

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Zak Covar, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

February 19, 2015

TO: Persons on the attached mailing list.

RE: Holcim (Texas) Limited Partnership  
Permit Numbers 8996 & PSDTX454M4

### **Decision of the Executive Director.**

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** This decision will be considered by the commissioners at a regularly scheduled public meeting before any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.

Enclosed with this letter is a copy of the Executive Director's Response to Comments. A copy of the complete application, draft permit and related documents, including public comments, is available for review at the TCEQ Central office. A copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the TCEQ Central Office, the TCEQ Dallas/Fort Worth Regional Office, and at the A H Meadows Public Library, 922 South 9<sup>th</sup> Street, Midlothian, Ellis County, Texas.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. A brief description of the procedures for these two requests follows.

### **How To Request a Contested Case Hearing.**

It is important that your request include all the information that supports your right to a contested case hearing. You must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

The request must include the following:

- (1) Your name, address, daytime telephone number, and, if possible, a fax number.
- (2) If the request is made by a group or association, the request must identify:

- (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group; and
  - (B) one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.
- (3) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.
  - (4) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."

Your request must demonstrate that you are an **"affected person."** An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities. A person who may be affected by emissions of air contaminants from the facility is entitled to request a contested case hearing.

Your request must raise disputed issues of fact that are relevant and material to the commission's decision on this application. The request must be based on issues that were raised during the comment period. The request cannot be based solely on issues raised in comments that have been withdrawn. The enclosed Response to Comments will allow you to determine the issues that were raised during the comment period and whether all comments raising an issue have been withdrawn. The public comments filed for this application are available for review and copying at the Chief Clerk's office at the address below.

To facilitate the commission's determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director's responses to comments that you dispute; and 2) the factual basis of the dispute. In addition, you should list, to the extent possible, any disputed issues of law or policy.

## **How To Request Reconsideration of the Executive Director's Decision.**

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

## **Deadline for Submitting Requests.**

A request for a contested case hearing or reconsideration of the executive director's decision must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date of this letter. You may submit your request electronically at <http://www.tceq.texas.gov/goto/comments> or by mail to the following address:

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

## **Processing of Requests.**

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the alternative dispute resolution director and set on the agenda of one of the commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

## **How to Obtain Additional Information.**

If you have any questions or need additional information about the procedures described in this letter, please call the Public Participation and Education Program, toll free, at 1-800-687-4040.

Sincerely,



Bridget C. Bohac  
Chief Clerk

BCB/ka

Enclosure

MAILING LIST  
for  
Holcim (Texas) Limited Partnership  
Permit Numbers 8996 & PSDTX454M4

FOR THE APPLICANT:

Michel Moser, Plant Manager  
Holcim Texas Limited Partnership  
1800 Dove Lane  
Midlothian, Texas 76065

Giri Bhavani, Environmental Manager  
Holcim Texas Limited Partnership  
1800 Dove Lane  
Midlothian, Texas 76065

INTERESTED PERSONS:

See attached list.

FOR THE EXECUTIVE DIRECTOR  
via electronic mail:

Brian Christian, Director  
Texas Commission on Environmental  
Quality  
Environmental Assistance Division  
Public Education Program MC-108  
P.O. Box 13087  
Austin, Texas 78711-3087

Amy Browning, Staff Attorney  
Texas Commission on Environmental  
Quality  
Environmental Law Division MC-173  
P.O. Box 13087  
Austin, Texas 78711-3087

Toni Oyler, Technical Staff  
Texas Commission on Environmental  
Quality  
Air Permits Division MC-163  
P.O. Box 13087  
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL  
via electronic mail:

Vic McWherter, Attorney  
Texas Commission on Environmental  
Quality  
Public Interest Counsel MC-103  
P.O. Box 13087  
Austin, Texas 78711-3087

FOR THE CHIEF CLERK  
via electronic mail:

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

ALLSOPP , LESLIE  
12805 EPPS FIELD RD  
FARMERS BRANCH TX 75234-6209

ANDERSON , RANDAL  
1138 WALTER STEPHENSON RD  
MIDLOTHIAN TX 76065-5497

BARTON , THE HONORABLE JOE MEMBER OF  
CONGRESS  
CONGRESS OF THE UNITED STATES  
6001 W INTERSTATE 20 STE 200  
ARLINGTON TX 76017-2811

BENTON , RICHARD  
4510 TAR RD  
MIDLOTHIAN TX 76065-4423

BIRDWELL , THE HONORABLE BRIAN SENATE  
DISTRICT 22  
THE SENATE OF THE STATE OF TEXAS  
PO BOX 12068  
AUSTIN TX 78711-2068

BORNHORST , BECKY  
1405 INDIAN CREEK DR  
DESOTO TX 75115-3654

BORNHORST , REBECCA  
1405 INDIAN CREEK DR  
DESOTO TX 75115-3654

BROWN , PATRICIA  
5005 PROSPERITY ROW  
MIDLOTHIAN TX 76065-8859

BURNAM , THE HONORABLE LON  
TEXAS HOUSE OF REPRESENTATIVES - DIST 90  
PO BOX 2910  
AUSTIN TX 78768-2910

COZAD , DAVID E  
PO BOX 171443  
ARLINGTON TX 76003-1443

DARLING , MS GRACE  
GREEN ARLINGTON FOUNDATION AND  
DOWNWINDERS AT RISK  
1316 S PECAN ST  
ARLINGTON TX 76010-2535

DARLING, GRACE & SCHERMBECK, JIM  
PO BOX 763844  
DALLAS TX 75376-3844

FRAZIER , CHELSI  
PO BOX 1906  
MIDLOTHIAN TX 76065-1906

GARCIA , SARA  
2618 WINDING CREEK DR  
MIDLOTHIAN TX 76065-7510

GARNETT , NANCY  
1220 S HIGHWAY 67  
MIDLOTHIAN TX 76065-5489

HAMAKER , JOHN F  
2810 COLDWATER CT  
MIDLOTHIAN TX 76065-6607

JACKSON , CAMMY  
MIDLOTHIAN CHAMBER OF COMMERCE  
310 N 9TH ST  
MIDLOTHIAN TX 76065-2702

LAMART , THOMAS  
2212 FOREST PARK CIR  
MANSFIELD TX 76063-7638

LYKE , JENNIFER  
6SF-T  
1445 ROSS AVE  
DALLAS TX 75202-2711

MASSEY , CHERYL  
5811 CRYSTAL DR  
MIDLOTHIAN TX 76065-5811

MINICK , STEPHEN  
1209 NUECES ST  
AUSTIN TX 78701-1719

OLIVERIA , CODY  
6420 FUSSEN TRL  
MIDLOTHIAN TX 76065-4894

PERKINS , DAVID  
STE 700  
1341 W MOCKINGBIRD LN  
DALLAS TX 75247-6913

PETTY , DENA  
MOVEMENT TOWARD A FUTURE  
923 S 9TH ST  
MIDLOTHIAN TX 76065-3636

PISCHEDDA , ED  
NORTHERN ARLINGTON AMBIENCE  
1104 AUBURN DR  
ARLINGTON TX 76012-5303

PITTS , THE HONORABLE JIM REPRESENTATIVE  
TEXAS HOUSE OF REPRESENTATIVES  
PO BOX 2910  
AUSTIN TX 78768-2910

POPE , SUE L  
DOWNWINDERS AT RISK  
476 HIDDEN VALLEY TRL  
MIDLOTHIAN TX 76065-9169

SMITH , BARRY  
805 AUSTIN TRCE  
MIDLOTHIAN TX 76065-7550

THOMAS , MR ANDREW T  
LAW OFFICE OF ANDREW T THOMAS  
1011 S BROADWAY ST STE 210  
CARROLLTON TX 75006-7261

UPHOFF , IRVIN A  
2532 ALDEN AVE  
DALLAS TX 75211-2713

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5528 VICTOR ST  
DALLAS TX 75214-5055