

TCEQ AIR QUALITY PERMIT NO. 97199
TCEQ DOKET NUMBER 2014-0526-AIR

APPLICATION BY FML SAND, LLC, § BEFORE THE TEXAS
INDUSTRIAL SAND PLANT § COMMISSION ON
KATEMCY, MASON § ENVIRONMENTAL QUALITY

REPLY TO RESPONSES TO HEARING REQUESTS

TO THE HONORABLE COMMISSIONERS:

This is the Reply is on behalf of the Mason County Rural Preservation Society (the “Society”) and the following of its individual Society members: Connie Stockbridge, James R. and Lisa Heath, Gerald Gamel, Steven and Merlina Gammel, Walter Guy Wiggs, Brenda Wiggs, Danny and Sharon Thomason, Wesley Strickland, Weldon Strickland, Gail Baker, Trey and Tifnee and Lydia Nesloney, Jeanne Nixon, and James Bode.

James R. Bode: The Society need only have one member who could, if he or she wished, be admitted as a party to contested proceeding in order to, itself, be a party, to “have standing.” Mr. Bode is such a member. His sworn declaration accompanies this Reply. It reflects that he and his two sisters own 162.5 acres immediately across RR 1222 from the southern boundary of the FML Sand proposed site and well within the on-mile rule of thumb upon which the Executive Director relies as gauge for party standing. His declaration, along with some tax statements and receipts supporting it, is Exhibit A to this Reply. Exhibit B to this Reply is a PDF of a section of the Mason County Tax Appraisal District map that also reflects the property Mr. Bode owns.

Mr. Bode is not remotely like all other members of the general public.

There are hundreds of silica 1-hour ESL exceedances modeled by FML Sand in an area extending at least 1.5 miles from the proposed emission sources:

No one contends the ESLs are regulatory. But, they do mark the concentrations at which TCEQ staff has determined that concentrations are sufficiently high that caution regarding possible health impacts are justified. A person subjected to a concentration in excess of the ESL for silica is not just like any other member of the public. Such a person is at an elevated risk of harm and is reasonable to want to explore and attempt to control through the TCEQ process the absolute extent of that elevated risk.

The Application Table 1(a) identifies 23 PM/10/2.5 emission points. The later Air Quality Modeling Report only included nine (9) of those in its modeling runs. See, Appx. D to the May 2012 *State NSR Modeling Report in Support of an Air Permit for the Katemcy Sand Plant Permit No. 97199*. See, too, the definition in the modeling runs of the “All” group.

Notwithstanding this shortcoming of the Applicant’s air quality modeling effort, that effort determined that there were at least 644 modeled off-site exceedances of the TECQ’s 1-hour ESL for silica in the (hopefully) representative meteorological year, 2008. There are “at least” that number of exceedances, because the data supplied by the Applicant to TCEQ as part of the Applicant’s support for its air quality modeling report present, as best the Society’s representatives have been able to determine, only reflected the highest 1-hour average at each receptor. Thus, at any one receptor where an ESL exceedance is reported, there might be dozens of hours of exceedances below that highest

value. See, the “Modeling Files” folder, “Katemcy - New Met - Full_2008_SI_HR.LST” file, pp. 65-83, in data supplied by the Applicant to TCEQ in support of the Applicant’s air quality modeling report. The Applicant’s air quality modeling report indicates, p. 16, that there were 32 exceedances of the 1-hour silica ESL at the receptor that experienced the very highest single 1-hour silica impact; this receptor is located on the SW fence line of proposed permit site, directly across the street from the small cemetery on RR 1222. (The *State NSR Modeling Report*, itself, is extremely abbreviated, and the supporting files would be incomprehensible to almost all members of the public.)

Nearly all of Mr. James Bode’s property is within the TCEQ’s one-mile rule of thumb of the emission sources. As for south as Mr. Bode’s farm house, the Applicant’s modeling indicates at least one 1-hour silica concentration of roughly 20 ug/m³, 143% of the ESL. (The farm house is at roughly 14 R 473470 east and 3418170 north, UTM coordinates; the receptor at 14 R 473500 east and 318200 north was modeled to have had at least one hour of a 22.002 ug/m³ silica concentration.)

Ms. Stockbridge and Mr. Thomason:

Ms. Connie Stockbridge’s property is improperly located on the map provided by the Executive Director in his responses to hearing requests. As the accompanying material, Exhibit C, from the Mason County Tax Appraisal District reflects (note parcels 5262 and 5263 in the “A. Turner” survey), it is the rectangular tract next above the numeral “7” on the ED’s aerial photograph.

Mr. Thomason's property is more accurately reflected on the ED's aerial photo, As the accompanying material, Exhibit D, from the Mason County Tax Appraisal District reflects.

The one-mile rule of thumb: The ED's reliance on a putative one-mile rule of thumb for standing is regrettable, because it is not rationally based. In the case at hand, the Applicant's air quality modeling report, Attachment A, places the center of the proposed permitted facility at roughly UTM coordinates 473900 east and 3419150 meters north. (Note this is to the southeast of the location reflected in the aerial photograph submitted by the ED with his responses to hearing requests. The ED centered the proposed permitted facility at roughly 473700 east and 3419430 north.)

The northernmost point at which the Applicant modeled a 1-hour silica exceedance was at UTM coordinates 474000 meters east and 3421500 meters north. This point is roughly 1.48 miles north of the center of the proposed emissions. At this point on July 31, 2008, at 4 a.m., the model indicated a silica 1-hour average concentration of 16.65 ug/m³. This is 119% of the TCEQ's corresponding ESL.

The southernmost point at which the Applicant modeled a 1-hour silica exceedance was at UTM coordinates 472000 meters east and 3417500 meters north. This point is roughly 1.56 miles southwest of the center of the proposed emissions. At this point on September 25, 2004, at 4 a.m., the model indicated a silica 1-hour average concentration of 15.38 ug/m³. This is 110% of the TCEQ's corresponding ESL.

The easternmost point at which the Applicant modeled a 1-hour silica exceedance was at UTM coordinates 476000 meters east and 3418500 meters north. This point is roughly 1.36 miles east-southeast of the center of the proposed emissions. At this point on July 31, 2008, in the pre-midnight hour, the model indicated a silica 1-hour average concentration of 22.79 ug/m³. This is 163% of the TCEQ's corresponding ESL.

The westernmost point at which the Applicant modeled a 1-hour silica exceedance was at UTM coordinates 471500 meters east and 3418000 meters north. This point is roughly 1.66 miles southwest of the center of the proposed emissions. At this point on March 22, 2008, between 6 and 7 at 4 a.m., the model indicated a silica 1-hour average concentration of 23.54 ug/m³. This is 168% of the TCEQ's corresponding ESL.

Each of these points is reflected on Exhibit E to this Reply.

Mason County Commissioners' Court Resolution: The Society and its members, of course, request a contested hearing on this application. The Mason County Commissioners' Court has passed a resolution, Exhibit F to this Reply, supporting the efforts of the Society and its members.

Respectively Submitted,



Frederick, Perales, Allmon & Rockwell,
PC

By, David Frederick
St. Bar No. 07412300

707 Rio Grande, Ste. 200
Austin, Texas 78701
(512) 469-6000
(512) 482-9346 (facsimile)

EXHIBIT A

**TCEQ AIR QUALITY PERMIT NO. 97199
TCEQ DOCKET NUMBER 2014-0526-AIR**

APPLICATION BY FML SAND, LLC, § BEFORE THE TEXAS
INDUSTRIAL SAND PLANT § COMMISSION ON
KATEMICY. MASON § ENVIRONMENTAL QUALITY

DECLARATION OF JAMES R. BODE

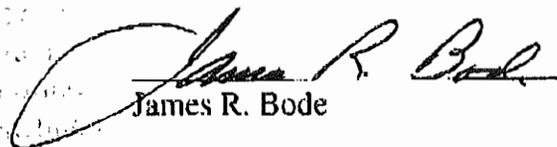
Before me, the undersigned notary of the State of Texas, today appeared Mr.

James R. Bode, who, after identifying himself with photo-identification and being by me duly sworn, stated as follows and subscribed his signature to his statement:

1. My name is James R. Bode. I am the same James R. Bode who September 14, 2011, submitted comments on the application for the above-referenced air-quality permit and requested a contested case hearing on the application. I am the same James Bode who is a member of the Mason County Rural Preservation Society that commented on the draft permit April 12, 2013. I am the same James Bode on whose behalf counsel for the Society reiterated August 10, 2014, the Society's and my request for a contested case hearing on the application.
2. My 2011 comments and request principally addressed my concern about small-particle air emissions from the proposed permit site. I explained that the site is in a small valley, that the residents of the area will be exposed by the proposed permitted operation to increased risk of a dangerous and harmful situation, and that the proposed facility will be a particular problem for my wife, who has an elevated susceptibility to lung infections and bronchitis, when she is on the land and at the farm house, there.
3. My comments included the address and phone number of my principal residence in San Angelo. The comments also included my email address.
4. Their responses to hearing requests in this docket indicated that the staff of the Executive Director and that of the Public Interest Counsel of the Texas Commission on Environmental Quality could not determine a Mason County address for me.
5. As a call, email or letter to me would have revealed, I am, in fact, a Mason County landowner. I am carried on the property ownership roles of the Mason County Tax Appraisal District. My farm is parcel number 1678. (I am surprised the Executive Director's staff was unable to identify landowners named "Bode" in Mason County; the Mason County Appraisal District web site lists at least eight. See,

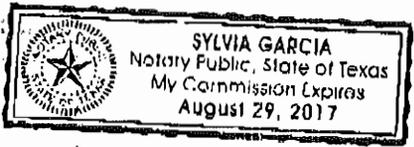
<http://www.masoncad.org/%28S%28resi2y555i1xclvk2igejt2o%29%29/sresults.aspx>)

- 6. My farm is held jointly by myself and my two sisters. It is directly across RR 1222 (so, immediately south) from the proposed permit site. Attached to this declaration is an annotated version of the aerial photograph that the Executive Director included with his response to hearing requests in this docket. The attachment, here, has been annotated to indicate the location of my and my sisters' farm. This is an accurate representation of the location of the farm and of the main house we maintain on the farm.
- 7. Also attached to this declaration are true and correct copies of the 2013 county property tax statement and tax receipt associated with my pro rata share of the tax liabilities on the farm. (My sisters receive similar statements.) These county documents correctly recite the fact of my ownership and the address of the farm. 483 RR 1222 is, as I have said, just across the street from the site of the proposed permitted operation.
- 8. I and my wife are frequently at the farm. It is only an hour and a half from our home in San Angelo. It is a convenient stopover point between San Angelo and San Antonio, where my wife receives her medical treatments and where I travel on business. I am on this property several times per month, usually a minimum of a week at a time. My work at this farm includes basic maintenance and upkeep of the property, including landscape, fence repair, maintenance of stock ponds, as well as maintenance of the house itself. My personal work involves arranging of music for public school hand programs. A lot of this is also done at the farm, as I keep a computer and the applicable software there. I work on and enjoy the benefits of the land within the entire farm property, and I do this many, many times a year. My wife and I have often considered this property as a place to possibly retire to.
- 9. This concludes my statement, today, July 28, 2014.


 James R. Bode


 Notary's signature

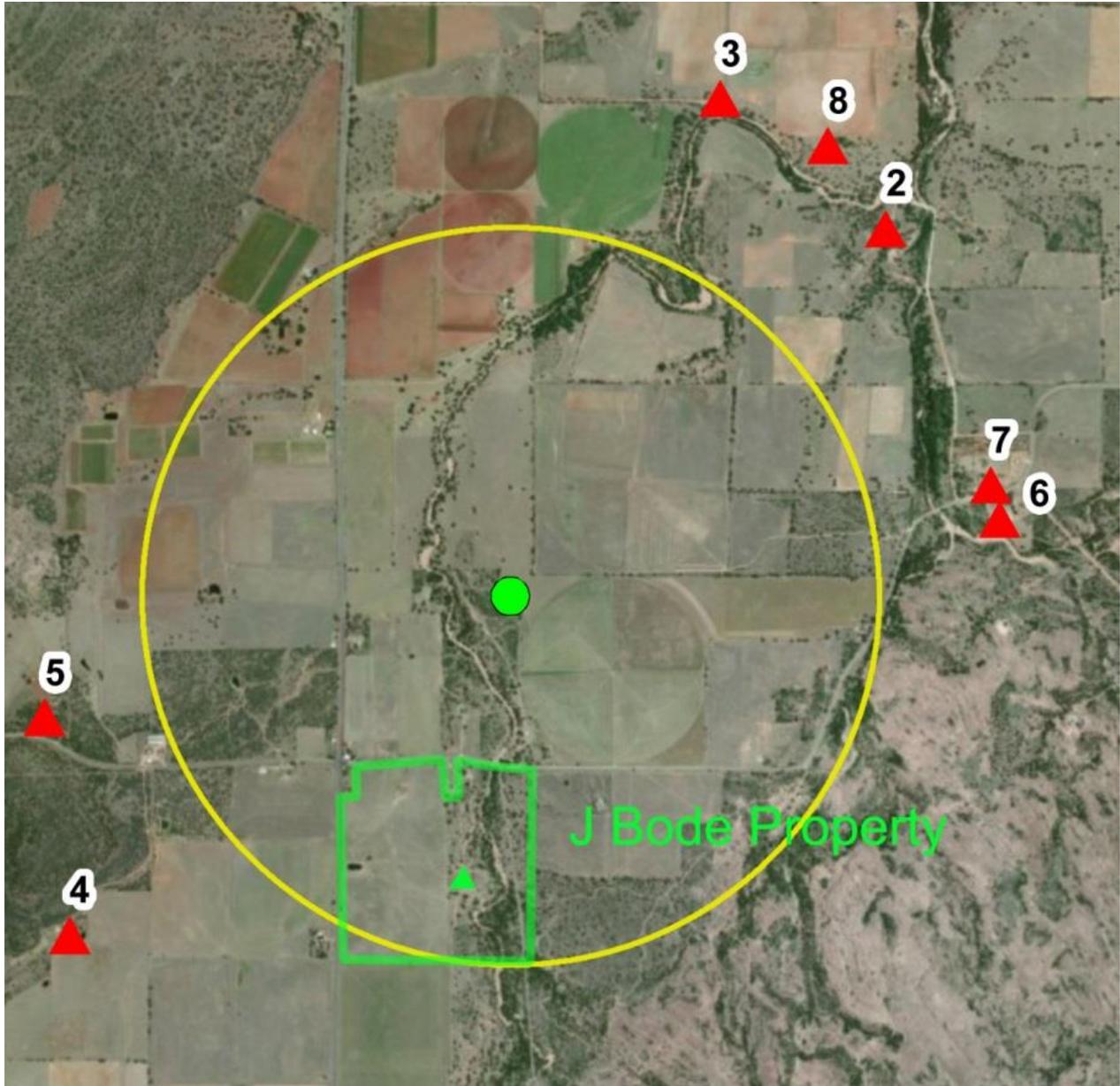
Sylvia Garcia
 Notary's printed name



My commission expires: August 29, 2017

ATTACHMENT:

Location of Bode farm property



ATTACHMENT: The location of the Bode farm property and of the main house on the property.

ATTACHMENT:

Bode property tax statement and
receipt

2013 MASON COUNTY APPR DIST TAX STATEMENT

STATEMENT/RECEIPT
NUMBER
3113

Make Check or Money Order Payable:
MASON COUNTY APPR DIST
PO Box 1119
110 Moody St.
MASON, TX 76856
Phone: 325-347-5989
Fax: 325-347-5302

Owner ID/ Roll	IF PAID IN	PAY THIS AMOUNT
R-32784 RE	OCT.	410.36
	NOV.	410.36
	DEC.	410.36
	JAN.	410.36
	FEB.	439.09
	MAR.	447.29
	APR.	455.50
	MAY	463.70
	JUN.	471.92
AMOUNT OF YOUR REMITTANCE		



0002699 1 AB 0.3840
SAUNDERS PATRICIA BODE ET AL
JAMES R BODE
713 RIDGECREST CIRCLE
DENTON TX 76205 5411



✂ PLEASE DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT

2013 MASON COUNTY APPR DIST TAX STATEMENT - STATEMENT NUMBER 3113
PHONE NUMBER: 325-347-5989

R-32784		IF PAID IN	PAY THIS AMOUNT
SAUNDERS PATRICIA BODE ET AL JAMES R BODE 713 RIDGECREST CIRCLE DENTON TX 76205 5411		OCT 2013	410.36
		NOV 2013	410.36
		DEC 2013	410.36
		JAN 2014	410.36
	PENALTY & INTEREST	PENALTY AND INTEREST APPLIES IF NOT PAID BY JAN 31, 2014	
FOR RECEIPT, ENCLOSE A SELF-ADDRESSED, STAMPED ENVELOPE	28.73	7% Feb 2014	439.09
	36.93	9% Mar 2014	447.29
	45.14	11% Apr 2014	455.50
	53.34	13% May 2014	463.70
	61.56	15% Jun 2014	471.92

PROPERTY DESCRIPTION			PROPERTY VALUES				
Acct: 02661-03-00000M	Parcel ID/Seq: 1678/1		Ag/T Value	Ag/T Market	Land Mkt	Imp Value	Total Value
Legals: A-0266 FISHER & MILLER	Owner's Interest: 0.33330		4,560	209,920	820	18,190	23,570
S-367 162.49 ACRES	Category Code: D1 / E1		TAXING UNIT EXEMPTIONS VALUE TAX RATE TAXES				
MULTI-OWNER	Acres: 54.158		COUNTY	0	23,570	0.568500	134.00
	Homestead Code:		MISD M&O	0	23,570	1.137500	268.11
Prop Addr: 483 E RR 1222			WATER	0	23,570	0.035000	8.25
	JUR: AD-CO-MI-WD						

Parcel Total Taxes: **410.36**

OWNER'S TOTALS BREAKOUT:

Tax Unit	Assessed Value	Homestead Exemption	O65/Disabled Exemption	Disabled Vet	Other Exemption	Taxable Value	Tax Rate	Tax Due
COUNTY	23,570	0	0	0	0	23,570	0.568500	134.00
MISD M&O	23,570	0	0	0	0	23,570	1.137500	268.11
WATER	23,570	0	0	0	0	23,570	0.035000	8.25

Owner's Total Taxes: **410.36**

IF YOU ARE 65 YEARS OF AGE OR OLDER, OR ARE SOCIAL SECURITY DISABLED AND THE PROPERTY DESCRIBED IN THIS DOCUMENT IS YOUR RESIDENCE HOMESTEAD, YOU SHOULD CONTACT THE APPRAISAL DISTRICT REGARDING ANY ENTITLEMENT YOU MAY HAVE IN THE POSTPONEMENT OF PAYMENT OF THESE TAXES.

2013 MASON COUNTY APPR DIST TAX STATEMENT

STATEMENT/RECEIPT
NUMBER
3114

Make Check or Money Order Payable:
MASON COUNTY APPR DIST
PO Box 1119
110 Moody St.
MASON, TX 76856
Phone: 325-347-5989
Fax: 325-347-5302

Owner ID/ Roll	IF PAID IN	PAY THIS AMOUNT
R-32785 RE	OCT.	410.36
	NOV.	410.36
	DEC.	410.36
	JAN.	410.36
	FEB.	439.09
	MAR.	447.29
	APR.	455.50
	MAY	463.70
	JUN.	471.92
AMOUNT OF YOUR REMITTANCE		



0002697 1 AB 0.3840
SAUNDERS PATRICIA BODE ET AL
MARY LEE CALHOUN
713 RIDGECREST CIRCLE
DENTON TX 76205 5411



✂ PLEASE DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT

2013 MASON COUNTY APPR DIST TAX STATEMENT - STATEMENT NUMBER 3114
PHONE NUMBER: 325-347-5989

R-32785 SAUNDERS PATRICIA BODE ET AL MARY LEE CALHOUN 713 RIDGECREST CIRCLE DENTON TX 76205 5411	IF PAID IN		PAY THIS AMOUNT
		OCT 2013	
	NOV 2013		410.36
	DEC 2013		410.36
	JAN 2014		410.36
PENALTY & INTEREST		PENALTY AND INTEREST APPLIES IF NOT PAID BY JAN 31, 2014	
	28.73	7% Feb 2014	439.09
	36.93	9% Mar 2014	447.29
	45.14	11% Apr 2014	455.50
	53.34	13% May 2014	463.70
	61.56	15% Jun 2014	471.92

FOR RECEIPT, ENCLOSE A SELF-ADDRESSED, STAMPED ENVELOPE

PROPERTY DESCRIPTION			PROPERTY VALUES				
Acct: 02661-03-00000M	Parcel ID/Seq: 1678/2	Ag/T Value	Ag/T Market	Land Mkt	Imp Value	Total Value	
Legals: A-0266 FISHER & MILLER	Owner's Interest: 0.33330	4,560	209,920	820	18,190	23,570	
S-367 162.49 ACRES	Category Code: D1 / E1	TAXING UNIT EXEMPTIONS VALUE TAX RATE TAXES					
MULTI-OWNER	Acre: 54.158	COUNTY		0	23,570	0.568500	134.00
	Homestead Code:	MISD M&O		0	23,570	1.137500	268.11
Prop Addr: 483 E RR 1222		WATER		0	23,570	0.035000	8.25
	JUR: AD-CO-MI-WD						

Parcel Total Taxes: 410.36

OWNER'S TOTALS BREAKOUT:

Tax Unit	Assessed Value	Homestead Exemption	065/Disabled Exemption	Disabled Vet	Other Exemption	Taxable Value	Tax Rate	Tax Due
COUNTY	23,570	0	0	0	0	23,570	0.568500	134.00
MISD M&O	23,570	0	0	0	0	23,570	1.137500	268.11
WATER	23,570	0	0	0	0	23,570	0.035000	8.25

Owner's Total Taxes: 410.36

IF YOU ARE 65 YEARS OF AGE OR OLDER, OR ARE SOCIAL SECURITY DISABLED AND THE PROPERTY DESCRIBED IN THIS DOCUMENT IS YOUR RESIDENCE HOMESTEAD, YOU SHOULD CONTACT THE APPRAISAL DISTRICT REGARDING ANY ENTITLEMENT YOU MAY HAVE IN THE POSTPONEMENT OF PAYMENT OF THESE TAXES.

2013 MASON COUNTY APPR DIST TAX STATEMENT

STATEMENT/RECEIPT
NUMBER
3115

Make Check or Money Order Payable:
MASON COUNTY APPR DIST
PO Box 1119
110 Moody St.
MASON, TX 76856
Phone: 325-347-5989
Fax: 325-347-5302

Owner ID/ Roll	IF PAID IN	PAY THIS AMOUNT
R-32786 RE	OCT.	410.52
	NOV.	410.52
	DEC.	410.52
	JAN.	410.52
	FEB.	439.26
	MAR.	447.46
	APR.	455.68
	MAY	463.89
	JUN.	472.10
AMOUNT OF YOUR REMITTANCE		



0002698 1 AB 0.3840
SAUNDERS PATRICIA BODE ET AL
PATRICIA LYNN SAUNDERS
713 RIDGECREST CIRCLE
DENTON TX 76205 5411



✂ PLEASE DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT

2013 MASON COUNTY APPR DIST TAX STATEMENT - STATEMENT NUMBER 3115
PHONE NUMBER: 325-347-5989

R-32786 SAUNDERS PATRICIA BODE ET AL PATRICIA LYNN SAUNDERS 713 RIDGECREST CIRCLE DENTON TX 76205 5411	IF PAID IN		PAY THIS AMOUNT
		OCT 2013	
	NOV 2013		410.52
	DEC 2013		410.52
	JAN 2014		410.52
FOR RECEIPT, ENCLOSE A SELF-ADDRESSED, STAMPED ENVELOPE	PENALTY & INTEREST	PENALTY AND INTEREST APPLIES IF NOT PAID BY JAN 31, 2014	
	28.74	7% Feb 2014	439.26
	36.94	9% Mar 2014	447.46
	45.16	11% Apr 2014	455.68
	53.37	13% May 2014	463.89
	61.58	15% Jun 2014	472.10

PROPERTY DESCRIPTION				PROPERTY VALUES				
Acct: 02661-03-00000M	Parcel ID/Seq: 1678/3	Ag/T Value	Ag/T Market	Land Mkt	Imp Value	Total Value		
Legals: A-0266 FISHER & MILLER	Owner's Interest: 0.33340	4,560	209,980	820	18,200	23,580		
S-367 162.49 ACRES	Category Code: D1 / E1	TAXING UNIT		EXEMPTIONS	VALUE	TAX RATE	TAXES	
MULTI-OWNER	Acres: 54.174	COUNTY		0	23,580	0.568500	134.05	
Prop Addr: 483 E RK 1222	Homestead Code:	MISD M&O		0	23,580	1.137500	268.22	
		WATER		0	23,580	0.035000	8.25	
JUR: AD-CO-MI-WD				Parcel Total Taxes: 410.52				

OWNER'S TOTALS BREAKOUT:

Tax Unit	Assessed Value	Homestead Exemption	065/Disabled Exemption	Disabled Vet	Other Exemption	Taxable Value	Tax Rate	Tax Due
COUNTY	23,580	0	0	0	0	23,580	0.568500	134.05
MISD M&O	23,580	0	0	0	0	23,580	1.137500	268.22
WATER	23,580	0	0	0	0	23,580	0.035000	8.25
Owner's Total Taxes:								410.52

IF YOU ARE 65 YEARS OF AGE OR OLDER, OR ARE SOCIAL SECURITY DISABLED AND THE PROPERTY DESCRIBED IN THIS DOCUMENT IS YOUR RESIDENCE HOMESTEAD, YOU SHOULD CONTACT THE APPRAISAL DISTRICT REGARDING ANY ENTITLEMENT YOU MAY HAVE IN THE POSTPONEMENT OF PAYMENT OF THESE TAXES.

TAX RECEIPT

MASON COUNTY APPR DIST
 PO Box 1119
 110 Moody St
 MASON, TX 76856
 325-347-5989

This is a receipt. Do not pay.

Owner ID: R 32784
 SAUNDERS PATRICIA BODE ET AL
 JAMES R BODE
 713 RIDGECREST CIRCLE
 DENTON, TX 76205-5411

Parcel Id-Owner Seq:	1678 - 1	Abstr/Subdiv	Suit:	N
Account Number:	02661-03-00000M	Block	Acres:	162.490 Cat Code: D1/E1
Owner Interest:	0.333	Lot	Land Value:	\$ 210739
Prop Address:	483 E RR 1222	Legals:	Pers. Value:	\$ 0
Prop City/St/Zip:	KATHLEEN, TX-		Improv Value:	\$ 18192
Current Receipt:	3113		Ag/ Timber:	\$ 4560
			Homestead Code:	

Year	Jurisdiction	Tax Rate	Tax Value	Post Code	Tax	Dis/Pen/Other	Total Amount	Date Posted
2013	MASON COUNTY	0.568500	\$23,570	P	\$134.00	\$0.00	\$134.00	01/14/2014
2013	MASON ISD M&O	1.137500	\$23,570	P	\$268.11	\$0.00	\$268.11	
2013	WATER DISTRICT	0.035000	\$23,570	P	\$8.25	\$0.00	\$8.25	
2013 Year Totals					\$410.36	\$0.00	\$410.36	
Parcel Totals:					\$410.36	\$0.00	\$410.36	

TAX RECEIPT

MASON COUNTY APPR DIST
 PO Box 1119
 110 Moody St.
 MASON, TX 76856
 325-347-5989

This is a receipt. Do not pay.

Owner ID: R 32785
 SAUNDERS PATRICIA BODE ET AL
 MARY LEE CALHOUN
 713 RIDGECREST CIRCLE
 DENTON, TX 76205-5411

Year	Jurisdiction	Tax Rate	Tax Value	Post Code	Tax	Dis/Pen/Other	Total Amount	Date Posted
Parcel Id Owner Seq:	1678 2		Abst/Subdiv			Suit	N	
Account Number:	02664-03-00000M		Block	Lot		Acre	162.490	Car Code: D1/E1
Owner Interest:	0.333		Legals:	A-0266 FISHER & MILLER		Land Value:	\$	210739
Prop Address:	4831 RR 1222			S-367 162.49 ACRES		Pers Value:	\$	0
Prop City/St Zip:	KATIMCY, TX-			MULH-OWNER		Improv Value:	\$	18192
Current Receipt	3114					Ag Timber:	\$	4560
						Homestead Code:		

Year	Jurisdiction	Tax Rate	Tax Value	Post Code	Tax	Dis/Pen/Other	Total Amount	Date Posted
2013	MASON COUNTY	0.568500	\$23,570	P	\$134.00	\$0.00	\$134.00	01/14/2014
2013	MASON ISD M&O	1.137500	\$23,570	P	\$268.11	\$0.00	\$268.11	
2013	WATER DISTRICT	0.035000	\$23,570	P	\$8.25	\$0.00	\$8.25	
	2013 Year Totals				\$410.36	\$0.00	\$410.36	
	Parcel Totals:				\$410.36	\$0.00	\$410.36	

TAX RECEIPT

MASON COUNTY APPR DIST
 PO Box 1119
 110 Moody St.
 MASON, TX 76856
 325-347-5989

This is a receipt. Do not pay.

Owner ID: R 32786
 SAUNDERS PATRICIA BODE ET AL
 PATRICIA LYNN SAUNDERS
 713 RIDGECREST CIRCLE
 DENTON, TX 76205-5411

Year	Jurisdiction	Tax Rate	Tax Value	Post Code	Tax	Dis/Pen/Other	Total Amount	Date Posted
Parcel Id-Owner Seq: 1678 3			Abs:Subdiv			Suit. N		
Account Number: 02661-03-00000M			Block Lot			Acres: 162.490	Cat Code: D1/E1	
Owner Interest: 0.333			Legals: A-0266 FISH R & MILLER			Land Value: \$	210802	
Prop Address: 483 E RR 1222			S-367 162.49 ACRES			Pers. Value: \$	0	
Prop City St/Zip: KATEMCO, TX-			MULTI-OWNER			Improv Value: \$	18197	
Current Receipt: 3115						Ag/ Timber: \$	4561	
						Homestead Code:		

Year	Jurisdiction	Tax Rate	Tax Value	Post Code	Tax	Dis/Pen/Other	Total Amount	Date Posted
2013	MASON COUNTY	0.568500	\$23,580	P	\$134.05	\$0.00	\$134.05	01/14/2014
2013	MASON ISD M&O	1.137500	\$23,580	P	\$268.22	\$0.00	\$268.22	
2013	WATER DISTRICT	0.035000	\$23,580	P	\$8.25	\$0.00	\$8.25	
2013 Year Totals					\$410.52	\$0.00	\$410.52	
Parcel Totals:					\$410.52	\$0.00	\$410.52	

DPI Year/Month:	201401	Payment Ref Totals:	\$1,231.24	\$0.00	\$1,231.24
Clerk: masolslo	Paid By: PAT SAUNDERS	Payment Type: Check			Payment Ref No: 1547

Additional Fees:

Grand Totals:	\$1,231.24	\$0.00	\$1,231.24
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EXHIBIT B

EXHIBIT C



p-5262

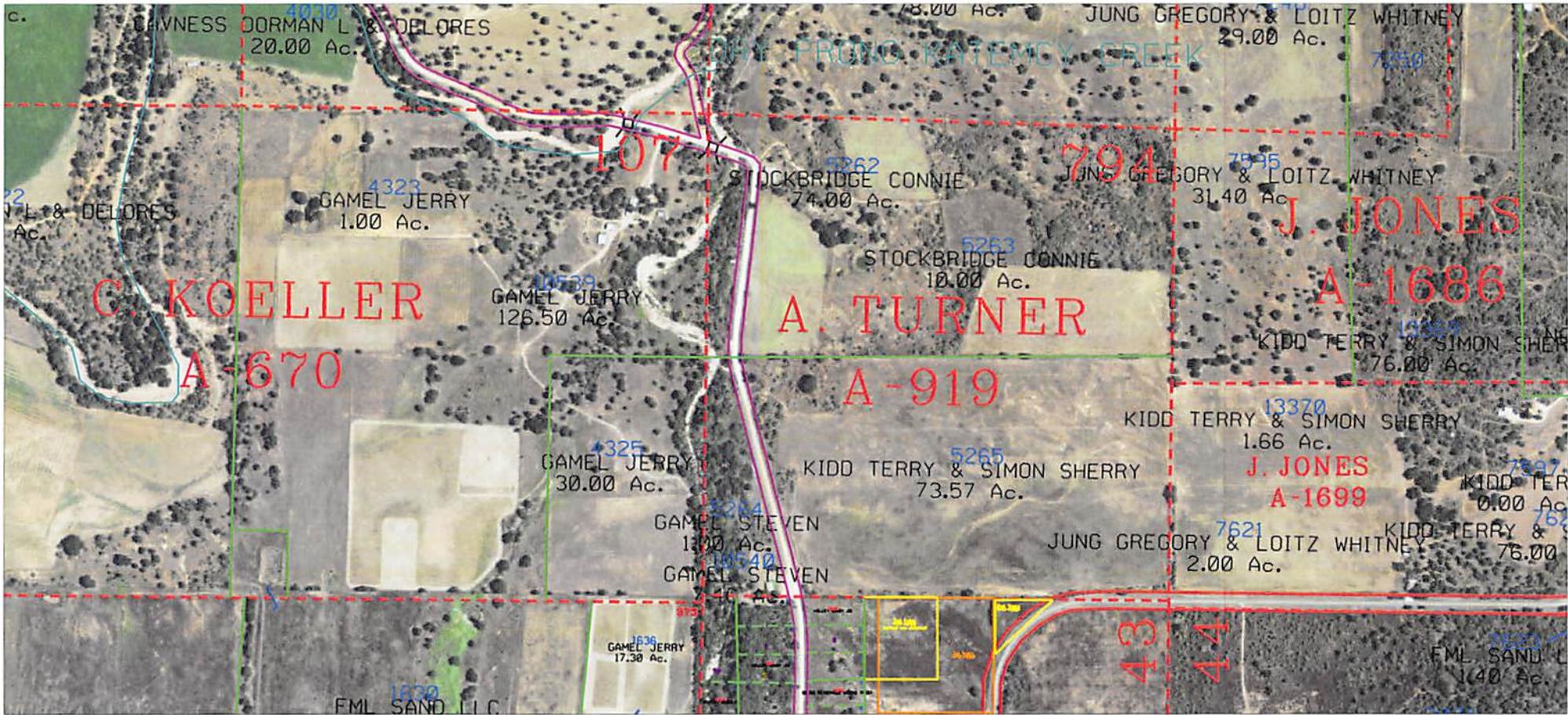
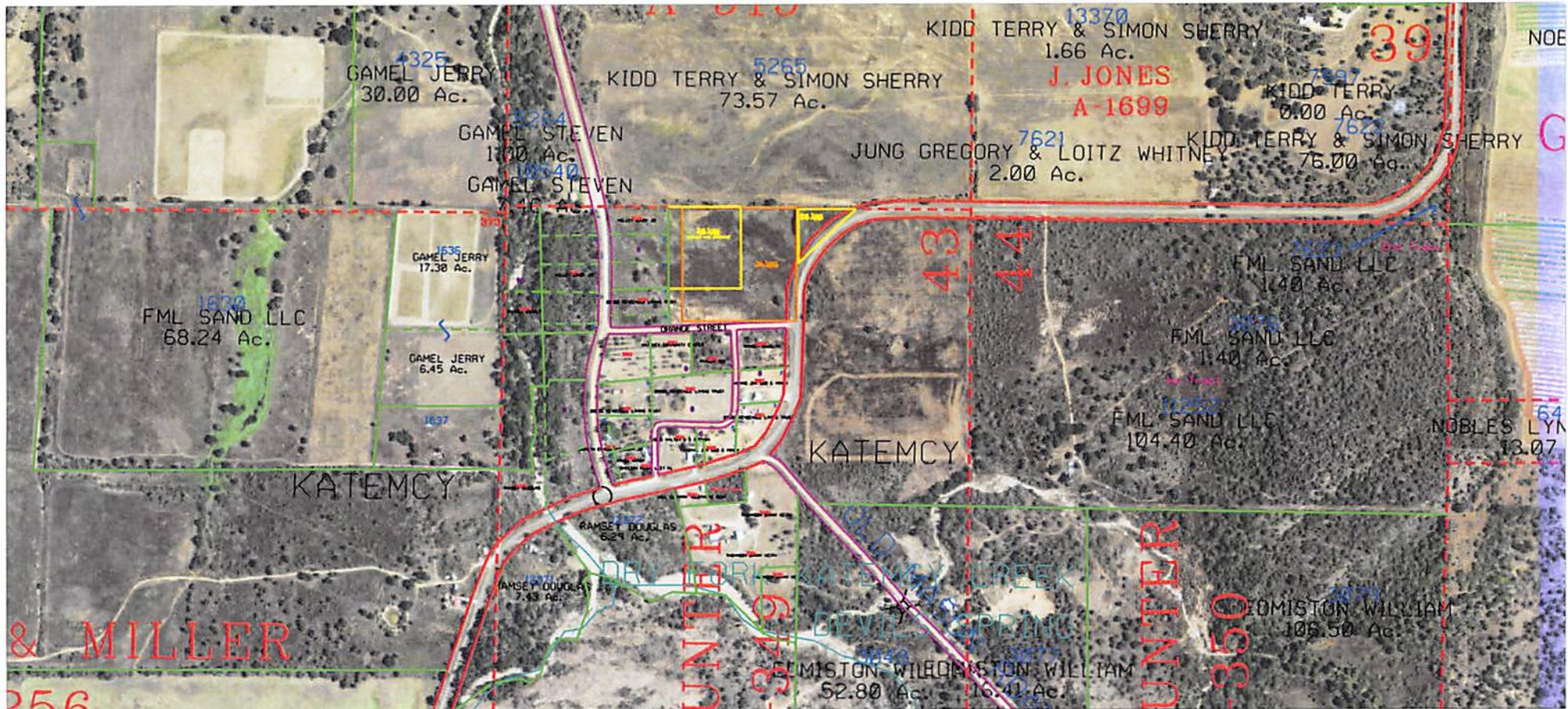


EXHIBIT D

p- 3051



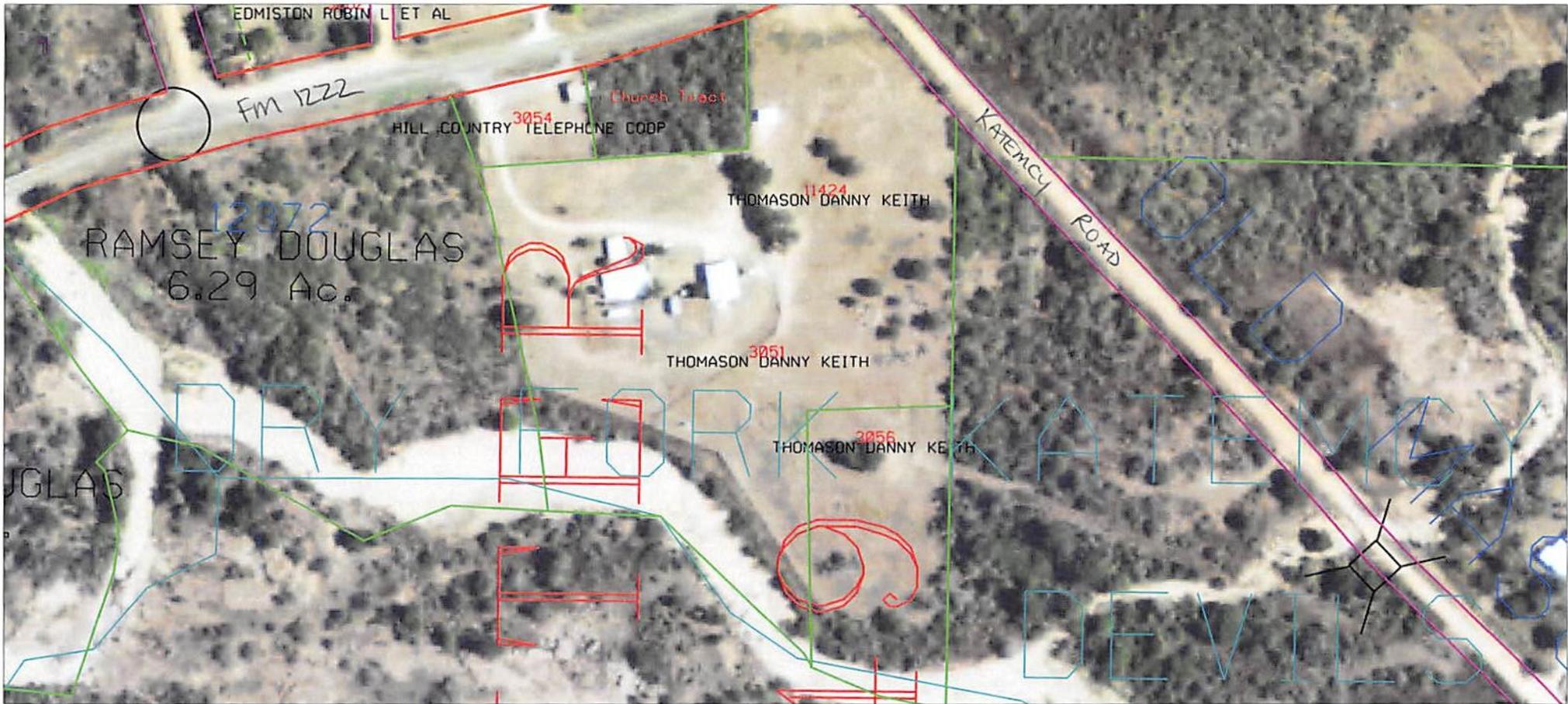


EXHIBIT E



Fartherest N Si 1-hr ESL exceedance

Katemcy

187

1222

Center of the emissions

Fartherest E Si 1-hr ESL exceedance

Fartherest W Si 1-hr ESL exceedance

Fartherest S Si 1-hr ESL exceedance

© 2014 Google

Google earth

1995

Imagery Date: 1/13/2014 14 R 475114.88 m E 3419738.46 m N elev 1697 ft eye alt 34836 ft

EXHIBIT F

RESOLUTION

- WHEREAS, Since its inception in 1858, Mason County has worked to offer and protect for its citizens a quality rural environment;
- WHEREAS, To preserve this quality environment, the County has encouraged full citizen participation in decision making that affects the quality of life in the County and balances the property rights of individual citizens and those of their neighbors;
- WHEREAS, As Texas has become a more urban and industrial state, the power once vested in County officials to safeguard the quality of life and balance the property rights of their citizens has shifted to bureaus of the Administrative State in Austin;
- WHEREAS, Proppant Specialists, LLC (ultimately, a subsidiary of Frac Tech Services International of Cisco, Texas), applied in July 2011 to one of these bureaus, the Texas Commission on Environmental Quality ("TCEQ"), for authorization to construct and operate a sand mine processing facility south of Brady, Mason County, Texas, at the intersection of Highway 87 and Ranch Road 1222;
- WHEREAS, FML Sand, LLC (ultimately, a subsidiary of Fairmont Minerals of Chesterland, Ohio), acquired Proppant Specialists in September 2013 and began to pursue the TCEQ authorization that had largely remained dormant during the preceding two years;
- WHEREAS, The facility, if constructed and operated, would emit, among others, these air contaminants: volatile organic compounds, oxides of nitrogen and sulfur, and small particulates;
- WHEREAS, Among the small particulate air contaminants that would be emitted is silica, a known human carcinogen;
- WHEREAS, Computer modeling of the impacts of the silica emissions outside the FML Sand property boundary has revealed many instances when, in a typical year, silica levels in the air will exceed health-based screening levels established by TCEQ;

WHEREAS, Twenty-two people living and/or owning property near the proposed facility site protested to TCEQ and requested a hearing at which they might offer and cross-examine evidence related to the permit FML Sand seeks;

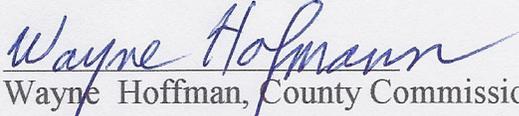
WHEREAS, The TCEQ staff and, of course, FML Sand have moved to deny these people a hearing, arguing that these people will be no more adversely affected by the proposed facility than will be "members of the public at large;" and

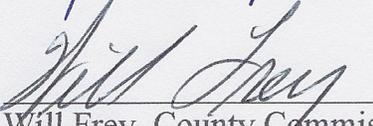
WHEREAS, This argument is ludicrous on its face and is an affront to the legitimate expectations of reasonable citizens of Mason County, who are merely seeking to demonstrate to the Administrative State a quantified threat to their property rights and quality of life;

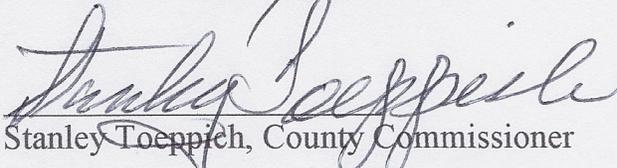
NOW, THEREFORE, BE IT RESOLVED by the Commissioners' Court of Mason County, Texas, that it beseeches TCEQ Chairman Shaw and Commissioners Baker and Tovar to resist the pressures of the industrial estate and to grant the citizens of Mason County the hearing to which they, by any commonly-understood principles of fairness, are entitled.

RESOLVED, this, the 28th day of July, 2014.


Jerry Bearden, County Judge


Wayne Hoffman, County Commissioner


Will Frey, County Commissioner


Stanley Toepfich, County Commissioner


Stephen Mutschink, County Commissioner

SERVICE LIST
Permit No. 97199 Application

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