

Via facsimile: 512-239-3311

REVIEWED

MAY 23 2016

By hp

H

CHIEF CLERKS OFFICE

2016 MAY 23 AM 10:52

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

To: Bridget C. Bohac, Chief Clerk  
Texas Commission on Environmental Quality

From: Keith Hoster, 370 Chism trail, Gordon, TX 76453; Tel. 817-454-9874

Re: Protest & Request for Contested Case Hearing  
Permit No. 92565L004; Vulcan Construction Materials, LLC

NSR  
100166

Dear T.C.E.Q.:

Please accept this response to your April 18, 2016 letter regarding my protest and a request for a contested case hearing in the above-referenced permit matter.

I have previously filed a written protest in this matter, which is intended to be considered included with the comments herein.

I am told by Vulcan representatives that the intended placement of the rock crusher proposed by Vulcan is directly across the street from my residence. Both I and my wife are in our sixties. We have several young grandchildren that stay with us on a regular basis. However, even if Vulcan presents an argument that it will not place the crusher where I was told, placement within a mile of my residence would produce airborne transmission of contaminants and particulates which would negatively impact our health.

The operation of a rock crusher produces large amounts of particulates and contaminants emitted into the air through both the process of actually crushing the rock and, as crushed material is dumped from the crusher into the transport trucks. For the purposes of this protest the term dust shall mean "particulates and contaminants".

Clearly both I and my wife are in a category of persons to whom inhaling such dust would likely produce adverse effects. Certainly, children should not be exposed to such mater in the air. In short, there would clearly be an impact on each person inhaling such material and thus, a negative impact on the health of each adult and child.

As an example, the road in front of my residence is used daily by the 18-wheel trucks transporting crushed rock from Vulcan's existing plant, some two miles. That process results in my vehicles and property being covered in the dust emitted from the trucks. That movement of the particulates and contaminants would most certainly be greatly increased by placement of a crusher directly across from my residence.

Placement of the crusher within a close proximity to my residence would also negatively impact my personal property as well as the real property. The result of such placement would be my vehicles and residence covered in the dust produced in the process described above. Further, we cultivate a portion of our real property to produce food for human consumption which would be covered as well.

hp

I also have livestock located on my property. As such mammals breath as we do and would be exposed to the output of dust even longer each day than we would, there is little doubt that my animals would also be adversely affected resulting a in decline in health.

Per your correspondence of April 18, Vulcan has responded by asserting the following:

1. "There will be no changes to the currently permitted plant operations, emission controls, character of emissions, emission rates or previous representations would occur."
2. The outputs listed by Vulcan "are not expected to cause adverse health effects or exacerbate existing conditions."

Clearly there will and must be change to the currently permitted operations, character of emissions and emission rates if Vulcan is permitted to start another crusher operation. Vulcan's argument is specious in that if a single operation emits a certain amount of contaminants and particulates, addition of a second operation must double that output. Obviously if Vulcan is permitted to start another crusher operation, there will be double the amount of contaminants and particulates transmitted through the air, unless Vulcan is prepared to prove to this agency that there is a zero amount of contaminants, particulates and dust output from its operations.

Insofar as the self-serving assertion by Vulcan that there are no expected adverse health effects nor exacerbation of existing conditions, one must first note that Vulcan offers no authority for such a statement. Secondly, the word "expected" cannot by any reasonable means be held to show there will not be any adverse effects. What Vulcan "expects" is hardly a yardstick upon which to base the health of human beings and livestock. But of equal importance is Vulcan's assertion the output of the crusher will not "exacerbate existing conditions". Again, Vulcan to offer the basis and authority for such a statement as the entire position is one of assertions regarding health. In order to, by any stretch of the imagination, assert output from a crusher will not exacerbate existing conditions, Vulcan would have to be in possession of full health information of both myself and my wife as well as our grandchildren. And whatever the output might be, would increase the existing impact on our livestock and vegetation grown for human consumption. Clearly Vulcan is not qualified to make any health impact assertions and certainly, if it had any authoritative basis to make such health assertions, it would have included that information in its response. Both Vulcan's points 1 & 2 must be taken as self-serving and unsupported assertions.

In conclusion, the proposed permit for a rock crusher, if issued, would result in a negative impact to both human and animal health as well as damage to both personal and real property. Thus, T.C.E.Q. should deny the petition.

Respectfully,



Keith Hoster

310 WISSITT ST  
AUSTIN, TX 76453

**RECEIVED**

MAY 23 2016

TCEQ MAIL CENTER

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



TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2016 MAY 23 AM 10:52

CHIEF CLERKS OFFICE

787133087 8012



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Respectfully,

  
Keith Hoster

# FACSIMILE TRANSMISSION COVER SHEET

**TO: Office of the Chief Clerk  
Texas Commission on Environmental Quality**

**Facsimile No.: 1-512-239-3311**

**Date Transmitted: 05/18/16**

**From: Keith Hoster**

**There are 3 pages being transmitted including this cover sheet.**

**Hard copy will X will not      follow.**

### COMMENTS

Protest - Req. Contested Case Hearing  
Permit # 92565L004

HARD COPY MAILED

CHIEF CLERKS OFFICE

2016 MAY 18 PM 1:05

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

**Marisa Weber**

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**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, February 23, 2016 11:36 AM  
**To:** PUBCOMMENT-APD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number 92565L004

**From:** Keithhoster@gmail.com [mailto:Keithhoster@gmail.com]  
**Sent:** Tuesday, February 23, 2016 10:36 AM  
**To:** DoNot Reply <donotreply@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 92565L004

NSR  
100166

**REGULATED ENTY NAME** WEST TEXAS PORTABLE CRUSHER NO 3

**RN NUMBER:** RN105932172

**PERMIT NUMBER:** 92565L004

**DOCKET NUMBER:**

**COUNTY:** PARKER

**PRINCIPAL NAME:** VULCAN CONSTRUCTION MATERIALS LLC

**CN NUMBER:** CN600355465

**FROM**

**NAME:** Keith Hoster

**E-MAIL:** [Keithhoster@gmail.com](mailto:Keithhoster@gmail.com)

**COMPANY:**

**ADDRESS:** 370 CHISM TRL  
GORDON TX 76453-4848

**PHONE:** 8174549874

**FAX:**

**COMMENTS:** What is going on with this permit request? Is there another location being considered? I have not received any information concerning the size, capacity, run times, anything that should be included with a project this size.

MW

**Marisa Weber**

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**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, December 15, 2015 8:41 AM  
**To:** PUBCOMMENT-APD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number 92565L004

**From:** [keithhoster@gmail.com](mailto:keithhoster@gmail.com) [mailto:[keithhoster@gmail.com](mailto:keithhoster@gmail.com)]  
**Sent:** Monday, December 14, 2015 10:47 PM  
**To:** DoNot Reply  
**Subject:** Public comment on Permit Number 92565L004

*NSR  
100/10/14*

**REGULATED ENTY NAME** WEST TEXAS PORTABLE CRUSHER NO 3

**RN NUMBER:** RN105932172

**PERMIT NUMBER:** 92565L004

**DOCKET NUMBER:**

**COUNTY:** PARKER

**PRINCIPAL NAME:** VULCAN CONSTRUCTION MATERIALS LLC

**CN NUMBER:** CN600355465

**FROM**

**NAME:** Keith Hoster

**E-MAIL:** [keithhoster@gmail.com](mailto:keithhoster@gmail.com)

**COMPANY:**

**ADDRESS:** 370 CHISM TRL  
GORDON TX 76453-4848

**PHONE:** 8174549874

**FAX:**

**COMMENTS:** I live across the road from the proposed site of a new rock crusher. My family and I can not tolerate the dust and dirt a rock crusher would produce. I can not allow Vulcan to destroy the health of my family. No rock crusher. I could and will have a lot more to say when I find out more, after talking with government agencies for two weeks no one seems to know anything about this deal except that Vulcan wants to

*NSR*

**Marisa Weber**

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**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, December 17, 2015 12:26 PM  
**To:** PUBCOMMENT-APD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number 92565L004

H

**From:** [marc.hoster@gmail.com](mailto:marc.hoster@gmail.com) [<mailto:marc.hoster@gmail.com>]  
**Sent:** Thursday, December 17, 2015 9:59 AM  
**To:** DoNot Reply <[donotreply@tceq.texas.gov](mailto:donotreply@tceq.texas.gov)>  
**Subject:** Public comment on Permit Number 92565L004

*NSR  
100166*

**REGULATED ENTY NAME** WEST TEXAS PORTABLE CRUSHER NO 3

**RN NUMBER:** RN105932172

**PERMIT NUMBER:** 92565L004

**DOCKET NUMBER:**

**COUNTY:** PARKER

**PRINCIPAL NAME:** VULCAN CONSTRUCTION MATERIALS LLC

**CN NUMBER:** CN600355465

**FROM**

**NAME:** Marc K Hoster

**E-MAIL:** [marc.hoster@gmail.com](mailto:marc.hoster@gmail.com)

**COMPANY:**

**ADDRESS:** 4870 OLD BROCK RD  
WEATHERFORD TX 76087-6634

**PHONE:** 6824388517

**FAX:**

**COMMENTS:** I would like to formally request a public hearing be set for this matter... Vulcan a fortune 500 company has decided to move or add a rock crusher across the street from my home. the area is moderately rural and Vulcan has been in the area for a number of years but this does not justify them moving a rock crusher in even closer proximity of my home. Not only will it negatively impact the quality of my air but noise is a tremendous concern as well. The only reason to move or add another crusher is to bring the crusher closer to the

*my*

source in an effort to increase profits. corporate greed should not take precedence over resident health and happiness. They should continue crushing where they currently are. Please let me know when the public hearing is so that I can voice my position. Thank you for your assistance...