees travel up to 3 miles for food, this proposed concrete plant can introduce toxic elements from their foraging into honey production. Officials at the Central Texas Beekeepers Association have joined us in concern about the effects on this most important agricultural resource, which is a cornerstone of all agriculture, since pollination often requires them. Silica dust, which is a known by product of concrete batch plants, is known to kill honeybees. This ranch is also an environment for outdoor activity and is available for therapeutic visits of medically fragile individuals, whose pulmonary status may be compromised by the dust exposure.

TCEQ's Site Report filed June 30, 2013 records under Surrounding Land Use "Residential, Commercial, Ranchland, Highway", and under Receptor Type "Residential", yet in the summary under Site Review in response to the prompt "In light of the proximity of sensitive receptors and the surrounding land use, please discuss any concerns you have concerning a facility of this type locating at the proposed site", the report recorded "No Concerns". Depending upon where Tex-Mix locates the plant, there are three to six

occupied residences that would be within the 440 impact zone, yet no attempt was made to verify if any of these residents would be adversely affected. The current proposed location for the plant results in the residence of a COPD sufferer to lie within the 440 yard impact zone.

In addition to the three to six occupied residences that are within the impact zone of the proposed Tex-Mix plant, there are also 24 occupied structures within 440 yards of the lot boundary and another 14 platted residential lots that have not yet been built upon. Only five of these 38 lots is, or would be, commercial, and only two of the structures represent a ranch, resulting in the proposed Tex-Mix plant to adjoin a neighborhood of 31 residential lots. This seems to be an inappropriate location for the plant. Thus we believe the Texas Commission on Environmental Quality has misinterpreted their guidelines and defaulted on their mission, by limiting the opposition to a single family whose home lies within 440 yards.

The Texas Administrative Code, Title 30: Environmental Quality, Part 1: Texas Commission on Environmental Quality, Chapter 101: General Air Quality Rules, Sub-chapter A: General Rules, contains Rule 101.4: Nuisance: "No person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property." We refer specifically to the wording, "interfere with the normal use and enjoyment of ....property." We think the proposed 24 hours-per-day, 7 days-per-week concrete batch plant within a residential area, would be a clear violation of this rule.

We expect our state officials to perform their appointed duty, and deny the subject Air Permit application.

If TCEQ, despite our stated opposition, grant the Air Permit, we request a contested case hearing in which we will support our neighbors the Gass family.

Sincerely,

Bill and Kris Wessale

360 Bent Oak Dr. 78070

Members of neighborsofspringbranch.org

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Texas Commission on Environmental Quality
Office of Air, Air Permits Division, MC-163
Attn: Mr. Don Nelon
PO Box 13087
Austin, TX 78711-3087

2013 JUN 10 AM 8:03

CHIEF CLERKS OFFICE

NSR 87379

AIR PERMITS DIVISION
JUN 07 2013
RECEIVED

Re: Contested Case Hearing in reference to Air Quality Registration Proposal No. 109839

Dear Mr. Nelon:

Please accept this as a formal request for a "Contested Case Hearing" on the Tex-Mix Partners, Ltd. proposal No. 109839 to construct a concrete batch plant at Highway 281 near Rebecca Creek Road in Comal County.

As a resident at 360 Bent Oak Dr., Spring Branch, TX 78070 (Rebecca Creek Estates, Block 2, Lots 14, 15, and 16), our home lies within 440 yards of this site's boundary. In addition, we just closed in February on the adjacent lot bordering Craig Lane and are planning to build a guest house on the new lot, which will be even closer. We have attached a Google map with the location of the proposed cement plant marked in red, the 440 yard impact zone marked in pink, and our lots marked in yellow. There are 13 existing houses and 22 additional lots within the 440 yd impact zone.

This map uses the boundary of the proposed cement plant lot to establish the 440 yard impact zone. Tex-Mix claims they will only use about 5 acres for the facility, but they are not constrained to where they place equipment on the lot, and they are not constrained from building out to the perimeter in the future. We can only assume that Tex-Mix intends to use the entire lot, or they would have purchased a smaller amount of land.

We are concerned with the hazards this proposed plant poses to the air quality for human life, plant life, wildlife and domestic animals. By our wind measuring equipment, our wind speed has been 3 to 13 miles per hour since January, with average wind speeds near 10 mph. This wind has the potential to spread the dust from the ready-mix products and the truck movement over an area even larger than the impact zone.

The proposed plant would border a neighborhood that has been in place since 1989, and does not seem appropriate.

I request a public hearing to contest the award of the subject Air Permit.

Sincerely,

Bill Wessale
Kristen Wessale

REVIEWED
JUN 10 2013
By

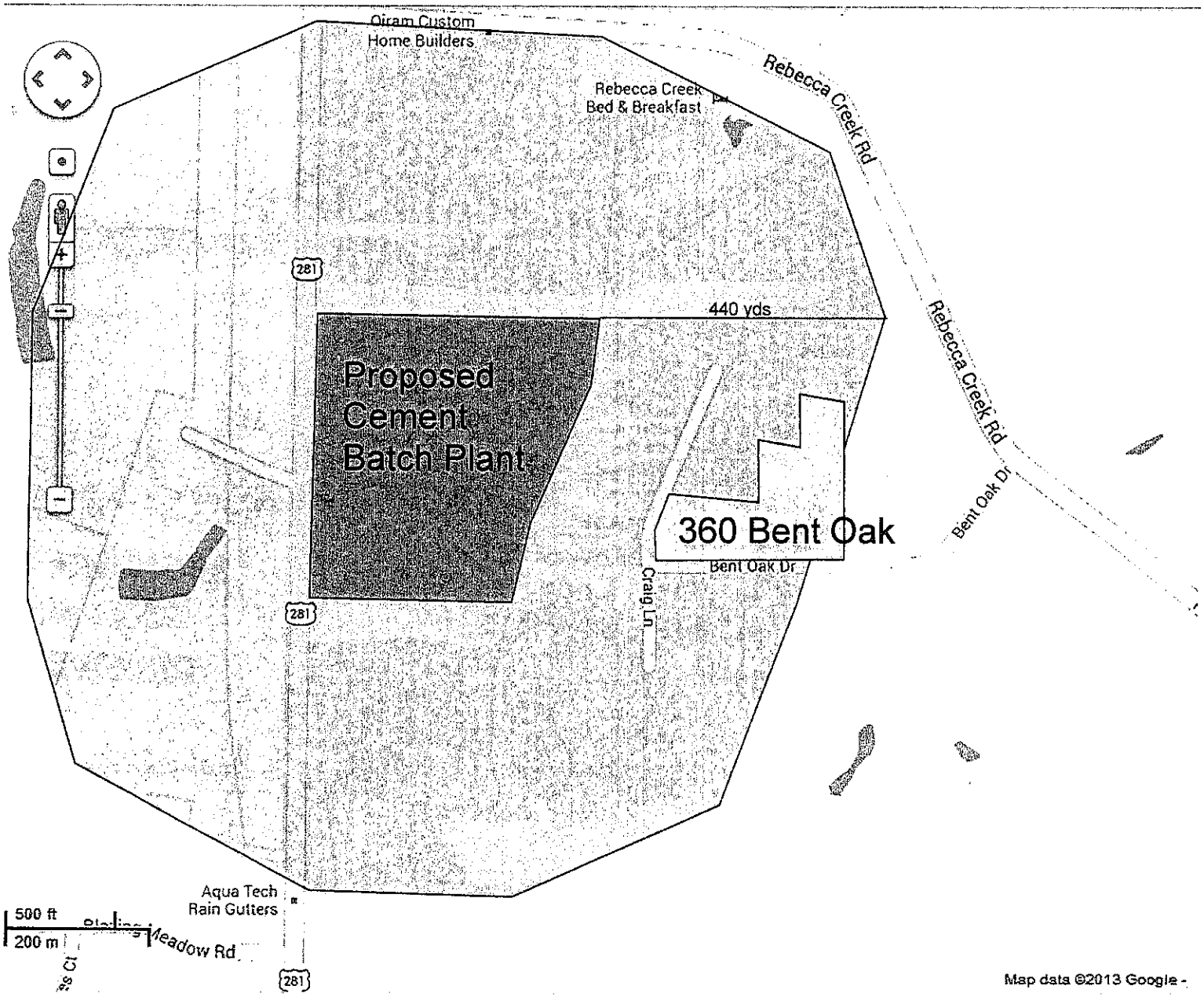
William and Kristen Wessale
360 Bent Oak Dr.
Spring Branch, Texas 78070
(915) 329-5332
June 4, 2013

Cc:
The Honorable Donna Campbell
Texas Senate, District 25
1902 E. Common St. Ste. 500
New Braunfels, TX 78130

The Honorable Doug Miller
Texas House, District 73
407 W. Mill Street
New Braunfels, Texas 78130

The Honorable Jan Kennady
Comal County Commissioner, Precinct 4
100 Main Plaza
New Braunfels, Texas 78130

Impact Zone of Proposed Cement



AIR PERMITS DIVISION
JUN 0 7 2013
RECEIVED

Wessale
360 Bent Oak Dr.
Spring Branch TX 78070

NORTH HOUSTON TX 773
05 JUN 2013 PM 2 L

RECEIVED
JUN 07 2013
TCEQ MAIL CENTER

Texas Commission on Environmental Quality
Office of Air, Air Permits Division, MC-163
Attn: Mr. Don Nelon
P.O. Box 13087
Austin TX 78711-3087

CHIEF CLERK'S OFFICE
13 JUN 10 AM 8:04

AIR PERMITS DIVISION
JUN 07 2013
RECEIVED

78711308787

Marisa Weber

From:	PUBCOMMENT
Sent:	Tuesday, June 04, 2013 9:41 AM
To:	PUBCOMMENT-OCC2
Subject:	FW: Public comment on Permit Number 109839
Attachments:	TCEQ_Hearing_Request_Wessale.docx

H

From: PUBCOMMENT-OCC
Sent: Tuesday, June 04, 2013 9:34 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 109839

From: wessale@att.net [mailto:wessale@att.net]
Sent: Tuesday, June 04, 2013 9:27 AM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: William Wessale

E-MAIL: wessale@att.net

COMPANY:

ADDRESS: 360 BENT OAK DR
SPRING BRANCH TX 78070-6312

PHONE: 2814556072

FAX:

COMMENTS: I request a public hearing. Our home is within the 440 yard impact zone. Please see attached letter.

Texas Commission on Environmental Quality
Office of Air, Air Permits Division, MC-163
Attn: Mr. Don Nelon
PO Box 13087
Austin, TX 78711-3087

Re: Contested Case Hearing in reference to Air Quality Registration Proposal No. 109839

Dear Mr. Nelon:

Please accept this as a formal request for a "Contested Case Hearing" on the Tex-Mix Partners, Ltd. proposal No. 109839 to construct a concrete batch plant at Highway 281 near Rebecca Creek Road in Comal County.

As a resident at 360 Bent Oak Dr., Spring Branch, TX 78070, our home lies within 440 yards of this site's boundary. In addition, we just closed in February on the adjacent lot bordering Craig Lane and are planning to build a guest house on the new lot, which will be even closer. We have attached a Google map with the location of the proposed cement plant marked in red, the 440 yard impact zone marked in pink, and our lots marked in yellow. There are 13 existing houses and 22 additional lots within the 440 yd impact zone.

This map uses the boundary of the proposed cement plant lot to establish the 440 yard impact zone. Tex-Mix claims they will only use about 5 acres for the facility, but they are not constrained to where they place equipment on the lot, and they are not constrained from building out to the perimeter in the future. We can only assume that Tex-Mix intends to use the entire lot, or they would have purchased a smaller amount of land.

We are concerned with the hazards this proposed plant poses to the air quality for human life, plant life, wildlife and domestic animals. By our wind measuring equipment, our wind speed has been 3 to 13 miles per hour since January, with average wind speeds near 10 mph. This wind has the potential to spread the dust from the ready-mix products and the truck movement over an area even larger than the impact zone.

The proposed plant would border a neighborhood that has been in place since 1989, and does not seem appropriate.

I request a public hearing to contest the award of the subject Air Permit.

Sincerely,

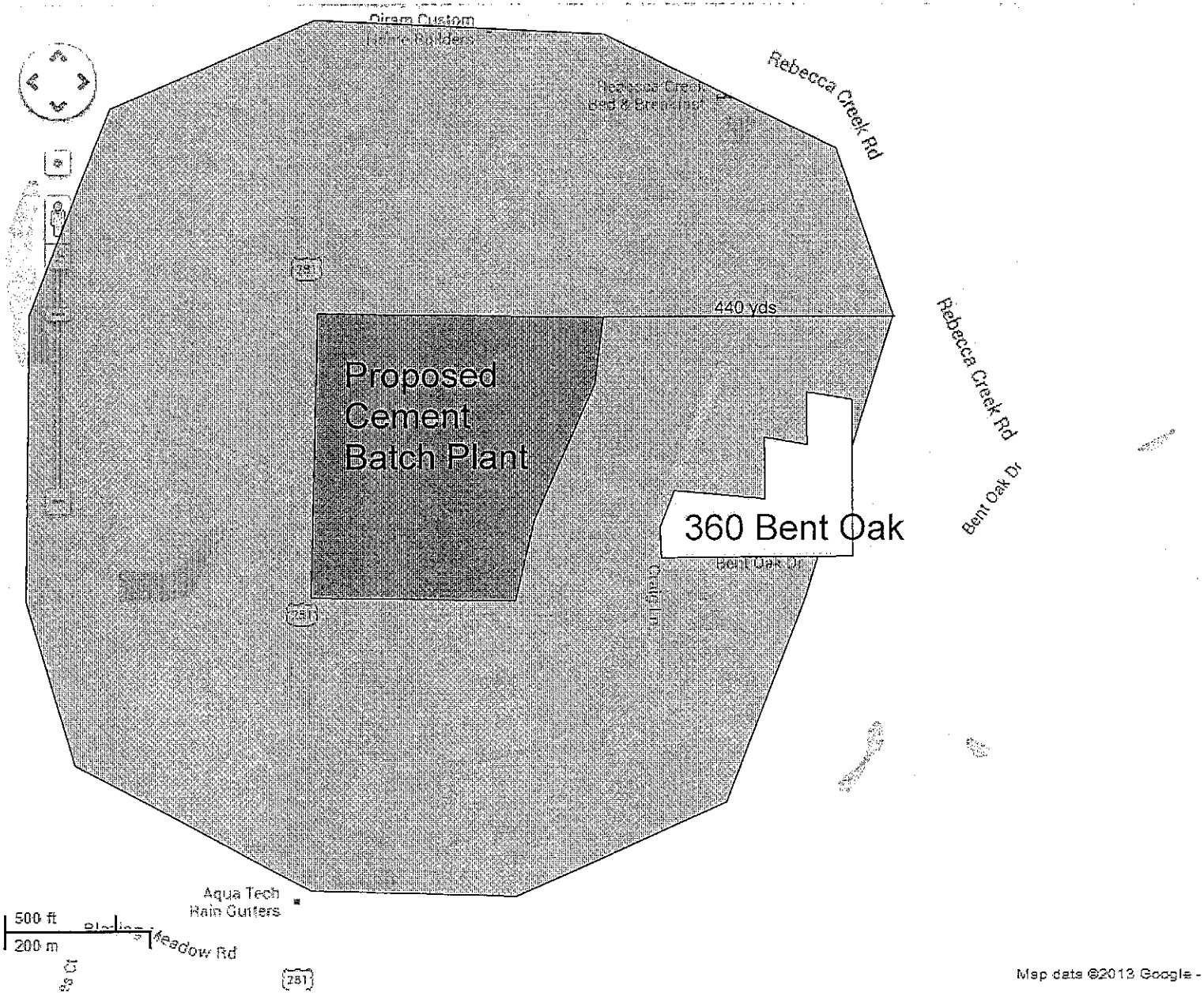
William and Kristen Wessale
360 Bent Oak Dr.
Spring Branch, Texas 78070
(915) 329-5332
June 4, 2013

Cc:
The Honorable Donna Campbell
Texas Senate, District 25
1902 E. Common St. Ste. 500
New Braunfels, TX 78130

The Honorable Doug Miller
Texas House, District 73
407 W. Mill Street
New Braunfels, Texas 78130

The Honorable Jan Kennady
Comal County Commissioner, Precinct 4
100 Main Plaza
New Braunfels, Texas 78130

Impact Zone of Proposed Cement



Penny

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2014 JAN 16 PM 1:33

CHIEF CLERKS OFFICE

NSR 87379

January 13, 2014

360 Bent Oak Dr.
Spring Branch, TX 78070
281-455-6072
Wessale@att.net
neighborsofspringbranch.org

RECEIVED
JAN 7 2014
By

RECEIVED
JAN 15 2014
EXECUTIVE DIRECTOR

Bryan Shaw, Chairman, MC 100
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Chairman Shaw:

We are writing to make you aware of a potential problem that has existed for eight months. Precedence indicates the normal process will create a problem which will then require litigation. We are suggesting a reasonable and legal solution which those on distribution should support.

Application for air permit #109839 was submitted on April 25, 2013 by Westward Environmental on behalf of Tex-Mix for a concrete batch plant on the east side of US 281 approximately ½ mile south of Rebecca Creek Road. This property is in an unincorporated area of Comal County north of Bulverde and is not under any zoning or deed restrictions.

Unfortunately, the property is contiguous to a residential subdivision that has been in place for over 25 years, and directly across US 281 from a family ranch of fourth generation Comal County settlers. This subdivision and ranch are surrounded by additional subdivisions, residences, and ranches. When TCEQ held the required public meeting, we mailed a notice to 2065 residential addresses, a subset of the surrounding residences, to ensure public participation in the TCEQ decision making process. Over 180 people attended to voice their opposition. In the comment period, 290 comments in opposition were registered on the TCEQ website. The comment period has closed and we are waiting written responses to our questions and comments.

One of our members has been diagnosed as a COPD sufferer, and their home lies within the legal impact zone from the offending equipment. He has formally requested a Public Hearing in the event the Air Permit is issued. We have retained the legal firm of Duggins Wren Mann & Romero, LLP to represent this resident at the contested case hearing.

We have organized as the Neighbors of Spring Branch to oppose this intrusion:

- Website www.neighborsofspringbranch.org,
  Facebook Neighbors of Spring Branch
  Twitter @nosb78070

MW

The easy TCEQ action is to award permit #109839, but the laws don't require that it be awarded. I believe awarding permit #109839 would be in violation of TCEQ's Mission Statement and Agency Philosophy.

The TCEQ Mission Statement states in part, "consistent with sustainable economic development". Does this mean that permits must be awarded so that expansion in the concrete industry and housing trade continues unimpeded, or does it mean that a permit should only be awarded if the resulting concrete plant does not cause a net decline in the area's economic value? In this case, I feel it's the latter. I have found that most concrete plants are located in rural areas where the adjacent land is either a field or another industry, not a neighborhood. Adding a concrete plant adjacent to a field or industrial park does not necessarily negatively impact their economic value.

In the case of permit #109839, the proposed concrete plant would be surrounded by existing residential neighborhoods. There are no other industries within several miles of the proposed location, only commercial and retail businesses to service the residents. Awarding a permit at the proposed location would immediately lower the surrounding property values and consign the area to future industrial intrusions, negatively impacting the resident's quality of life. We feel awarding the permit would benefit the owners of Tex-Mix at the expense of the surrounding neighborhoods. Therefore, we don't believe awarding permit #109839 would be "consistent with sustainable economic development".

TCEQ's Agency Philosophy seeks "meaningful public participation in the decision-making process". We believe the neighbors of spring branch have demonstrated meaningful public participation, and it is overwhelmingly negative.

Please decide to NOT award permit #109839 since it would violate sustainable economic development and is supported by meaningful and overwhelmingly negative public participation.

Thank you.

Sincerely,

Bill Wessale Kris Wessale

Kris and Bill Wessale

cc:

Toby Baker, Commissioner, MC 100
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Richard Hyde, Deputy Executive Director, MC 109
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Zak Covar, Executive Director, MC 109
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Blas J. Coy, Jr., Public Interest Counsel, MC 103
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Carlos Contreras, Chief Auditor, MC 107
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Steve Hagle, Deputy Director, MC 122
TCEQ Office of Air
P.O. Box 13087
Austin, TX 78711-3087

Mike Wilson, Director, MC 163
TCEQ Air Permits Division
P.O. Box 13087
Austin, TX 78711-3087

pep@tceq.texas.gov

Governor Rick Perry (via email)

Lt. Governor David Dewhurst (via email)

Donna Campbell, Texas Senator District 25
(via email)

Doug Miller, Texas Congressman District 23
(via Email)

Ms. Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Mr. Ron Curry
Regional Administrator
EPA Region 6
Fountain Place, 12th Floor Suite 1200
1445 Ross Avenue
Dallas TX 75202-2733

Mr. Samuel Coleman
Deputy Regional Administrator
EPA Region 6
Fountain Place, 12th Floor Suite 1200
1445 Ross Avenue
Dallas TX 75202-2733

Tex-Mix
Logan Owens
PO Box 830
Leander TX 78646

Mr. William D. Wessale
1514 Blairmont Ln
Houston, TX 77062

NORTH HOUSTON TX 773

13 JAN 2014 PM 1 L

RECEIVED

JAN 15 2014

TCEQ MAIL CENTER
CS

Richard Hyde, Deputy Executive Director
MC 109
TCEQ
Box 13087
Austin TX 78711-3087

78711308787

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2014 JAN 16 PM 1 23

CHIEF CLERKS OFFICE

NSR
87379

January 13, 2014

360 Bent Oak Dr.
Spring Branch, TX 78070
281-455-6072
Wessale@att.net
neighborsofspringbranch.org

RECEIVED

JAN 17 2014

By

RECEIVED

JAN 15 2014

Texas Commission on Environmental Quality
Commissioners' Offices

Bryan Shaw, Chairman, MC 100
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Chairman Shaw:

We are writing to make you aware of a potential problem that has existed for eight months. Precedence indicates the normal process will create a problem which will then require litigation. We are suggesting a reasonable and legal solution which those on distribution should support.

Application for air permit #109839 was submitted on April 25, 2013 by Westward Environmental on behalf of Tex-Mix for a concrete batch plant on the east side of US 281 approximately ½ mile south of Rebecca Creek Road. This property is in an unincorporated area of Comal County north of Bulverde and is not under any zoning or deed restrictions.

Unfortunately, the property is contiguous to a residential subdivision that has been in place for over 25 years, and directly across US 281 from a family ranch of fourth generation Comal County settlers. This subdivision and ranch are surrounded by additional subdivisions, residences, and ranches. When TCEQ held the required public meeting, we mailed a notice to 2065 residential addresses, a subset of the surrounding residences, to ensure public participation in the TCEQ decision making process. Over 180 people attended to voice their opposition. In the comment period, 290 comments in opposition were registered on the TCEQ website. The comment period has closed and we are waiting written responses to our questions and comments.

One of our members has been diagnosed as a COPD sufferer, and their home lies within the legal impact zone from the offending equipment. He has formally requested a Public Hearing in the event the Air Permit is issued. We have retained the legal firm of Duggins Wren Mann & Romero, LLP to represent this resident at the contested case hearing.

We have organized as the Neighbors of Spring Branch to oppose this intrusion:

Website www.neighborsofspringbranch.org,
Facebook Neighbors of Spring Branch
Twitter @nosb78070

MC

The easy TCEQ action is to award permit #109839, but the laws don't require that it be awarded. I believe awarding permit #109839 would be in violation of TCEQ's Mission Statement and Agency Philosophy.

The TCEQ Mission Statement states in part, "consistent with sustainable economic development". Does this mean that permits must be awarded so that expansion in the concrete industry and housing trade continues unimpeded, or does it mean that a permit should only be awarded if the resulting concrete plant does not cause a net decline in the area's economic value? In this case, I feel it's the latter. I have found that most concrete plants are located in rural areas where the adjacent land is either a field or another industry, not a neighborhood. Adding a concrete plant adjacent to a field or industrial park does not necessarily negatively impact their economic value.

In the case of permit #109839, the proposed concrete plant would be surrounded by existing residential neighborhoods. There are no other industries within several miles of the proposed location, only commercial and retail businesses to service the residents. Awarding a permit at the proposed location would immediately lower the surrounding property values and consign the area to future industrial intrusions, negatively impacting the resident's quality of life. We feel awarding the permit would benefit the owners of Tex-Mix at the expense of the surrounding neighborhoods. Therefore, we don't believe awarding permit #109839 would be "consistent with sustainable economic development".

TCEQ's Agency Philosophy seeks "meaningful public participation in the decision-making process". We believe the neighbors of spring branch have demonstrated meaningful public participation, and it is overwhelmingly negative.

Please decide to NOT award permit #109839 since it would violate sustainable economic development and is supported by meaningful and overwhelmingly negative public participation.

Thank you.

Sincerely,

Bill Wessale Kris Wessale

Kris and Bill Wessale

cc:

Toby Baker, Commissioner, MC 100
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Richard Hyde, Deputy Executive Director,
MC 109
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Zak Covar, Executive Director, MC 109
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Blas J. Coy, Jr., Public Interest Counsel,
MC 103
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Carlos Contreras, Chief Auditor, MC 107
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Steve Hagle, Deputy Director, MC 122
TCEQ Office of Air
P.O. Box 13087
Austin, TX 78711-3087

Mike Wilson, Director, MC 163
TCEQ Air Permits Division
P.O. Box 13087
Austin, TX 78711-3087

pep@tceq.texas.gov

Governor Rick Perry (via email)

Lt. Governor David Dewhurst (via email)

Donna Campbell, Texas Senator District 25
(via email)

Doug Miller, Texas Congressman District 23
(via Email)

Ms. Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Mr. Ron Curry
Regional Administrator
EPA Region 6
Fountain Place, 12th Floor Suite 1200
1445 Ross Avenue
Dallas TX 75202-2733

Mr. Samuel Coleman
Deputy Regional Administrator
EPA Region 6
Fountain Place, 12th Floor Suite 1200
1445 Ross Avenue
Dallas TX 75202-2733

Tex-Mix
Logan Owens
PO Box 830
Leander TX 78646

Mr. William D. Wessale
1514 Blairmont Ln
Houston, TX 77062

NORTH HOUSTON TX 773

13 JAN 2014 PM 3 L

Toby Baker, Commissioner, MC 100
TCEQ
Box 13087
Austin TX 78711-3087

RECEIVED

JAN 15 2014

TCEQ MAIL CENTER
CS

78711308787

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2014 JAN 16 PM 1:33

CHIEF CLERK'S OFFICE

NSR 87379

January 13, 2014

360 Bent Oak Dr.
Spring Branch, TX 78070
281-455-6072
Wessale@att.net
neighborsofspringbranch.org

Bryan Shaw, Chairman, MC 100
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

REVIEWED
JAN 17 2014
By

RECEIVED
JAN 15 2014
EXECUTIVE DIRECTOR

Chairman Shaw:

We are writing to make you aware of a potential problem that has existed for eight months. Precedence indicates the normal process will create a problem which will then require litigation. We are suggesting a reasonable and legal solution which those on distribution should support.

Application for air permit #109839 was submitted on April 25, 2013 by Westward Environmental on behalf of Tex-Mix for a concrete batch plant on the east side of US 281 approximately ½ mile south of Rebecca Creek Road. This property is in an unincorporated area of Comal County north of Bulverde and is not under any zoning or deed restrictions.

Unfortunately, the property is contiguous to a residential subdivision that has been in place for over 25 years, and directly across US 281 from a family ranch of fourth generation Comal County settlers. This subdivision and ranch are surrounded by additional subdivisions, residences, and ranches. When TCEQ held the required public meeting, we mailed a notice to 2065 residential addresses, a subset of the surrounding residences, to ensure public participation in the TCEQ decision making process. Over 180 people attended to voice their opposition. In the comment period, 290 comments in opposition were registered on the TCEQ website. The comment period has closed and we are waiting written responses to our questions and comments.

One of our members has been diagnosed as a COPD sufferer, and their home lies within the legal impact zone from the offending equipment. He has formally requested a Public Hearing in the event the Air Permit is issued. We have retained the legal firm of Duggins Wren Mann & Romero, LLP to represent this resident at the contested case hearing.

We have organized as the Neighbors of Spring Branch to oppose this intrusion:

Website www.neighborsofspringbranch.org,
Facebook Neighbors of Spring Branch
Twitter @nosb78070

The easy TCEQ action is to award permit #109839, but the laws don't require that it be awarded. I believe awarding permit #109839 would be in violation of TCEQ's Mission Statement and Agency Philosophy.

The TCEQ Mission Statement states in part, "consistent with sustainable economic development". Does this mean that permits must be awarded so that expansion in the concrete industry and housing trade continues unimpeded, or does it mean that a permit should only be awarded if the resulting concrete plant does not cause a net decline in the area's economic value? In this case, I feel it's the latter. I have found that most concrete plants are located in rural areas where the adjacent land is either a field or another industry, not a neighborhood. Adding a concrete plant adjacent to a field or industrial park does not necessarily negatively impact their economic value.

In the case of permit #109839, the proposed concrete plant would be surrounded by existing residential neighborhoods. There are no other industries within several miles of the proposed location, only commercial and retail businesses to service the residents. Awarding a permit at the proposed location would immediately lower the surrounding property values and consign the area to future industrial intrusions, negatively impacting the resident's quality of life. We feel awarding the permit would benefit the owners of Tex-Mix at the expense of the surrounding neighborhoods. Therefore, we don't believe awarding permit #109839 would be "consistent with sustainable economic development".

TCEQ's Agency Philosophy seeks "meaningful public participation in the decision-making process". We believe the neighbors of spring branch have demonstrated meaningful public participation, and it is overwhelmingly negative.

Please decide to NOT award permit #109839 since it would violate sustainable economic development and is supported by meaningful and overwhelmingly negative public participation.

Thank you.

Sincerely,

Bill Wessale Kris Wessale

Kris and Bill Wessale

cc:

Toby Baker, Commissioner, MC 100
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Richard Hyde, Deputy Executive Director,
MC 109
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Zak Covar, Executive Director, MC 109
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Blas J. Coy, Jr., Public Interest Counsel,
MC 103
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Carlos Contreras, Chief Auditor, MC 107
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Steve Hagle, Deputy Director, MC 122
TCEQ Office of Air
P.O. Box 13087
Austin, TX 78711-3087

Mike Wilson, Director, MC 163
TCEQ Air Permits Division
P.O. Box 13087
Austin, TX 78711-3087

pep@tceq.texas.gov

Governor Rick Perry (via email)

Lt. Governor David Dewhurst (via email)

Donna Campbell, Texas Senator District 25
(via email)

Doug Miller, Texas Congressman District 23
(via Email)

Ms. Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Mr. Ron Curry
Regional Administrator
EPA Region 6
Fountain Place, 12th Floor Suite 1200
1445 Ross Avenue
Dallas TX 75202-2733

Mr. Samuel Coleman
Deputy Regional Administrator
EPA Region 6
Fountain Place, 12th Floor Suite 1200
1445 Ross Avenue
Dallas TX 75202-2733

Tex-Mix
Logan Owens
PO Box 830
Leander TX 78646

Mr. William D. Wessale
1514 Blairmont Ln
Houston, TX 77062

NORTH HOUSTON TX 773

13 JAN 2014 PM 3 L

Zak Covar, Executive Director, MC 109
TCEQ
Box 13087
Austin TX 78711-3087

RECEIVED
JAN 15 2014
TCEQ MAIL CENTER
CS

78711308787

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2014 JAN 15 PM 2:24

CHIEF CLERKS OFFICE

NSR 87379

January 13, 2014

360 Bent Oak Dr.
Spring Branch, TX 78070
281-455-6072
Wessale@att.net
neighborsofspringbranch.org

Bryan Shaw, Chairman, MC 100
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RECEIVED

JAN 15 2014

By

RECEIVED

JAN 15 2014

Texas Commission on Environmental Quality
Commissioners' Offices

Chairman Shaw:

We are writing to make you aware of a potential problem that has existed for eight months. Precedence indicates the normal process will create a problem which will then require litigation. We are suggesting a reasonable and legal solution which those on distribution should support.

Application for air permit #109839 was submitted on April 25, 2013 by Westward Environmental on behalf of Tex-Mix for a concrete batch plant on the east side of US 281 approximately ½ mile south of Rebecca Creek Road. This property is in an unincorporated area of Comal County north of Bulverde and is not under any zoning or deed restrictions.

Unfortunately, the property is contiguous to a residential subdivision that has been in place for over 25 years, and directly across US 281 from a family ranch of fourth generation Comal County settlers. This subdivision and ranch are surrounded by additional subdivisions, residences, and ranches. When TCEQ held the required public meeting, we mailed a notice to 2065 residential addresses, a subset of the surrounding residences, to ensure public participation in the TCEQ decision making process. Over 180 people attended to voice their opposition. In the comment period, 290 comments in opposition were registered on the TCEQ website. The comment period has closed and we are waiting written responses to our questions and comments.

One of our members has been diagnosed as a COPD sufferer, and their home lies within the legal impact zone from the offending equipment. He has formally requested a Public Hearing in the event the Air Permit is issued. We have retained the legal firm of Duggins Wren Mann & Romero, LLP to represent this resident at the contested case hearing.

We have organized as the Neighbors of Spring Branch to oppose this intrusion:

Website www.neighborsofspringbranch.org,
Facebook Neighbors of Spring Branch
Twitter @nosb78070

mu

The easy TCEQ action is to award permit #109839, but the laws don't require that it be awarded. I believe awarding permit #109839 would be in violation of TCEQ's Mission Statement and Agency Philosophy.

The TCEQ Mission Statement states in part, "consistent with sustainable economic development". Does this mean that permits must be awarded so that expansion in the concrete industry and housing trade continues unimpeded, or does it mean that a permit should only be awarded if the resulting concrete plant does not cause a net decline in the area's economic value? In this case, I feel it's the latter. I have found that most concrete plants are located in rural areas where the adjacent land is either a field or another industry, not a neighborhood. Adding a concrete plant adjacent to a field or industrial park does not necessarily negatively impact their economic value.

In the case of permit #109839, the proposed concrete plant would be surrounded by existing residential neighborhoods. There are no other industries within several miles of the proposed location, only commercial and retail businesses to service the residents. Awarding a permit at the proposed location would immediately lower the surrounding property values and consign the area to future industrial intrusions, negatively impacting the resident's quality of life. We feel awarding the permit would benefit the owners of Tex-Mix at the expense of the surrounding neighborhoods. Therefore, we don't believe awarding permit #109839 would be "consistent with sustainable economic development".

TCEQ's Agency Philosophy seeks "meaningful public participation in the decision-making process". We believe the neighbors of spring branch have demonstrated meaningful public participation, and it is overwhelmingly negative.

Please decide to NOT award permit #109839 since it would violate sustainable economic development and is supported by meaningful and overwhelmingly negative public participation.

Thank you.

Sincerely,

Bill Wessale Kris Wessale

Kris and Bill Wessale

cc:

Toby Baker, Commissioner, MC 100
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Richard Hyde, Deputy Executive Director,
MC 109
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Zak Covar, Executive Director, MC 109
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Blas J. Coy, Jr., Public Interest Counsel,
MC 103
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Carlos Contreras, Chief Auditor, MC 107
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Steve Hagle, Deputy Director, MC 122
TCEQ Office of Air
P.O. Box 13087
Austin, TX 78711-3087

Mike Wilson, Director, MC 163
TCEQ Air Permits Division
P.O. Box 13087
Austin, TX 78711-3087

pep@tceq.texas.gov

Governor Rick Perry (via email)

Lt. Governor David Dewhurst (via email)

Donna Campbell, Texas Senator District 25
(via email)

Doug Miller, Texas Congressman District 23
(via Email)

Ms. Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Mr. Ron Curry
Regional Administrator
EPA Region 6
Fountain Place, 12th Floor Suite 1200
1445 Ross Avenue
Dallas TX 75202-2733

Mr. Samuel Coleman
Deputy Regional Administrator
EPA Region 6
Fountain Place, 12th Floor Suite 1200
1445 Ross Avenue
Dallas TX 75202-2733

Tex-Mix
Logan Owens
PO Box 830
Leander TX 78646

Mr. William D. Wessale
1514 Blairmont Ln
Houston, TX 77062

NORTH HOUSTON TX 773

13 JAN 2014 PM 2 L

Bryan Shaw, Chairman, MC 100
TCEQ
Box 13087
Austin TX 78711-3087

RECEIVED

JAN 15 2014

TCEQ MAIL CENTER
CS

78711308787

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Monday, August 26, 2013 8:07 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

NSR 07379

From: kris@wessale.com [mailto:kris@wessale.com]
Sent: Saturday, August 24, 2013 3:58 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Kristen A Wessale

E-MAIL: kris@wessale.com

COMPANY:

ADDRESS: 360 BENT OAK DR
SPRING BRANCH TX 78070-6312

PHONE: 2814506150

FAX:

COMMENTS: I would like to know how the 440 yards was measured and who measured it. There are 6 residences on Craig Lane that back up to the property in question regarding this permit. I can not believe that one of those (or all of them) are not within the 440 yards. I would like proof of the measurements. We own property that is on Graig Ln (that does not have a home on it at this time)and am concerned about the proximity

of this batch plant and it's potential danger to the air for the inhabitants of this property and the wildlife and vegetation. Please provide me with accurate data regarding the 440 yard boundary.

Marisa Weber

From:	PUBCOMMENT-OCC
Sent:	Monday, August 26, 2013 8:10 AM
To:	PUBCOMMENT-OCC2
Subject:	FW: Public comment on Permit Number 109839
Attachments:	Kris Questions for the 2nd for the TCEQ permit.doc

NSR 07379

From: kris@wessale.com [mailto:kris@wessale.com]
Sent: Friday, August 23, 2013 8:01 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Kristen A Wessale

E-MAIL: kris@wessale.com

COMPANY:

ADDRESS: 360 BENT OAK DR
SPRING BRANCH TX 78070-6312

PHONE: 2814506150

FAX:

COMMENTS: Please see the attached questions I have submitted for the 2nd comment period regarding permit #109839

Questions for 2nd Comment Period for TCEQ Permit 109839

Questions for the 2nd for the TCEQ permit # 109839 regarding Tex-Mix building a concrete batch plant on Highway 281 south of Rebecca Creek Rd in Spring Branch.

1. The state requirements indicate that the company requesting a permit must post public notice in a newspaper that is in the "general circulation of the municipality where the facility is to be located". To my knowledge, Tex-Mix did not adhere to this requirement. Was the posting in the New Braunfels Herald-Zeitung or the Bulverde Standard? Both of these newspapers are closer to our general circulation than the San Antonio Express or the Austin Statesman where it was published.

2. If companies are not held to inform the areas where they are having a direct impact, how are we to know that permits are being requested and/or approved?

3. And if this is the process that is followed for Tex-Mix to enlarge their facility, how will we know if this is happening?

4. The inspection of the property that Tex-Mix is requesting a permit to build a concrete batch plant was completed by a Bernice Beck. She has documented in two specific places on the site survey form that the property is located in a **residential area**. Yet, she also documents that the location causes "no concerns". If the description of the location is listed as a residential area and the permit is requesting to construct an industrial concrete batch plant, why isn't it a concern? What would constitute a "concern"?

5. Research shows that the particulates that are emitted by the materials at a concrete batch plant contain flyash. Flyash is known to be radioactive and contains; mercury, arsenic and lead. Inhaling flyash has proven to cause damage to the liver, lead to certain cancers and be related to heart attacks and strokes. How can TCEQ insure that this residential area will not be affected by the harmful particulates emitted from this facility?

6. What potential damage is there to the surrounding vegetation, insects and other wildlife from the air particulates that will be emitted from this facility?

7. If the permit be granted, who monitors the state requirements (i.e. 5Ci and 5Cii)?

8. How often are these state requirement monitored?

9. When these state requirements are monitored, is it done on a scheduled basis or do monitors show up unannounced?

10. As declared in the state document, there needs to be "immediate clean up" of spills (5G). What constitutes an "immediate clean up" and who monitors this? How will the residents in the surrounding properties be notified of a spill or emission from the Tex-Mix concrete batch plant that surpasses the state limits?

Submitted to the official record via TCEQ website during the 2nd comment period.
Air Permit 109839
Kristen Wessale, 360 Bent Oak Dr., Spring Branch, TX 78070

11. Under the section titled General Conditions of the standard permit (6), it states that there are"sampling requirements" of the air particulates. Does Tex-Mix do this themselves? Does an outside entity do the sampling? If so, who pays this outside entity? Does TCEQ do the sampling? What is the process used for continual certification?

12. How often are these air samples taken?

13. The state permit says that the company must keep all equipment in "good working order". Who is responsible for checking this equipment and how often is it checked?

Kristen Wessale, 360 Bent Oak Dr., Spring Branch, TX 78070

Marisa Weber

From:	PUBCOMMENT-OCC
Sent:	Friday, August 23, 2013 2:49 PM
To:	PUBCOMMENT-OCC2
Subject:	FW: Public comment on Permit Number 109839
Attachments:	QuestionsFor2ndCommentPeriodPermit109839.doc

NSR 07379

From: Bill@wessale.com [mailto:Bill@wessale.com]
Sent: Friday, August 23, 2013 2:33 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: William Wessale

E-MAIL: Bill@wessale.com

COMPANY:

ADDRESS: 360 BENT OAK DR
SPRING BRANCH TX 78070-6312

PHONE: 2814556072

FAX:

COMMENTS: Please accept the attached as my comments and questions officially submitted during the second comment period for TCEQ Permit No 109839. Thank you.

MW

Questions for 2nd Comment Period of TCEQ Permit 109839

1. In the Site Report filed June 30, 2013 by Ms. Bernice Beck, she records under Surrounding Land Use "Residential, Commercial, Ranchland, Highway", and under Receptor Type "Residential", yet in her summary under Site Review in response to the prompt "In light of the proximity of sensitive receptors and the surrounding land use, please discuss any concerns you have concerning a facility of this type locating at the proposed site", she recorded "No Concerns". Figure 1 reveals that depending upon where Tex-Mix locates the plant, there are three to six occupied residences that would be within the 440 impact zone, yet no attempt was made to verify if any pulmonary conditions existed. The current proposed location for the plant results in the residence of a COPD sufferer within the 440 yard impact zone. Why can an air permit be issued?

2. Figure 1 indicates that in addition to the three to six occupied residences that are within the impact zone of the proposed Tex-Mix plant, there are also 24 occupied structures within 440 yards of the lot boundary and another 14 platted residential lots that have not yet been built upon. Only five of these 38 lots is or would be commercial, and only two of the structures represent a ranch, resulting in the Tex-Mix plant being built adjoining a neighborhood of 31 residential lots. Why can an Air Permit be issued for a concrete batch plant in the middle of this residential area?

3. The Texas Administrative Code, Title 30: Environmental Quality, Part 1: Texas Commission on Environmental Quality, Chapter 101: General Air Quality Rules, Sub-chapter A: General Rules, contains Rule 101.4: Nuisance: No person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property. I refer specifically to the wording, "interfere with the normal use and enjoyment of ....property." Why isn't a concrete batch plant that is permitted to operate 24 hours per day and 7 days per week within a residential area a violation of this rule?

4. Using National Oceanographic and Atmospheric Administration (NOAA) data and modeling for 75 feet AGL at the latitude and longitude provided by Tex-Mix on the permit application, NOAA shows trajectories that cause neighbors in all compass directions to each be impacted for about 9 months of the year. Refer to Figure 2. Why doesn't this indicate a potential problem with the selected site given the proximity of residences?

5. The notice of the permit application was published in the San Antonio Express-News and the Austin Statesman newspapers. Please explain how this satisfies the requirement for public notice when the announcement was never announced in a paper published in the county where the proposed plant may meet resistance, such as the New Braunfels Herald-Zeitung or Bulverde Standard?

Submitted to the official record via the TCEQ website during the 2nd comment period.
Air Permit 109839
William Wessale, 360 Bent Oak Dr., Spring Branch, Tx 78070

6. The permit states that Tex-Mix plans to use only about 5 acres of the property. When Tex-Mix sells the unused portion of the land, would an industrial utilization of the land require another permitting process?

7. The permit states that Tex-Mix plans to use only about 5 acres of the property. Would Tex-Mix be bound by the Air Permit requested from TCEQ so that Tex-Mix could not expand beyond the initial 5 acres? If they attempt to expand, could they be stopped by the surrounding neighbors?

8. I realize that Tex-Mix is not responsible for the dust raised by truck traffic in and out of the plant, I assume the county, state or federal government implicitly assumes the responsibility since they own the roads causing the fugitive dust. Since this is a significant source of dust at another Tex-Mix plant visited, please provide the name of the organization that would be responsible for controlling this fugitive dust? In other words, who do I call to remove the dirt and dust from Hwy 281 tracked onto the highway by Tex-Mix trucks?

9. At the current Tex-Mix concrete batch plants, I have observed large tractor-trailer trucks staging along the road outside the plant waiting to deliver aggregate and cement. I also observed the concrete delivery trucks routinely pulling out of the plant onto the access road and then parking to perform some last minute adjustments or checks. There were often two or three trucks staged outside the Tex-Mix plant. Since the proposed plant would have a driveway directly onto Hwy 281, with no storage lane or access road, and the permit application does not provide for sufficient paved area within the plant, how will the equivalent truck traffic be accommodated?

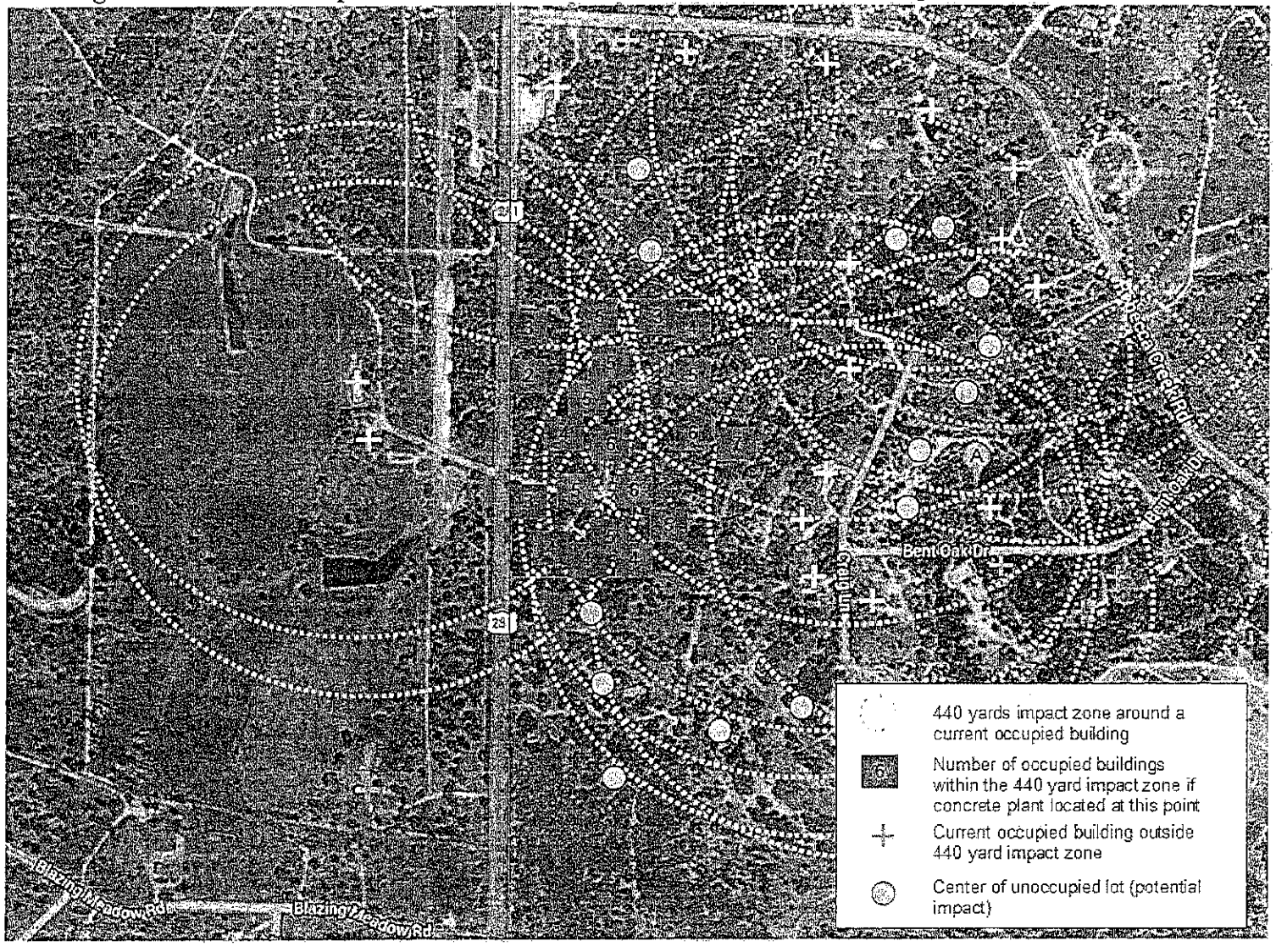
10. Since 14 lots within the 440-yard impact zone do not currently have residences on them, they have been ignored for the sake of impact analysis. That seems to obviate that lot from ever being used for a residence. Shouldn't the owners of those lots be compensated for the damage done to their property value if the State grants a permit?

11. Since the impact analyses is performed using current building locations, rather than lot lines, does that mean if the Air Permit is granted, a new residence on an adjoining lot cannot be built if that building would fall within the impact zone?

12. If construction on a permanent residence falling within the 440-yard impact zone begins before the TCEQ final ruling for a resident that would be adversely affected by the proposed Tex-Mix plant, in a way not common to the general public, would that require the impact analysis be revisited and the revised results considered before the TCEQ ruling is issued?

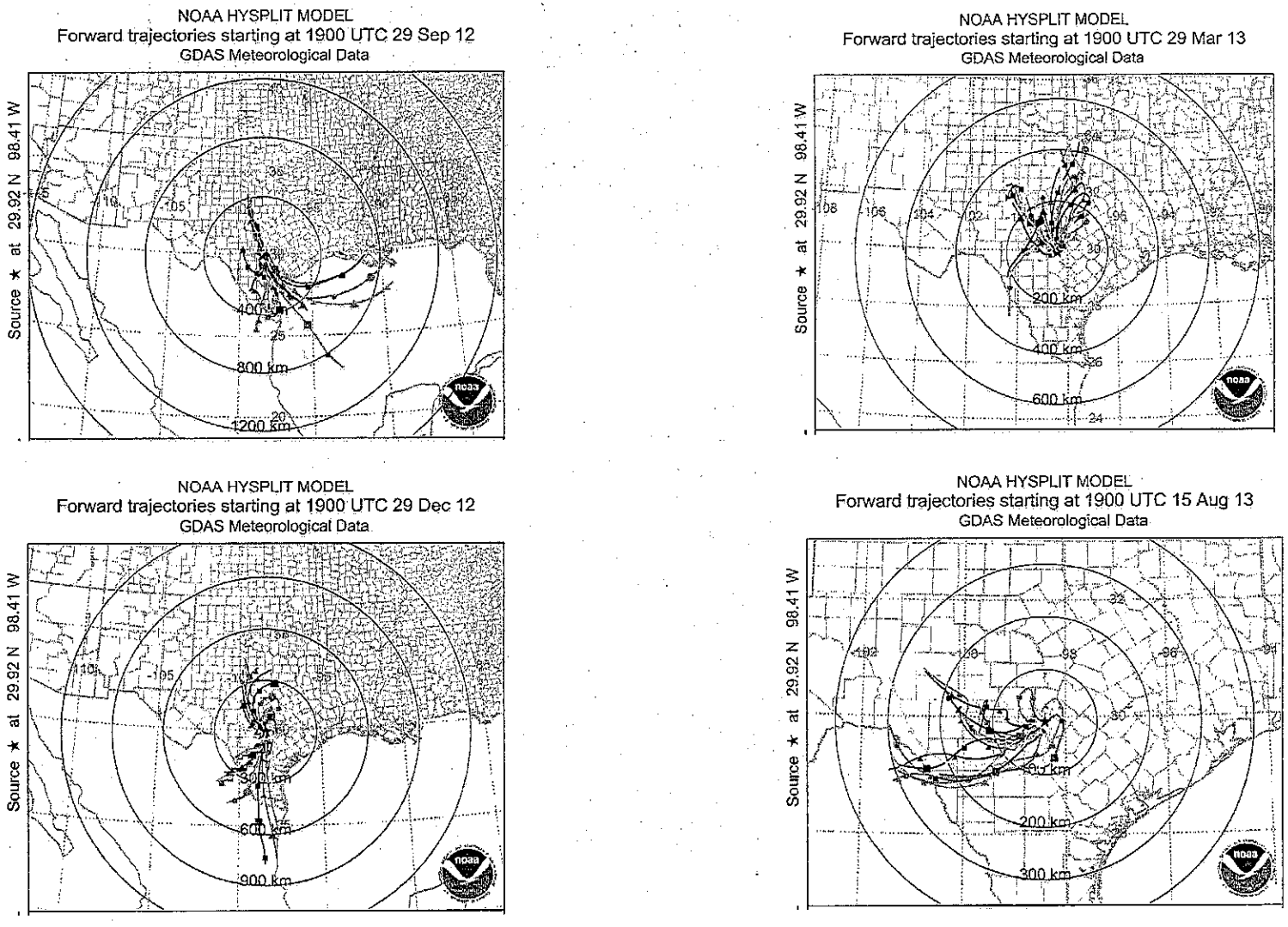
William Wessale, 360 Bent Oak Dr., Spring Branch, Tx 78070

Figure 1 - 440 Yard Impacts Relative to Current Structures from the Proposed Tex-Mix Locations



Submitted to the official record via the TCEQ website during the 2nd comment period.
Air Permit 109839
William Wessale, 360 Bent Oak Dr., Spring Branch, Tx 78070

Figure 2 – NOAA Actual Prevailing Winds at the Proposed Tex-Mix Concrete Batch Plant



Marisa Weber

From: PUBCOMMENT-OCC
Sent: Wednesday, June 26, 2013 8:05 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839
Attachments: QuestionsForPublicMeeting.doc

NSR 87379

From: wessale@att.net [mailto:wessale@att.net]
Sent: Wednesday, June 26, 2013 7:37 AM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: William Wessale

E-MAIL: wessale@att.net

COMPANY:

ADDRESS: 360 BENT OAK DR
SPRING BRANCH TX 78070-6312

PHONE: 2814556072

FAX:

COMMENTS: I will not be able to attend the Public Meeting for this permit as I will be out of the country on a previous commitment, but the attached are questions which I would have submitted orally at the Public Meeting. Please accept these questions into the official record to be addressed before the final ruling on the air permit in accordance with the process. Thank you.

Questions for Formal Portion of Public Meeting

1. Even though Tex-Mix claims that only a small portion of the proposed site is needed for the plant, can Tex-mix expand the plant without getting a permit modification? And if a permit modification is required, will the same process be followed so that the modifications will be public?
2. If Tex-Mix is issued a permit for a concrete batch plant, can Tex-Mix expand the operation to include other cement processes such as rock crushers, mills, and kilns without getting a permit modification requiring a public comment process?
3. If Tex-Mix is issued a permit for a concrete batch plant and then sells off a portion of the parcel to another entity, does that party need a permit for its planned operation, with associated public comment process, or its it covered for the entire acreage by the Tex-Mix permit?
4. If Tex-Mix is issued a permit for a concrete batch plant, who measures the air quality to verify continuing compliance? Does Tex-Mix self-report, or does TCEQ randomly perform the compliance verification. How often is the air quality tested? How are the affected landowners notified of the air quality testing results? At what distances is the air quality checked?
5. I request access to the environmental study which includes the effects of air quality on plants and animals.
6. Please address the article from the Lubbock Avalanche-Journal of April13, 2010 titled "Residents near concrete facility say dust a problem" since it deals with a batch plant being built within a neighborhood, instead of an industrial park, and explain what actions have been taken to avoid similar problems in this situation.
7. Please explain the following statement from the proposed air quality permit: "The proposed facility will emit the following air contaminants: particulate matter with diameters of 10 micrometer or less than 2.5 micrometers or less." Does it mean the plant will create these particulates, but not others greater than 10 micrometers? And why are both sizes listed?
8. Where does the permit restrict density of particulates? The quantity of particles per volume is of more concern than the size of each particle.
9. Is the air quality sampling only performed while the plant is in operation, or is it an average computed over a full 24 hour period to include those times when the plant is dormant?
10. What is the plan for managing the fugitive dust from the particulates tracked onto Hwy 281? The fugitive road dust observed at the Tex-Mix New Braunfels plant would be a serious problem to health and to traffic in the proposed location adjoining Hwy 281 and the surrounding residences.
11. Since the permit absolves Tex-Mix of the fugitive road dust, I assume that Comal county is accepting the responsibility, and what is the plan to remediate it?
12. Please provide evidence that each piece of equipment purchased, as well as the final integrated plant, meet all the detailed requirements of the "Amendments to the Air Quality Standard Permit for Concrete Batch Plants" effective December 21, 2012.
13. Please provide access to the results of the most recent inspections of the existing Tex-Mix batch plants. They are an indicator of how well Tex-Mix continues to meet the air permit requirements.

Submitted to the official record via the TCEQ website prior to the Public Meeting in lieu of being able to attend. .

William Wessale, 360 Bent Oak Dr., Spring Branch, Tx 78070

14. Please provide access to the evidence that distances to property lines from the most culpable particulate source, based on air pollutant dispersion modeling, as required by the air quality standard permit for concrete batch plants, meet requirements.
15. Since the situation is comparable, please address the study done by Bulverde in February 1995 that determined a cement batch plant proposed in Bulverde would not meet the air permit standards and caused the air permit to be denied. How can the conditions that caused that permit to be denied in Bulverde be remediated in this situation?

Submitted to the official record via the TCEQ website prior to the Public Meeting
in lieu of being able to attend.
William Wessale, 360 Bent Oak Dr., Spring Branch, Tx 78070

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AIR PERMITS DIVISION
JUN 07 2013
RECEIVED

Texas Commission on Environmental Quality
Office of Air, Air Permits Division, MC-163
Attn: Mr. Don Nelon
PO Box 13087
Austin, TX 78711-3087

2013 JUL 10 AM 8:03
CHIEF CLERKS OFFICE

NSR
87379

Re: Letter of Opposition to Air Quality Registration Proposal No. 109839

Dear Mr. Nelon:

Please accept this as a letter in opposition to the Tex-Mix Partners, Ltd. proposal No. 109839 to construct a concrete batch plant at Highway 281 near Rebecca Creek Road in Comal County.

As a resident at 360 Bent Oak Dr., Spring Branch, TX 78070 (Rebecca Creek Estates, Block 2, Lots 14, 15, and 16), our home lies within 440 yards of this site's boundary. In addition, we just closed in February on the adjacent lot bordering Craig Lane and are planning to build a guest house on the new lot, which will be even closer. We have attached a Google map with the location of the proposed cement plant marked in red, the 440 yard impact zone marked in pink, and our lots marked in yellow. There are 13 existing houses and 22 additional lots within the 440 yd impact zone.

This map uses the boundary of the proposed cement plant lot to establish the 440 yard impact zone. Tex-Mix claims they will only use 5 acres for the facility, but they are not constrained to where they place equipment on the lot, and they are not constrained from building out to the perimeter in the future. We can only assume that Tex-Mix intends to use the entire lot, or they would have purchased a smaller amount of land.

In February of this year, we closed on the purchase of Lot 16 directly west of Lots 14 and 15 to ensure we would continue to have quiet with an unobstructed view to the west. We had been negotiating with the lot's former owner for over 18 months. We finally agreed to pay over market value to assure the quiet and view could not be compromised. Our plan is to build an additional guest house at the crest of the hill on the new lot to take advantage of the lot's incredible panorama. This new lot is at the corner of Bent Oak and Craig Lane and the proposed house will overlook the proposed cement batch plant.

We realize there are no zoning restrictions in this area of Comal County, and that the subject plot of land is on Hwy 281, so we expect that some commercial use will be made of this lot, appropriate to the houses and ranches surrounding it. We are shocked that an <u>industrial</u> use could even be considered. Once one industrial use is allowed, additional industrial uses, and supporting services will follow and what was once a neighborhood is now in transition, causing a decline in quality of life and real value for the surrounding residents. Using this land for an industrial application violates the concept of best and appropriate use.

We are concerned about the impacts from this proposed cement batch plant for many reasons:

1. Light pollution from the yard lighting,
2. Equipment noise such as hopper clanking, and vibrators,
3. Truck noise from the safety beepers as they back into position,
4. Dust raised by the trucks entering, leaving, and moving about the lot,
5. Dust from transfer of cement ready-mix products from delivery trucks and then into mixing tanks and hoppers,

REVIEWED
JUN 10 2013
By

mu

We are also concerned about the time of day when this will occur. Since cement pours start early to avoid the heat of the day, and this the cement plant is seeking a 24-hour-per-day permit, the impacts noted above will occur while the residents of the existing neighborhood are still sleeping.

As a resident of the adjoining neighborhood, we feel granting the Air Permit would be unconscionable and callous.

We request that you save our neighborhood and deny the Air Permit.

Sincerely,

Bill Wessale

Kristin Wessale

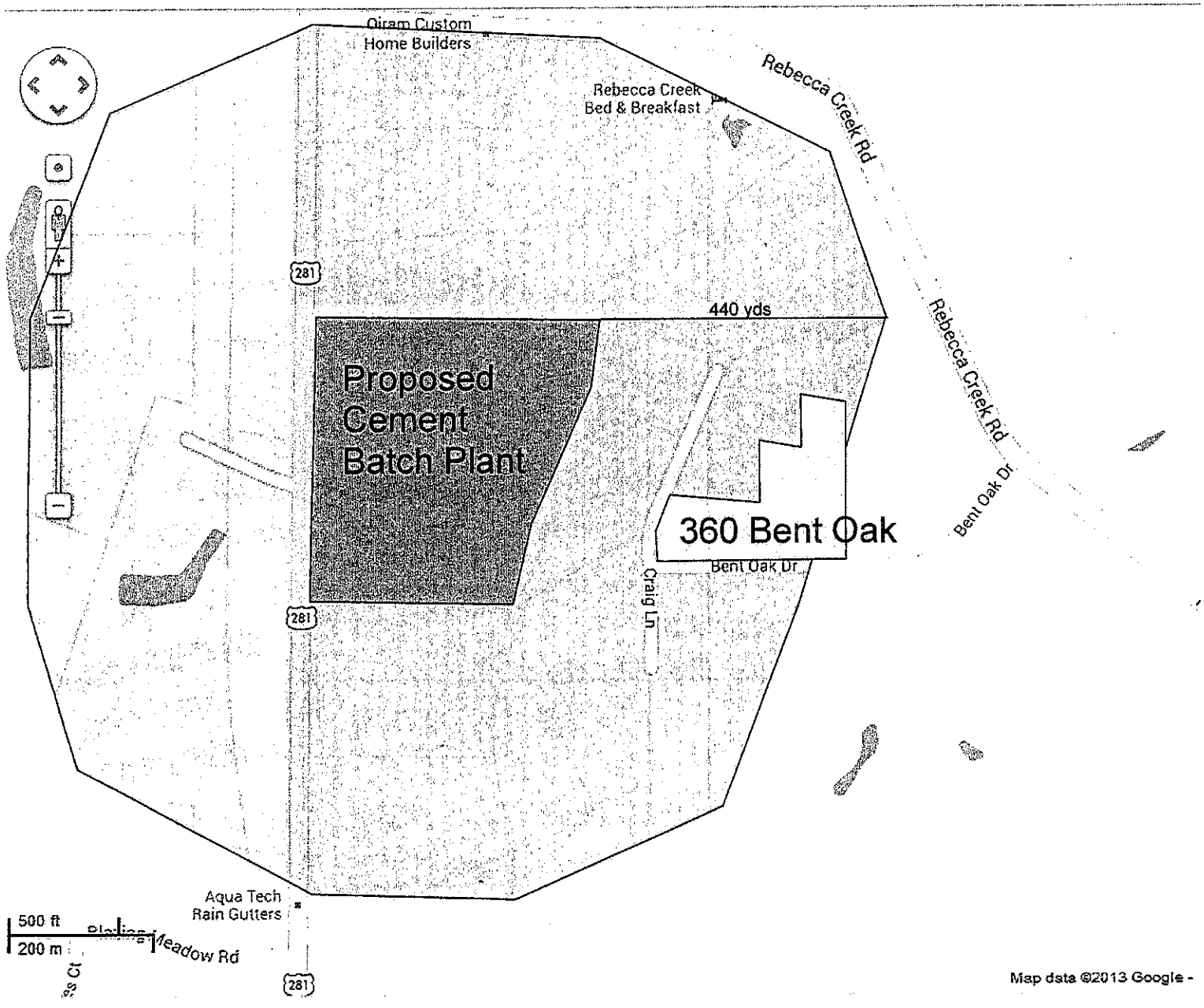
William and Kristen Wessale
360 Bent Oak Dr.
Spring Branch, Texas 78070
281-455-6072
June 5, 2013

Cc:
The Honorable Donna Campbell
Texas Senate, District 25
1902 E. Common St. Ste. 500
New Braunfels, TX 78130

The Honorable Doug Miller
Texas House, District 73
407 W. Mill Street
New Braunfels, Texas 78130

The Honorable Jan Kennady
Comal County Commissioner, Precinct 4
100 Main Plaza
New Braunfels, Texas 78130

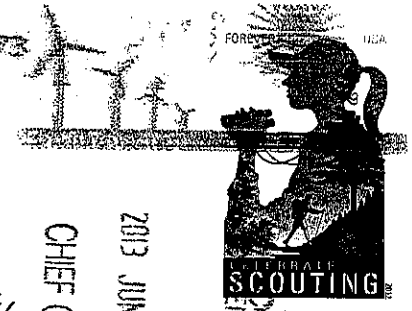
Impact Zone of Proposed Cement Batch Plant



AIR PERMITS DIVISION
JUN 0 7 2013
RECEIVED

Wessale
360 Bent Oak Dr.
Spring Branch TX 78070

NORTH HOUSTON TX 773
05 JUN 2013 PM 2 L



TEXAS COMMISSION ENVIRONMENTAL QUALITY
2013 JUN 10 AM 8:03
CHIEF CLERKS OFFICE

Texas Commission on Environmental Quality
Office of Air, Air Permits Division, MC-163
Attn: Mr. Don Nelon
P.O. Box 13087
Austin TX 78711-3087

RECEIVED
JUN 07 2013
TCEQ MAIL CENTER
EB

AIR PERMITS DIVISION
JUN 07 2013
RECEIVED

78711308787

Marisa Weber

From:	PUBCOMMENT
Sent:	Wednesday, June 05, 2013 8:38 AM
To:	PUBCOMMENT-OCC2
Subject:	FW: Public comment on Permit Number 109839
Attachments:	TCEQ_OppositionLetter_Wessale.docx

NSR 87379

From: PUBCOMMENT-OCC
Sent: Wednesday, June 05, 2013 8:27 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 109839

From: wessale@att.net [mailto:wessale@att.net]
Sent: Wednesday, June 05, 2013 8:24 AM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: William Wessale

E-MAIL: wessale@att.net

COMPANY:

ADDRESS: 360 BENT OAK DR
SPRING BRANCH TX 78070-6312

PHONE: 2814556072

mw

FAX:

COMMENTS: Please accept the attached as a Letter of Opposition to the granting of this permit.

Texas Commission on Environmental Quality
Office of Air, Air Permits Division, MC-163
Attn: Mr. Don Nelon
PO Box 13087
Austin, TX 78711-3087

Re: Letter of Opposition to Air Quality Registration Proposal No. 109839

Dear Mr. Nelon:

Please accept this as a letter in opposition to the Tex-Mix Partners, Ltd. proposal No. 109839 to construct a concrete batch plant at Highway 281 near Rebecca Creek Road in Comal County.

As a resident at 360 Bent Oak Dr., Spring Branch, TX 78070 (Rebecca Creek Estates, Block 2, Lots 14, 15, and 16), our home lies within 440 yards of this site's boundary. In addition, we just closed in February on the adjacent lot bordering Craig Lane and are planning to build a guest house on the new lot, which will be even closer. We have attached a Google map with the location of the proposed cement plant marked in red, the 440 yard impact zone marked in pink, and our lots marked in yellow. There are 13 existing houses and 22 additional lots within the 440 yd impact zone.

This map uses the boundary of the proposed cement plant lot to establish the 440 yard impact zone. Tex-Mix claims they will only use 5 acres for the facility, but they are not constrained to where they place equipment on the lot, and they are not constrained from building out to the perimeter in the future. We can only assume that Tex-Mix intends to use the entire lot, or they would have purchased a smaller amount of land.

In February of this year, we closed on the purchase of Lot 16 directly west of Lots 14 and 15 to ensure we would continue to have quiet with an unobstructed view to the west. We had been negotiating with the lot's former owner for over 18 months. We finally agreed to pay over market value to assure the quiet and view could not be compromised. Our plan is to build an additional guest house at the crest of the hill on the new lot to take advantage of the lot's incredible panorama. This new lot is at the corner of Bent Oak and Craig Lane and the proposed house will overlook the proposed cement batch plant.

We realize there are no zoning restrictions in this area of Comal County, and that the subject plot of land is on Hwy 281, so we expect that some commercial use will be made of this lot, appropriate to the houses and ranches surrounding it. We are shocked that an <u>industrial</u> use could even be considered. Once one industrial use is allowed, additional industrial uses, and supporting services will follow and what was once a neighborhood is now in transition, causing a decline in quality of life and real value for the surrounding residents. Using this land for an industrial application violates the concept of best and appropriate use.

We are concerned about the impacts from this proposed cement batch plant for many reasons:

1. Light pollution from the yard lighting,
2. Equipment noise such as hopper clanking, and vibrators,
3. Truck noise from the safety beepers as they back into position,
4. Dust raised by the trucks entering, leaving, and moving about the lot,
5. Dust from transfer of cement ready-mix products from delivery trucks and then into mixing tanks and hoppers,

We are also concerned about the time of day when this will occur. Since cement pours start early to avoid the heat of the day, and this the cement plant is seeking a 24-hour-per-day permit, the impacts noted above will occur while the residents of the existing neighborhood are still sleeping.

As a resident of the adjoining neighborhood, we feel granting the Air Permit would be unconscionable and callous.

We request that you save our neighborhood and deny the Air Permit.

Sincerely,

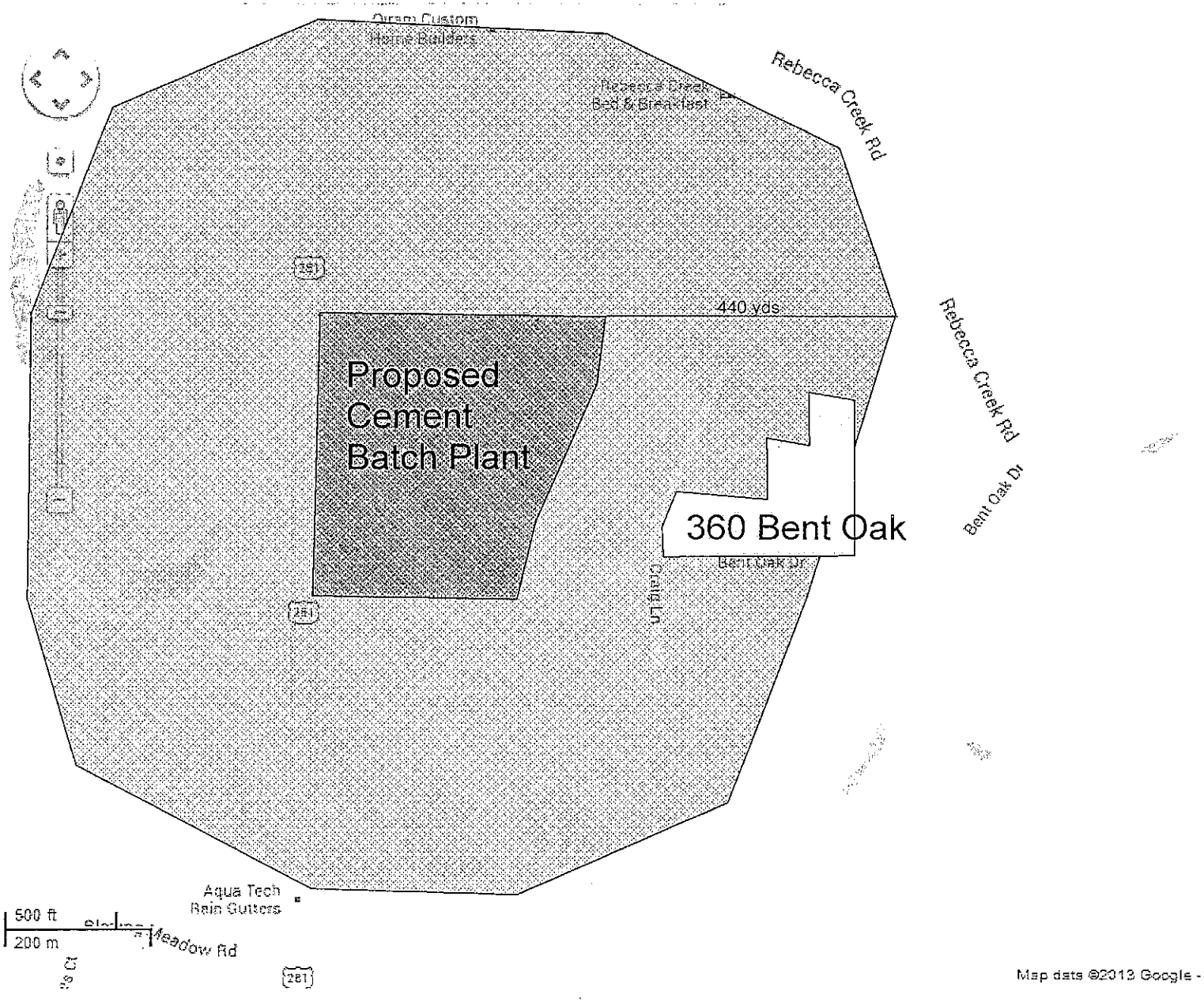
William and Kristen Wessale
360 Bent Oak Dr.
Spring Branch, Texas 78070
281-455-6072
June 5, 2013

Cc:
The Honorable Donna Campbell
Texas Senate, District 25
1902 E. Common St. Ste. 500
New Braunfels, TX 78130

The Honorable Doug Miller
Texas House, District 73
407 W. Mill Street
New Braunfels, Texas 78130

The Honorable Jan Kennady
Comal County Commissioner, Precinct 4
100 Main Plaza
New Braunfels, Texas 78130

Impact Zone of Proposed Cement Batch Plant



Marisa Weber

From:	PUBCOMMENT
Sent:	Monday, June 03, 2013 10:24 AM
To:	PUBCOMMENT-OCC2
Subject:	FW: Public comment on Permit Number 109839
Attachments:	Aerial_Location_of_Our_Home1.doc

PM

NSR 87379

From: PUBCOMMENT-OCC
Sent: Monday, June 03, 2013 8:49 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 109839

From: bill@wessale.com [mailto:bill@wessale.com]
Sent: Monday, June 03, 2013 8:39 AM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: William Wessale

E-MAIL: bill@wessale.com

COMPANY:

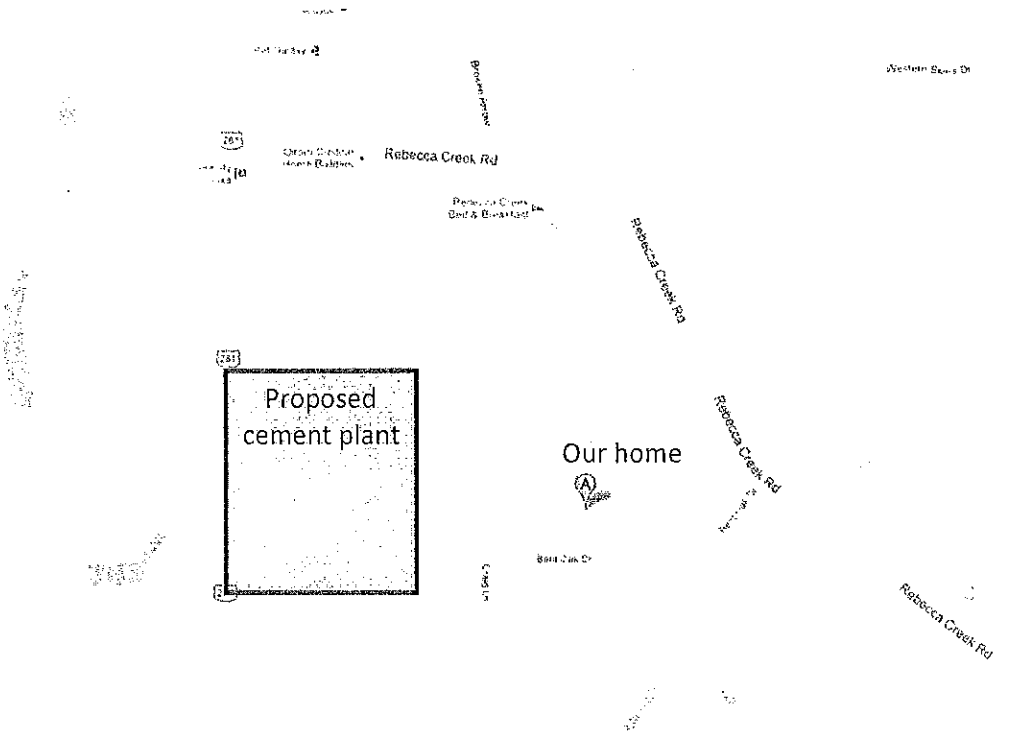
ADDRESS: 360 BENT OAK DR
SPRING BRANCH TX 78070-6312

PHONE: 2814556072

MW

FAX:

COMMENTS: My home is within 440 yds of the proposed cement plant referenced by this permit. I request a public meeting. I apologize for what appears to be a duplicate posting. I have previously posted a request for a meeting, but may have requested it too soon, and I don't want the literal application of the law to obviate it's intent. Thank you.


Rebecca Creek Rd
Rebecca Creek Rd
Rebecca Creek Rd
Rebecca Creek Rd
Proposed cement plant
Our home

Marisa Weber

From: PUBCOMMENT
Sent: Tuesday, May 21, 2013 2:52 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839
Attachments: Aerial_View1.docx

PM

From: PUBCOMMENT-OCC
Sent: Tuesday, May 21, 2013 1:21 PM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 109839

From: wessale@att.net [mailto:wessale@att.net]
Sent: Tuesday, May 21, 2013 11:36 AM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: William Wessale

E-MAIL: wessale@att.net

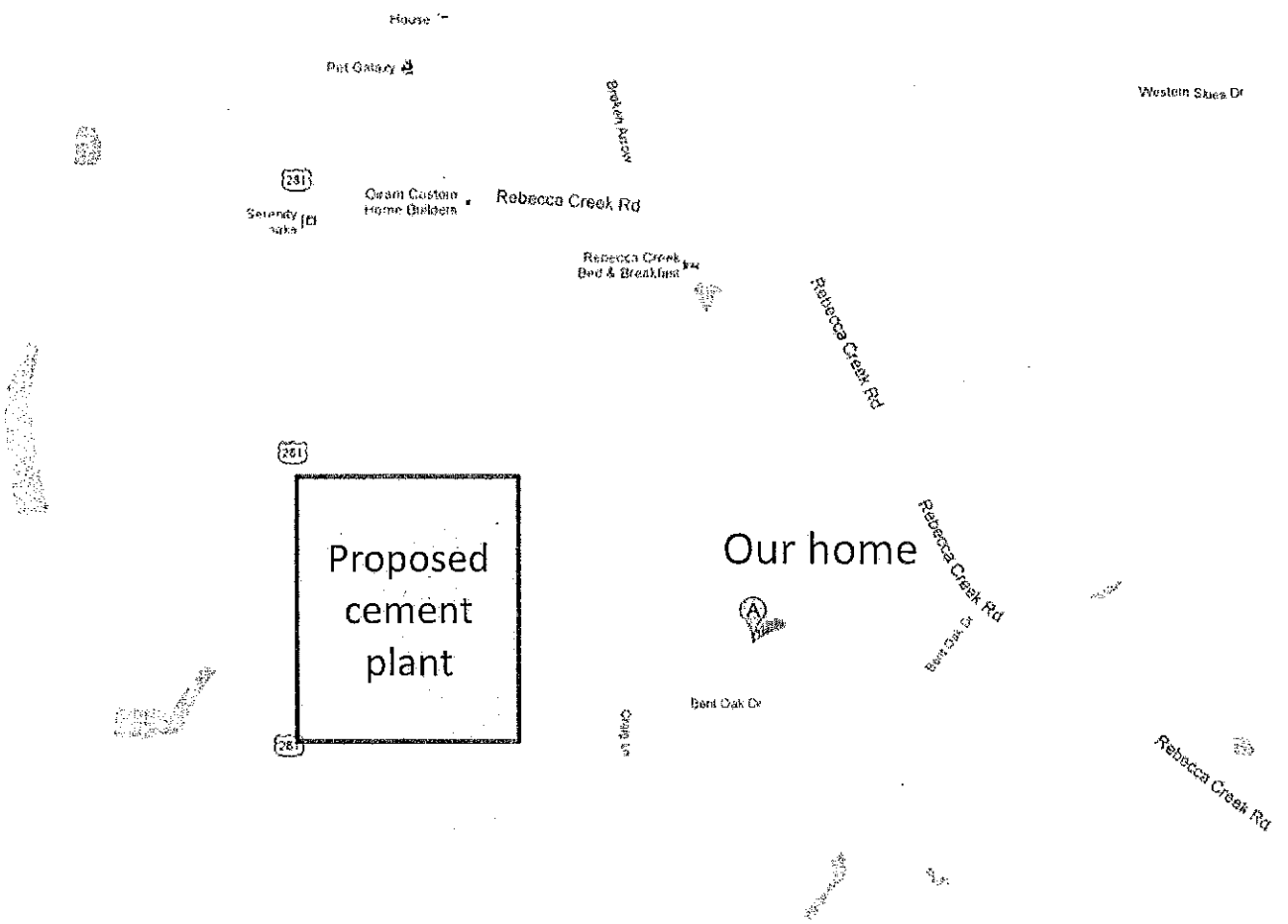
COMPANY:

ADDRESS: 360 BENT OAK DR
SPRING BRANCH TX 78070-6312

PHONE: 2814556072

FAX:

COMMENTS: I request a public meeting on the subject permit application. The proposed cement plant backs up to a subdivision that has been in existence since 1989. Eight existing homes and eight additional house lots are within 440 yards of the proposed plant.


Pet Galaxy
Broken Arrow
Western Skies Dr
281
Oram Custom Home Builders
Rebecca Creek Rd
Rebecca Creek Bed & Breakfast
Rebecca Creek Rd
281
Proposed cement plant
Our home
Rebecca Creek Rd
Bent Oak Dr
Bent Oak Dr
281
Rebecca Creek Rd

Marisa Weber

From: PUBCOMMENT
Sent: Wednesday, May 15, 2013 8:24 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

From: PUBCOMMENT-OCC
Sent: Wednesday, May 15, 2013 7:48 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 109839

PUSR 87379

From: kris@wessale.com [mailto:kris@wessale.com]
Sent: Tuesday, May 14, 2013 8:38 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: Kristen Wessale

E-MAIL: kris@wessale.com

COMPANY:

ADDRESS: 360 BENT OAK DR
SPRING BRANCH TX 78070-6312

PHONE: 2814506150

FAX:

MW

COMMENTS: I am concerned about the TexMix company that has filed a permit to build a cement company less than one half mile from my property. I am aware that this property was zoned for residential or commercial, however I did not expect an INDUSTRIAL company to build there. My husband and I purchased this property on Bent Oak as a relaxing and quiet place for our retirement. I am concerned about the noise level and high amount of dust that this company will produce if allowed to build on this sight that is so close to already existing homes. I am also concerned about the impact this Industrial business will have on my property value.

Marisa Weber

From: PUBCOMMENT
Sent: Tuesday, May 14, 2013 3:28 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 109839

From: PUBCOMMENT-OCC
Sent: Tuesday, May 14, 2013 12:28 PM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 109839

From: wessale@att.net [mailto:wessale@att.net]
Sent: Tuesday, May 14, 2013 12:10 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 109839

REGULATED ENTY NAME CBP NO 12

RN NUMBER: RN106689029

PERMIT NUMBER: 109839

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: TEX MIX PARTNERS LTD

CN NUMBER: CN600134720

FROM

NAME: William Wessale

E-MAIL: wessale@att.net

COMPANY:

ADDRESS: 360 BENT OAK DR
SPRING BRANCH TX 78070-6312

PHONE: 2814556072

FAX:

COMMENTS: I have just been made aware that TexMix has submitted an application to construct a permanent concrete plant within a 1/4 mile of my home. The plant would back up to Rebecca Springs Estates, a residential area that has been inplace since 1989. My wife and I just purchased additional land - at above market price - in March of 2013 to make this our retirement home within a year. We would not have purchased the additional land had we known this cement plabnt was being considered.