

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2011 NOV 23 AM 10: 5.

CHIEF CLERKS OFFICE

October 31, 2011

Ms. Bridget C. Bohac  
Chief Clerk  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

NSR  
78364

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OPA

NOV 28 2011

BY BT

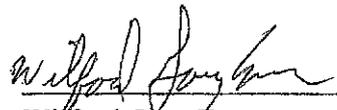
**Re: Withdrawal of Request for Contested Case Hearing**  
**Proppant Specialists LLC CN603148750**  
**Industrial Sand Plant, Katemcy, Texas RN106184195**  
**Application of Proppant Specialists, LLC**  
**for Air Quality Permit No. 97199**

Dear Ms. Bohac:

This letter shall serve as a formal withdrawal of the requests for a contested case hearing and any comments previously filed with the TCEQ by Wilford Gary Evans and Karol Evans concerning the above-referenced application.

We no longer protest or contest the above-referenced application in any manner. Thank you in advance for your cooperation and acknowledgment of our written withdrawal request.

Sincerely,

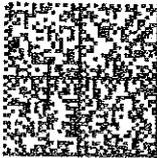
  
\_\_\_\_\_  
Wilford Gary Evans

  
\_\_\_\_\_  
Karol Evans

MW

Wilford Gary Evans  
Karol Evans  
11283 N US Hwy 87  
Mason, Texas 76856

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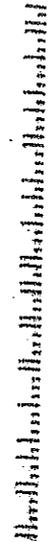
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TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

NOV 23 AM 10: 5

CLERKS OFFICE

Ms. Bridget C Bohac  
Chief Clerk  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087



78711308787

H

OPA

SEP 16 2011

BY gf

Gary and Karol Evans  
11283 N US Hwy 87  
Mason, Texas 76856  
325-347-4707  
nursekarol@yahoo.com ✓

September 13, 2011

NSR  
78364

CHIEF CLERKS OFFICE

2011 SEP 16 AM 8:00

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

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

Regarding Permit Application #97199

Sir/Madam:

The application of Proppant Specialists, LLC to construct a frac sand mining operation in Katemcy is of great concern to me and my family. I feel my family and I will be most directly impacted by this mining operation due to our extremely close proximity to the proposed sight.

My particular points of concern regarding the request of Poppant Specialists, LLC request for Air Quality permit number 97199:

- Our home is less than 200 feet South and 100 feet west of the proposed mine and approximately 1/2 mile from the sand processing facility. The frequent winds in the area will carry the particulate matter directly over our home. This increase in year-round dust far exceeds anything ever generated by the agriculture in this area and will greatly affect the general quality of life that we have come accustomed to at the place we call home. The type of farming in this community has changed in the past 10 years. It has changed from peanut farming which required plowing and harvesting once a year to mainly minor produce farming, grape farming and hay. This type of farming requires little to no plowing and results in less particulate matter in the air. This farming change took place prior to and shortly after our move to this community.
- The effects of the silica sand upon health have already been identified as a causative agent in ailments such as silicosis, and as an irritating factor in conditions such as emphysema, bronchitis, asthma and a wide range of other pulmonary conditions. Our three young daughters already suffer from allergies and respiratory infections and we know the increased particulate in the air will exacerbate their condition and degrade their quality of life.

*Handwritten signature*

Regarding Permit Application #97199 cont.

- The waste sand that is kept on-site becomes artificial mountains of sand. Even though part of the procedures of sand mining is containment of the sand, the actual ability to properly manage the huge volumes of sand blow off is just as much of a problem. The matter is generated at the facility during processing, it is generated by the constant traffic, it is generated by the blasting, and it is generated by the general activity in and around the mine and processing facility.
- We also believe that the impact on the environment from the increased trucks and heavy equipment used would need to be checked into before the permit is approved. They have no designated entrance to the plant area, whether it be from Highway 87 or RR1222. If it is to be from Highway 87 it will be extremely close to our home. We fill like the bulldozers, trucks earthmovers, rakes, sifters and other equipment used at the plant will cause an extreme increase in the particulate matter in the air. We feel this could also have direct detrimental effects on the environment and air quality in the area of our home. This will intern impose a greater health risk to our three small children.
- The trucks present another hazard in relation to the permit that should be included in part of the permit that pertains to the particulate matter generated by the silica transports using the dirt roads of the county as they move to and from loading and unloading facilities. The roads are sand/caliche/gravel composites which, under the heavy weights of the trucks, erode quickly and generate talc-like dust which must be included as part of the monitoring requirements for the application.
- There is also the consideration of the chemicals and materials used in the treatment of the silica prior to final transport. The effects of these agents into the air already laden with other particulates could create a dangerous mixture. The dispersal of these agents into the atmosphere should also be considered in the requested permit application.
- We would request that TCEQ (or its predecessor agencies) first identify how well they have set up reliable emission standards for the particulates included in the permit application, clarify how they plan to map base levels for testing, and the operative plan for how they will provide inspections and testing in the future.

We would respectfully request the TCEQ grant a contested case hearing on this application based upon the enumerated concerns. We would ask that the Agency consider us a part of the Katemcy-Camp Air Residents Association and that we be allowed to participate in the hearing process both individually and collectively.

Sincerely,



Gary and Karol Evans

RT 333 1 A  
5297  
0374

*Mr. Jones*

**FedEx**  
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 Sender: [Redacted] Phone: [Redacted]  
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 Address: [Redacted]  
 City: [Redacted] State: [Redacted] ZIP: [Redacted]

2 Your Internal Billing Reference

3 To: [Redacted] Phone: [Redacted]  
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 Address: [Redacted]  
 City: [Redacted] State: [Redacted] ZIP: [Redacted]



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4b Express Freight Service  
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5 Packaging  
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 Other

6 Special Handling  
 Fragile  
 Restricted  
 Hazardous  
 High Value  
 Signature Required  
 Signature Required - Adult Signature  
 Signature Required - Restricted Signature  
 Signature Required - Restricted Signature (Over 100 lbs)

7 Payment Method  
 Prepaid  
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 Third Party  
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 Cash on Delivery - Restricted

8 Residential Delivery Signature Options  
 No Signature Required  
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 Indirect Signature  
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Total Packages: 00  
 Total Weight: 00  
 Total Value: 00

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June 27, 2012

Ms. Bridget C. Bohae  
Chief Clerk  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**REVIEWED**

WH

JUL 06 2012

By BB

NSR  
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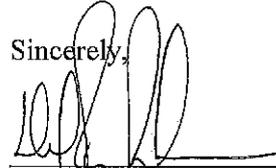
Re: Permit Requirements  
Permit Number: 97199  
Industrial Sand Plant  
Katemcy, Mason County  
Regulated Entity Number: RN106184195  
Customer Reference Number: CN603148750

Dear Ms. Bohae:

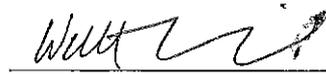
This letter shall serve as a formal withdrawal of the requests for a contested case hearing and any comments previously filed with the TCEQ by Del Roy Reichenau and Walt Reichenau concerning the above-referenced application.

We no longer protest or contest the above-referenced application in any manner. Thank you in advance for your cooperation and acknowledgement of our written withdrawal request.

Sincerely,



✓ Del Roy Reichenau



✓ Walt Reichenau

2012 JUL -5 PM 3:22  
CHIEF CLERKS OFFICE

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY



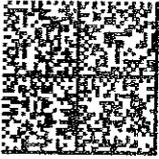
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CHIEF CLERKS OFFICE

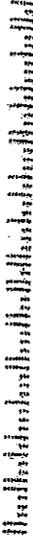
Ms. Bridget C. Bohae, Chief Clerk  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
P O Box 13087  
Austin, TX 78711 - 3087

**RECEIVED**

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September 12, 2011  
Ms. Melissa Chao, Acting Chief Clerk  
Office of the Chief Clerk (MC-105)  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

2011 SEP 14 AM 10:11

CHIEF CLERKS OFFICE

**Re: Request for Contested Case Hearing**

Proppant Specialists, LLC - CN 603148750  
Industrial Sand Plant, Mason County  
Application for TCEQ Air Quality Permit No. 97199

H OPA  
SEP 14 2011  
BY BP  
NSR  
78364

Dear Ms. Chao:

**1. Request for a Contested Case Hearing**

The following individual hereby respectfully requests a contested case hearing concerning the above-referenced application. The following information is provided for the protesting party as requested in the TCEQ's Notice of Receipt of Application and Intent to Obtain Air Permit issued by your office on August 1, 2011, and published on August 17, 2011:

Del Roy Reichenau, P.O. Box 842, Mason, Texas 76856, daytime telephone (325) 347-2215. Mr. Reichenau owns 628.479 acres situated in Mason and McCulloch Counties, and lying to the North of the proposed industrial sand plant site. The approximate distance between the north boundary of the Applicant's property and the south line of the protesting party is 0.6 mile. Mr. Reichenau conducts a cattle ranching and farming partnership on his property with his son, Walt Reichenau. Crops produced include small grains, peas and hay, and peanuts have previously been grown on the property. Said residence is located about 1.4 miles from the proposed plant site. Walt Reichenau, his wife and young son, as well as an employee, reside on the property. The proximity of the protesting party's property to the proposed sand plant site, and his use of the property as described herein, would cause the health, safety and welfare of the protesting party, members of his family, his livestock and crops, wildlife, and employees and invitees, to be adversely affected by air emissions from the Applicant's operations in a way not common to the general public. An aerial photograph is attached hereto as Exhibit A that shows the location of the property boundaries, the proposed site, and the Reichenau residence.

**II. Referral and Relevant and Material Disputed Issues**

Based on a preliminary review of the pending application for a permit, the following relevant and material disputed issues should be referred by the Commissioners to SOAH for a contested case hearing (if this matter is not directly referred to SOAH based on a request of the applicant). The following list is not intended as a direct or implied limitation on the issues that the protesting parties may otherwise raise during the ongoing public comment period or any contested case hearing on the pending application.

MC

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1. Whether emissions from the facility will be injurious to human health, animals and livestock. The protesting party believes emissions from the facility will be injurious to human health, animals and livestock. Protesting party has special concern because breathing crystalline silica dust can cause silicosis, and members of his immediate family, including a young grandson, reside on his property. That grandson has developed respiratory problems after living on the property for less than one year, and another child is expected by the family within a few months. A letter from the child's physician is attached hereto as Exhibit B.

2. Whether the cumulative effects of existing operations and sources in the local and immediate area have been properly determined and factored into the air modeling and health effects review. The protesting party does not believe the cumulative effects of existing operations and sources in the local and immediate area will be properly determined and factored into the air modeling and health effect review, insofar as no air dispersion modeling has yet been presented in support of the application. This concern is amplified because there is already one (1) other industrial sand plant now in operation within three (3) miles of the protesting party's property, and two more operative plants within five (5) miles. The location of the closest existing sand plat is shown on Exhibit C, attached hereto.

3. Whether the process description and equipment configuration set forth in the application are sufficiently definite to properly quantify, model, and regulate emissions from all sources at the facility including, without limitation, the stockpiles, crushers, screens, conveyors, drop points, dryers, vents, scrubbers, and other materials handling and processing activities. The protesting party does not believe the process description and equipment configuration set forth in the application are sufficiently definite to properly quantify, model, and regulate emissions from all sources at the facility.

4. Whether all sources of emissions associated with the facility are identified in the application. The protesting party does not believe that all sources of emissions associated with the facility are identified in the application.

5. Whether proper emission factors were used to determine emission rates for each identified source of emissions at the facility. The protesting party does not believe proper emission factors were used to determine emission rates for each identified source of emissions at the facility.

6. Whether all species of air contaminants that will be emitted by the operations have been identified, quantified, and modeled including, without limitation, the specific forms of particulate matter. The protesting party does not believe that all species of air contaminants that will be emitted by the operations, including the specific forms of particulate matter, have been identified, quantified and modeled.

7. Whether all sources of fugitive emissions from the facility have been fully identified, speciated, quantified and modeled. The protesting party does not believe all sources of fugitive emissions from the facility have been fully identified, speciated, quantified and modeled.

8. Whether emissions from particular matter and other pollutants from roads at the facility have been properly identified, speciated, quantified and modeled. The protesting party does not believe emissions of particulate matter and other pollutants from roads at the facility have been properly identified, speciated, quantified, and modeled.

9. Whether emissions from particular matter and other pollutants, including but not limited to transport vehicles, at the facility have been properly identified, quantified, and modeled. The protesting party does not believe emissions of particulate matter and other pollutants from transport vehicles at the facility have been properly identified, speciated, quantified and modeled.

10. Whether the application contains a sufficient demonstration that the facility's controls and control equipment meet the "best available control technology" requirement. The protesting party does not believe the application contains a sufficient demonstration that the facility's controls and control equipment met the best available control technology requirement.

11. Whether the applicant's proposed controls and controls equipment are capable of meeting the performance characteristics and efficiencies set forth in the application. The protesting party does not believe the applicant's proposed controls and control equipment are capable of meeting the performance characteristics and efficiencies set forth in the application.

12. Whether proper control factors were applied to the controls and control equipment at the facility. The protesting party does not believe proper control factors were applied to the controls and control equipment at the facility.

13. Whether the applicant's proposed controls and control equipment are capable of sufficiently controlling small and fine particle matter (e.g., respirable silica of all types listed in the TCEQ's effects screening level guidance). The protesting party does not believe the applicant's proposed controls and control equipment is capable of sufficiently controlling small and fine particulate matter (e.g. respirable silica of all types listed in the TCEQ's effects screening level guidance).

14. Whether the opacity limits are proper and sufficiently stringent. The protesting party is concerned that the opacity limits in the permit will not be proper and sufficiently stringent.

15. Whether proper inputs, assumptions and adjustments will be made in the modeling of emissions from sources on the property including, without limitation, the stockpiles, crushers, screens, conveyors, drop points, dryers, vents, scrubbers and other materials handling and processing activities. The protesting party is concerned that proper inputs, assumptions and adjustments will not be made in the modeling of emissions from sources on the property, insofar as no air dispersion modeling has yet been presented in support of the application.

16. Whether health effect reviews are based on proper characterization of nearby receptors, effects screening levels, exceedence frequencies, and toxicological considerations.

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The protesting party is concerned that health effects reviews will not be conducted based on proper characterization of nearby receptors, effects screening levels, exceedence frequencies and toxicological considerations, insofar as no air dispersion modeling has yet been presented in support of the application.

17. Whether appropriate background and ambient air quality conditions have been determined and factored into the air modeling and health effects review. The protesting party is concerned that inappropriate background and ambient air quality conditions will be determined and factored into the air modeling and health effects review, insofar as no air dispersion modeling has yet been presented in support of the application.

18. Whether the facility will cause or contribute to a violation of state or federal air quality standards. The protesting party believes the facility will cause or contribute to a violation of state and federal air quality standards (e.g., NAAQS).

19. Whether the facility will cause or contribute to a condition of air pollution. The protesting party believes the facility will cause or contribute to a condition of air pollution.

20. Whether the facility will cause or contribute to nuisance conditions. The protesting party believes the facility will cause or contribute to nuisance conditions.

21. Whether the draft permit is sufficiently definite in its terms and conditions to ensure that the applicant is held to representations during the application process. The protesting party is concerned that the draft permit will not be sufficiently definite in its terms and conditions to ensure that the applicant is held to its representations during the application process, insofar as a draft permit has not yet been released for public comment.

22. Whether the draft permit is sufficiently definite in its terms and conditions to ensure compliance with applicable air quality regulations and standards including, without limitation, the inclusion of stack and equipment sampling, fence line monitoring, recordkeeping, and reporting requirements. The protesting party is concerned that the draft permit will not be sufficiently definite in its terms and conditions to ensure compliance with applicable air quality regulations and standards including, without limitation, the stack and equipment sampling, fence line monitoring, recordkeeping, and reporting requirements, insofar as a draft permit has not yet been released for public comment.

23. Whether approval of the application and issuance of a permit will contravene the intent of the Texas Clean Air Act. The protesting party believes that approval of the application and issuance of a permit will contravene the intent of the Texas Clean Air Act.

### **III. Request for Relief**

It appears to the protesting party that the pending application for a permit is deficient in a number of respects. Additionally, the application does not include any air dispersion modeling of potential offsite impacts. As such, the Applicant has not met its burden of demonstrating

compliance with all applicable requirements intended to protect health, safety and the environment. If such an application is approved by the TCEQ, the health, safety and welfare of the protesting party, as well as his family members, employees, invitees, animals and livestock, will be adversely affected by air emissions from the applicant's operations in a manner not common to the general public, for the reasons set out above. Based on the foregoing considerations, the pending application for a permit should be set on the TCEQ's contested agenda, and the Commissioners should (i) determine that the protesting parties are affected persons, (ii) refer the preceding list of relevant and material disputed issues to SOAH for a contested case hearing, (iii) direct SOAH to complete the contested case hearing within a period of one year, and (iv) direct the Executive Director not to participate in the evidentiary hearing. The protesting party will continue to monitor the Executive Director's review of the pending application, as well as the applicant's responses to any notices of deficiency, and may submit more detailed public comments during the upcoming technical review phase.

Your kind attention to these matters is sincerely appreciated. Should you have any questions or desire any further information from the protesting parties, please do not hesitate to contact me.

Respectfully submitted,



David A. Young  
P.O. Box 1550  
Mason, Texas 76856

Tel: (325) 347-1040  
Fax: (325) 347-0405

Attorney for Del Roy Reichenau

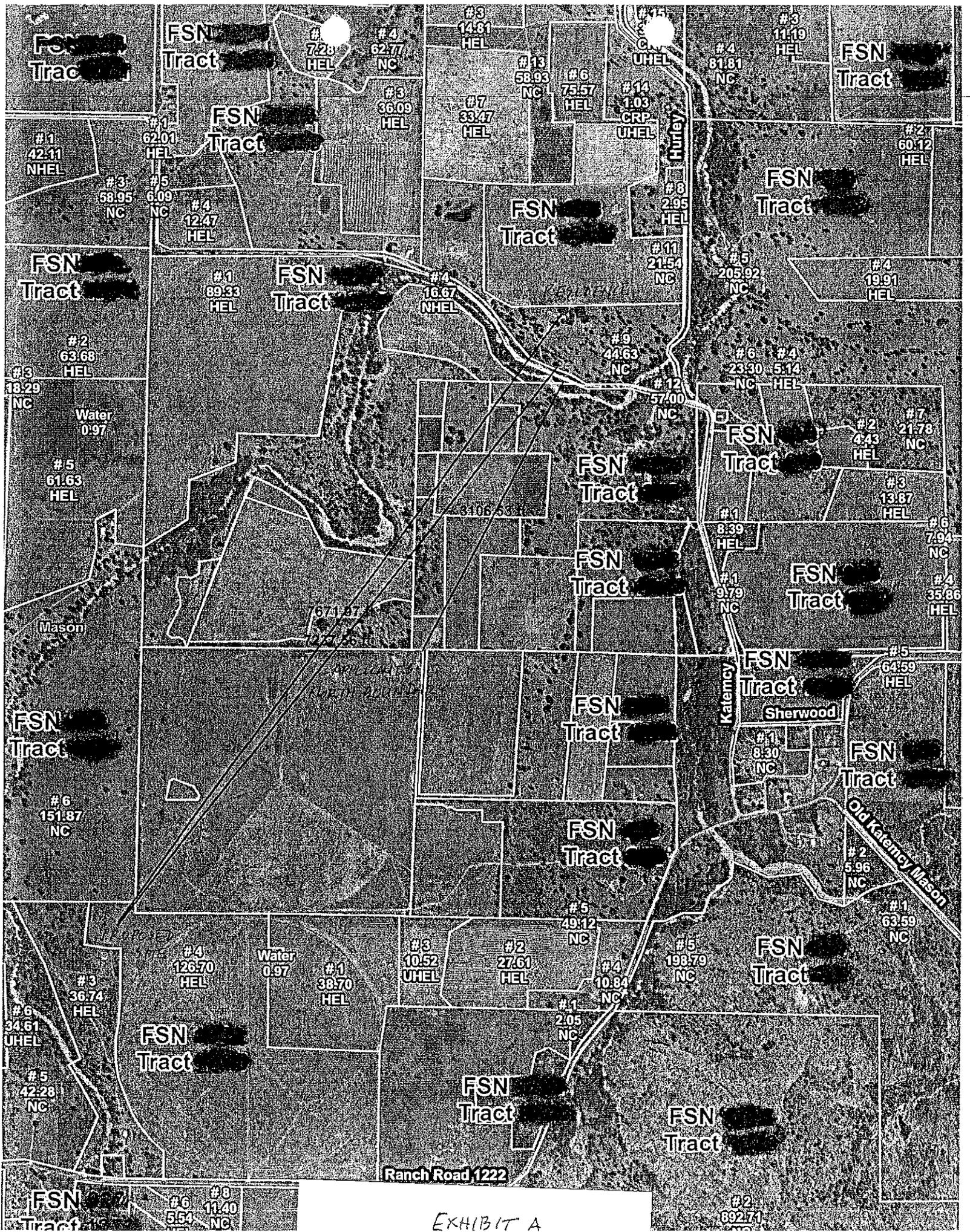


EXHIBIT A

#2  
892.71

**Women and Children First  
816 Reuben St  
Fredericksburg TX 786244436  
830-997-3132**

**Andrea Bray MD  
9/12/2011**

To whom it may concern,

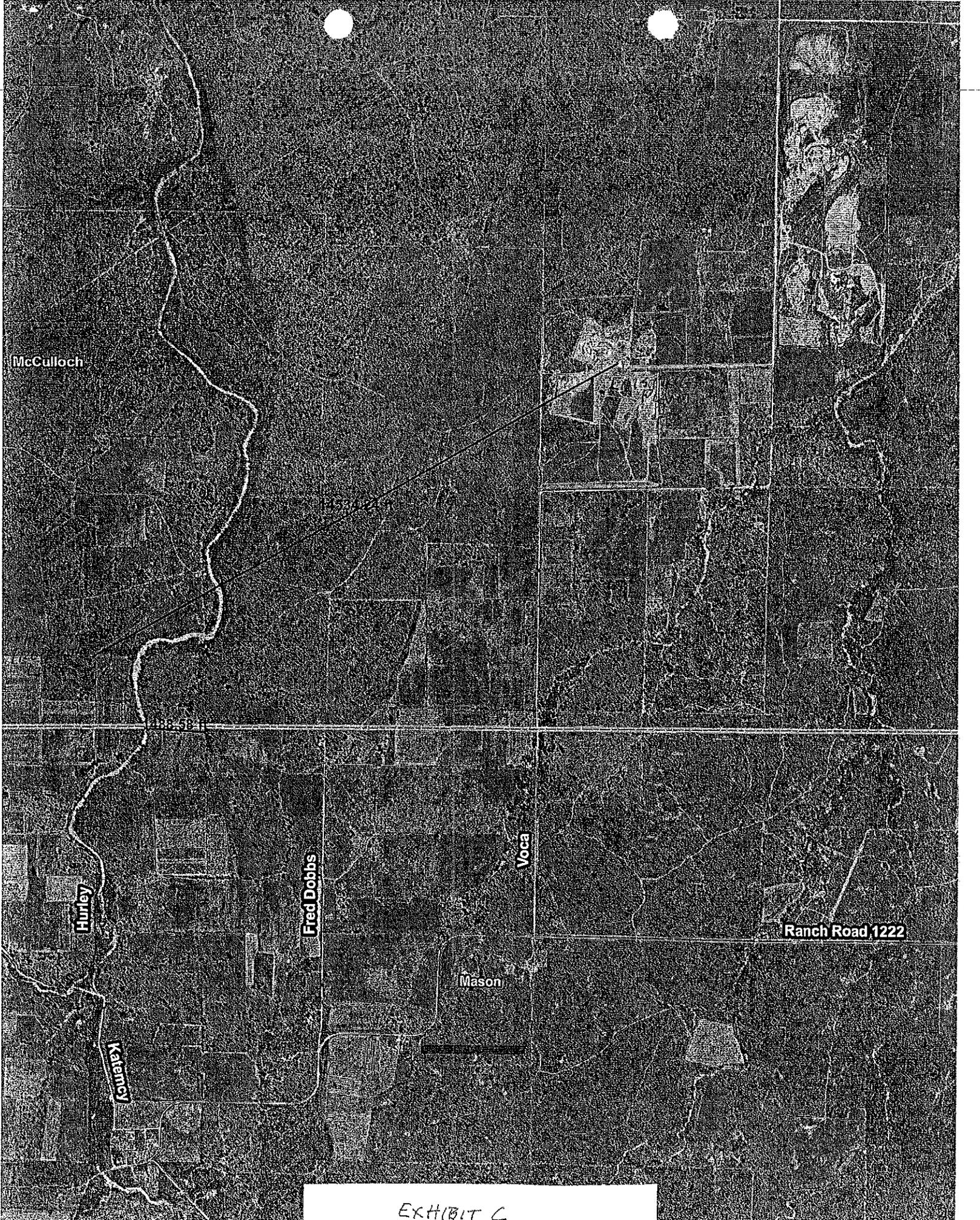
This is a note to confirm that Jaxson Reichenau is a patient under my care. He has a history of frequent Upper Respiratory Infections with cough. Due to his history, any mining near his home that would affect air quality would not be in his best medical interest.

If you have any questions in this regard, please do not hesitate to call me.

Sincerely,

  
Andrea Bray MD

EXHIBIT B



McCulloch

1885-1891

Hurley

Fred Dobbs

Voca

Mason

Ranch Road 1222

Katany

EXHIBIT C

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

September 12, 2011  
Ms. Melissa Chao, Acting Chief Clerk  
Office of the Chief Clerk (MC-105)  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

2011 SEP 14 AM 10:12

CHIEF CLERKS OFFICE

**Re: Request for Contested Case Hearing**

Proppant Specialists, LLC - CN 603148750  
Industrial Sand Plant, Mason County  
Application for TCEQ Air Quality Permit No. 97199

H OPA  
SEP 14 2011  
BY         

Dear Ms. Chao:

**I. Request for a Contested Case Hearing**

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*MW*

1. Whether emissions from the facility will be injurious to human health, animals and livestock. The protesting party believes emissions from the facility will be injurious to human health, animals and livestock. Protesting party has special concern because breathing crystalline silica dust can cause silicosis, and he and the members of his immediate family, including a young son, reside on the property. That grandson has developed respiratory problems after living on the property for less than one year, and another child is expected by the family within a few months. A letter from the child's physician is attached hereto as Exhibit B.

2. Whether the cumulative effects of existing operations and sources in the local and immediate area have been properly determined and factored into the air modeling and health effects review. The protesting party does not believe the cumulative effects of existing operations and sources in the local and immediate area will be properly determined and factored into the air modeling and health effect review, insofar as no air dispersion modeling has yet been presented in support of the application. This concern is amplified because there is already one (1) other industrial sand plant now in operation within three (3) miles of the protesting party's residence, and two more operative plants within five (5) miles. The location of the closest existing sand plat is shown on Exhibit C, attached hereto.

3. Whether the process description and equipment configuration set forth in the application are sufficiently definite to properly quantify, model, and regulate emissions from all sources at the facility including, without limitation, the stockpiles, crushers, screens, conveyors, drop points, dryers, vents, scrubbers, and other materials handling and processing activities. The protesting party does not believe the process description and equipment configuration set forth in the application are sufficiently definite to properly quantify, model, and regulate emissions from all sources at the facility.

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The protesting party is concerned that health effects reviews will not be conducted based on proper characterization of nearby receptors, effects screening levels, exceedence frequencies and toxicological considerations, insofar as no air dispersion modeling has yet been presented in support of the application.

17. Whether appropriate background and ambient air quality conditions have been determined and factored into the air modeling and health effects review. The protesting party is concerned that inappropriate background and ambient air quality conditions will be determined and factored into the air modeling and health effects review, insofar as no air dispersion modeling has yet been presented in support of the application.

18. Whether the facility will cause or contribute to a violation of state or federal air quality standards. The protesting party believes the facility will cause or contribute to a violation of state and federal air quality standards (e.g., NAAQS).

19. Whether the facility will cause or contribute to a condition of air pollution. The protesting party believes the facility will cause or contribute to a condition of air pollution.

20. Whether the facility will cause or contribute to nuisance conditions. The protesting party believes the facility will cause or contribute to nuisance conditions.

21. Whether the draft permit is sufficiently definite in its terms and conditions to ensure that the applicant is held to representations during the application process. The protesting party is concerned that the draft permit will not be sufficiently definite in its terms and conditions to ensure that the applicant is held to its representations during the application process, insofar as a draft permit has not yet been released for public comment.

22. Whether the draft permit is sufficiently definite in its terms and conditions to ensure compliance with applicable air quality regulations and standards including, without limitation, the inclusion of stack and equipment sampling, fence line monitoring, recordkeeping, and reporting requirements. The protesting party is concerned that the draft permit will not be sufficiently definite in its terms and conditions to ensure compliance with applicable air quality regulations and standards including, without limitation, the stack and equipment sampling, fence line monitoring, recordkeeping, and reporting requirements, insofar as a draft permit has not yet been released for public comment.

23. Whether approval of the application and issuance of a permit will contravene the intent of the Texas Clean Air Act. The protesting party believes that approval of the application and issuance of a permit will contravene the intent of the Texas Clean Air Act.

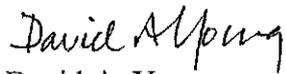
### **III. Request for Relief**

It appears to the protesting party that the pending application for a permit is deficient in a number of respects. Additionally, the application does not include any air dispersion modeling of potential offsite impacts. As such, the Applicant has not met its burden of demonstrating

compliance with all applicable requirements intended to protect health, safety and the environment. If such an application is approved by the TCEQ, the health, safety and welfare of the protesting party, as well as his family members, employees, invitees, animals and livestock, will be adversely affected by air emissions from the applicant's operations in a manner not common to the general public, for the reasons set out above. Based on the foregoing considerations, the pending application for a permit should be set on the TCEQ's contested agenda, and the Commissioners should (i) determine that the protesting parties are affected persons, (ii) refer the preceding list of relevant and material disputed issues to SOAH for a contested case hearing, (iii) direct SOAH to complete the contested case hearing within a period of one year, and (iv) direct the Executive Director not to participate in the evidentiary hearing. The protesting party will continue to monitor the Executive Director's review of the pending application, as well as the applicant's responses to any notices of deficiency, and may submit more detailed public comments during the upcoming technical review phase.

Your kind attention to these matters is sincerely appreciated. Should you have any questions or desire any further information from the protesting parties, please do not hesitate to contact me.

Respectfully submitted,



David A. Young  
P.O. Box 1550  
Mason, Texas 76856

Tel: (325) 347-1040  
Fax: (325) 347-0405

Attorney for Walt Reichenau

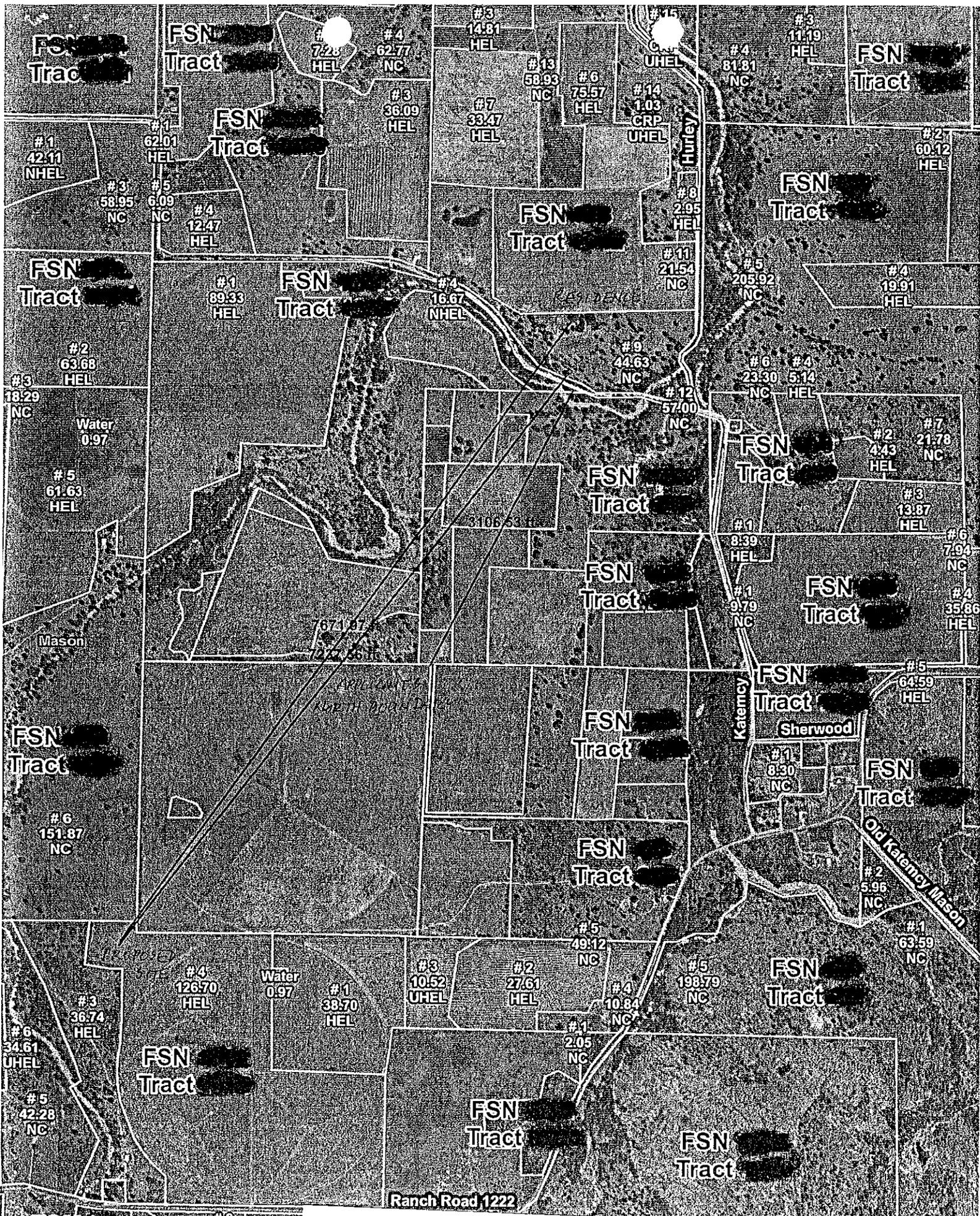


EXHIBIT A

**Women and Children First**  
**816 Reuben St**  
**Fredericksburg TX 786244436**  
**830-997-3132**

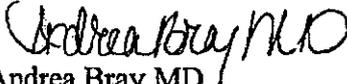
**Andrea Bray MD**  
**9/12/2011**

To whom it may concern,

This is a note to confirm that Jaxson Reichenau is a patient under my care. He has a history of frequent Upper Respiratory Infections with cough. Due to his history, any mining near his home that would affect air quality would not be in his best medical interest.

If you have any questions in this regard, please do not hesitate to call me.

Sincerely,

  
Andrea Bray MD

McCulloch

Hurley

Katemy

Fred Dobbs

Mason

Voca

Ranch Road 1222

EXHIBIT C