

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



Vic McWherter, *Public Interest Counsel*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 12, 2021

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

RE: **HOLCIM (US) INC.**
TCEQ DOCKET NO. 2021-0051-AIR

Dear Ms. Gharis:

Enclosed for filing is the Office of Public Interest Counsel's Response to Hearing Requests in the above-entitled matter.

TCEQ's offices in Austin are closed today because of inclement weather. Therefore, OPIC is unable to make hard copies of this document or serve it today by deposit in the U.S. Mail, or other methods expressly authorized by 30 TAC Section 1.11(c). However, the rule also provides that documents may be served "by such other manner" as the Commission in its discretion may direct.

OPIC is emailing this response to the persons listed on the attached mailing list and will deposit copies in the U.S. Mail when TCEQ offices reopen. In the event the General Counsel or Commission determines service has not been effected, OPIC would respectfully request that deadlines for the filing and service of responses and replies be extended under 30 TAC Section 10.3 or that Commission consideration of the hearing requests in this matter be continued to a future agenda.

Sincerely,

A handwritten signature in black ink, appearing to read "Garrett Arthur", written over a horizontal line.

Garrett Arthur
OPIC Senior Attorney

cc: Mailing List

DOCKET NO. 2021-0051-AIR

**HOLCIM TEXAS
AIR QUALITY PERMIT
8996, PSDTX454M5**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**OFFICE OF PUBLIC INTEREST COUNSEL'S
RESPONSE TO HEARING REQUESTS**

To the Members of the Texas Commission on Environmental Quality:

The Office of Public Interest Counsel (OPIC) at the Texas Commission on Environmental Quality (TCEQ) files this response to the hearing requests in the above-captioned matter.

I. Summary of Position

For the reasons stated herein, OPIC respectfully recommends the Commission grant the hearing requests from Josh Abelson, Tawnya Clardy, Downwinders at Risk Education Fund (DREF), Laura Hunt, Sarah Ingram, Melissa Koehler, Midlothian Breathe, Jeff Millet, Abigail Slye, Valerie Valliereboyd, and Jean Vogler. OPIC further recommends the relevant and material issues specified in Section IV.B be referred to the State Office of Administrative Hearings (SOAH) for a contested case hearing.

II. Background

On June 3, 2019, Holcim US Inc. (Holcim or Applicant) applied to TCEQ to amend Air Quality Permit 8996 and PSDTX454M5. Applicant is proposing to modify the Holcim Texas Portland Cement Plant located at 1800 Dove Lane in

Midlothian, Ellis County. Holcim emits carbon monoxide (CO), sulfuric acid, hazardous air pollutants, nitrogen oxides, volatile organic compounds, lead, hydrogen sulfide, sulfur dioxide, and particulate matter (PM) including particulate matter with diameters of 10 microns or less (PM₁₀) and 2.5 microns or less (PM_{2.5}). Under the amended permit, Holcim would be allowed to emit PM at 781.58 tons per year (tpy), PM₁₀ at 756.61 tpy, PM_{2.5} at 617.66 tpy, and CO at 7,197.06 tpy. The proposed amendment would allow Holcim to increase CO emissions by 4,260 tpy and PM emissions by about 200 tpy. Holcim also seeks to completely replace coal with petroleum coke to fuel Kiln 2.

The application was declared administratively complete on June 13, 2019. The first newspaper notice was published in English on June 27, 2019 in the *Midlothian Mirror*, and in Spanish on July 10 and 24, 2019 in *La Prensa Cominidad*. The second newspaper notice was published in Spanish on August 11, 2020 in *La Prensa Cominidad*, and in English on August 16, 2020 in the *Midlothian Mirror*. On August 27, 2020, TCEQ conducted a virtual public meeting, and the public comment period closed September 15, 2020. The Executive Director's (ED) Response to Comments (RTC) was mailed October 28, 2020, and the deadline to submit contested case hearing requests was November 30, 2020.

TCEQ received hearing requests from: Josh Abelson, Susan Alford, Theresa Branum, Monte Carroll, Tawnya Clardy, Erica Condori, Jeralynn Cox, Amy Cuffin, DREF, Nikki Fannin, Candice Hale, Michael Hart, Laura Hunt, Sarah Ingram, Marsha Kiss, Melissa Koehler, Kristina Leos, James Majors,

Lynda Martinez, Ashley McClellan, Midlothian Breathe, Jeff Millet, Michelle Mitchell, Sergio Montalvo, Katherine Montgomery, John Opolka, Kimberly Palmer, David Parsons, Cheryl Powers, Jeff Provost, Shae Ray, Abigail Slye, Catherine Smith, Valerie Valliereboyd, and Jean Vogler.

III. Applicable Law

This application was filed on or after September 1, 2015, and is therefore subject to Senate Bill 709, Tex. S.B. 709, 84th Leg., R.S. (2015) (SB 709). For SB 709 applications, Texas Water Code Section 5.115(a-1)(2)(B) provides the Commission may not find that a hearing requestor is an affected person unless the hearing requestor timely submitted comments on the application. Texas Government Code Section 2003.047(e-1) further provides that each issue referred by the Commission must have been raised by an affected person in a timely comment filed by that affected person. The Commission's Chapter 55 rules implement these statutory requirements and other provisions of SB 709.

Under Title 30, Texas Administrative Code (TAC) § 55.201(c), a hearing request by an affected person must be in writing, must be timely filed, may not be based on an issue raised solely in a public comment which has been withdrawn, and, for applications filed on or after September 1, 2015, must be based only on the affected person's timely comments.

Section 55.201(d) states that a hearing request must substantially comply with the following:

- (1) give the name, address, daytime telephone number, and, where possible, fax number of the person who files the request;

- (2) identify the person's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public;
- (3) request a contested case hearing;
- (4) for applications filed on or after September 1, 2015, list all relevant and material disputed issues of fact that were raised by the requestor during the public comment period and that are the basis of the hearing request. To facilitate the Commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the ED's responses to the requestor's comments that the requestor disputes, the factual basis of the dispute, and list any disputed issues of law; and
- (5) provide any other information specified in the public notice of application.

Under 30 TAC § 55.203(a), 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. An interest common to members of the general public does not qualify as a personal justiciable interest. Section 55.203(c) provides relevant factors to be considered in determining whether a person is affected. These factors include:

- (1) whether the interest claimed is one protected by the law under which the application will be considered;
- (2) distance restrictions or other limitations imposed by law on the affected interest;
- (3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
- (4) likely impact of the regulated activity on the health, safety, and use of property of the person;

- (5) likely impact of the regulated activity on use of the impacted natural resource by the person;
- (6) for a hearing request on an application filed on or after September 1, 2015, whether the requestor timely submitted comments on the application that were not withdrawn; and
- (7) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

Under § 55.203(d), to determine whether a person is an affected person for the purpose of granting a hearing request for an application filed on or after September 1, 2015, the Commission may also consider the following:

- (1) the merits of the underlying application and supporting documentation in the administrative record, including whether the application meets the requirements for permit issuance;
- (2) the analysis and opinions of the ED; and
- (3) any other expert reports, affidavits, opinions, or data submitted by the ED, the applicant, or hearing requestor.

For applications filed on or after September 1, 2015, § 55.205(b) states that a hearing request by a group or association may not be granted unless all of the following requirements are met:

- (1) comments on the application are timely submitted by the group or association;
- (2) the request identifies, by name and physical address, one or more members of the group or association that would otherwise have standing to request a hearing in their own right;
- (3) the interests the group or association seeks to protect are germane to the organization's purpose; and
- (4) neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

For an application filed on or after September 1, 2015, § 55.211(c)(2)(A)(ii) provides that a hearing request made by an affected person shall be granted if the request raises disputed issues of fact that were raised by the affected person during the comment period, that were not withdrawn by filing a withdrawal letter with the Chief Clerk prior to the filing of the ED's RTC, and that are relevant and material to the Commission's decision on the application. Under § 55.211(c)(2)(B)-(D), the hearing request, to be granted, must also be timely filed with the Chief Clerk, pursuant to a right to hearing authorized by law, and comply with the requirements of § 55.201.

IV. Analysis of Hearing Requests

Before we offer our analysis of the hearing requestors, OPIC would like to note that there are no distance restrictions imposed by law on whom may be considered an affected person in this matter. As a Prevention of Significant Deterioration (PSD) site, the Holcim Midlothian plant is a significant source of air emissions, and among the air quality authorizations issued by TCEQ, PSD permits are reserved for the largest emitters of criteria pollutants. The emission of air contaminants at PSD levels warrants the consideration of potential affected person status at further distances from the facility.

A. Whether the requestors are affected persons

Tawnya Clardy

Tawnya Clardy timely submitted comments and a hearing request and is concerned about air pollution. According to a map prepared by ED staff, Ms. Clardy resides 1.51 miles from the facility. Her relative proximity to the facility, when combined with the volume of emissions and her concern regarding air pollution gives Ms. Clardy a personal justiciable interest in this matter. Her proximity also shows that she could be impacted in a manner not common to the general public and distinguishes her personal justiciable interest from an interest common to the general public. Further, the 30 TAC § 55.203 affected person determination factors indicate that Ms. Clardy qualifies as an affected person. First, the concern about air pollution is an interest protected by the law under which this application is being considered. Second, a reasonable relationship exists between that interest and the regulation of air contaminants. Finally, her proximity to the facility increases the likelihood of impacts to her health, safety, and use of property. OPIC finds that Tawnya Clardy qualifies as an affected person in this matter.

Laura Hunt

Laura Hunt timely submitted multiple comments and hearing requests, and she is concerned about health effects, interference with use and enjoyment of property, air quality, compliance history, and emissions. According to the ED's map, Ms. Hunt resides 1.82 miles from the facility. Her relative proximity

to the facility, when combined with the volume of emissions and her concerns regarding health effects, interference with use and enjoyment of property, air quality, compliance history, and emissions, gives Ms. Hunt a personal justiciable interest in this matter. Her proximity also shows that she could be impacted in a manner not common to the general public and distinguishes her personal justiciable interest from an interest common to the general public. Further, the 30 TAC § 55.203 affected person determination factors indicate that Ms. Hunt qualifies as an affected person. First, the concerns about health effects, interference with use and enjoyment of property, air quality, compliance history, and emissions are interests protected by the law under which this application is being considered. Second, a reasonable relationship exists between those interests and the regulation of air contaminants. Finally, her proximity to the facility increases the likelihood of impacts to her health, safety, and use of property. OPIC finds that Laura Hunt qualifies as an affected person in this matter.

Midlothian Breathe

Laura Hunt also timely submitted comments and a hearing request on behalf of Midlothian Breathe. The Midlothian Breathe group is concerned about health effects, interference with use and enjoyment of property, air quality, compliance history, and emissions. To be an affected person, Midlothian Breathe must identify, by name and physical address, one or more members of

the group who would have standing to request a hearing in their own right.¹ Midlothian Breathe has identified Laura Hunt, and for the reasons stated above, OPIC finds that Laura Hunt qualifies as an affected person.

Midlothian Breathe has satisfied the first two requirements for group standing by timely submitting comments and identifying a member who would otherwise have standing to request a hearing in her own right.² Because the interests Midlothian Breathe seeks to protect are germane to its purpose, and neither the claim asserted nor the relief requested requires the participation of individual members, Midlothian Breathe has also satisfied the last two requirements for group standing.³ Midlothian Breathe has met all four requirements for group standing in this matter and therefore qualifies as an affected person.

Melissa Koehler

Melissa Koehler timely submitted comments and a hearing request and is concerned about air pollution and health effects. According to the ED's map, Ms. Koehler resides 2.76 miles from the facility. Her relative proximity to the facility, when combined with the volume of emissions and her concerns regarding air pollution and health effects, gives Ms. Koehler a personal justiciable interest in this matter. Her proximity also shows that she could be impacted in a manner not common to the general public and distinguishes her

¹ 30 TAC § 55.205(b)(2).

² 30 TAC § 55.205(b).

³ *Id.*

personal justiciable interest from an interest common to the general public. Further, the 30 TAC § 55.203 affected person determination factors indicate that Ms. Koehler qualifies as an affected person. First, the concerns about air pollution and health effects are interests protected by the law under which this application is being considered. Second, a reasonable relationship exists between those interests and the regulation of air contaminants. Finally, her proximity to the facility increases the likelihood of impacts to her health, safety, and use of property. OPIC finds that Melissa Koehler qualifies as an affected person in this matter.

Jeff Millet

Jeff Millet timely submitted comments and a hearing request and is concerned about emissions and air quality. According to the ED's map, Mr. Millet resides 4.01 miles from the facility. His relative proximity to the facility, when combined with the volume of emissions and his concerns regarding emissions and air quality, gives Mr. Millet a personal justiciable interest in this matter. His proximity also shows that he could be impacted in a manner not common to the general public and distinguishes his personal justiciable interest from an interest common to the general public. Further, the 30 TAC § 55.203 affected person determination factors indicate that Mr. Millet qualifies as an affected person. First, the concerns about emissions and air quality are interests protected by the law under which this application is being considered. Second, a reasonable relationship exists between those interests and the

regulation of air contaminants. Finally, his proximity to the facility increases the likelihood of impacts to his health, safety, and use of property. OPIC finds that Jeff Millet qualifies as an affected person in this matter.

Downwinders at Risk Education Fund

Jim Schermbeck timely submitted comments and hearing requests on behalf of the Downwinders at Risk Education Fund. DREF is concerned about health effects, air pollution, and emissions. To be an affected person, DREF must identify, by name and physical address, one or more members of the group who would have standing to request a hearing in their own right.⁴ DREF has identified Sue Pope.

According to the ED's map, Sue Pope resides 3.46 miles from the facility. DREF states that Ms. Pope is already in poor health because of past Holcim practices. Ms. Pope's proximity to the proposed facility, when combined with her concern regarding health effects, would give her a personal justiciable interest in this matter. Her proximity also shows that she could be impacted in a manner not common to the general public and distinguishes her personal justiciable interest from an interest common to the general public. Further, the 30 TAC § 55.203 affected person determination factors indicate that Ms. Pope would qualify as an affected person. First, her concern about health effects is an interest protected by the law under which this application is being considered. Second, a reasonable relationship exists between that interest and

⁴ 30 TAC § 55.205(b)(2).

the regulation of air contaminants. Finally, the proximity of Ms. Pope to the facility increases the likelihood of impacts to her health, safety, and use of property. OPIC finds that DREF member Sue Pope would qualify as an affected person in this matter.

DREF has satisfied the first two requirements for group standing by timely submitting comments and identifying a member who would otherwise have standing to request a hearing in her own right.⁵ Because the interests DREF seeks to protect are germane to its purpose and neither the claim asserted nor the relief requested requires the participation of individual members, DREF has also satisfied the last two requirements for group standing.⁶ The Downwinders at Risk Education Fund has met all four requirements for group standing in this matter and therefore qualifies as an affected person.

Abigail Slye

Abigail Slye timely submitted comments and a hearing request. She is concerned about emissions, health effects, and air quality. According to the ED's map, Ms. Slye resides 2.74 miles from the facility. Her relative proximity to the facility, when combined with the volume of emissions and her concerns regarding emissions, health effects, and air quality, gives Ms. Slye a personal justiciable interest in this matter. Her proximity also shows that she could be impacted in a manner not common to the general public and distinguishes her

⁵ 30 TAC § 55.205(b).

⁶ *Id.*

personal justiciable interest from an interest common to the general public. Further, the 30 TAC § 55.203 affected person determination factors indicate that Ms. Slye qualifies as an affected person. First, the concerns about emissions, health effects, and air quality are interests protected by the law under which this application is being considered. Second, a reasonable relationship exists between those interests and the regulation of air contaminants. Finally, her proximity to the facility increases the likelihood of impacts to her health, safety, and use of property. OPIC finds that Abigail Slye qualifies as an affected person in this matter.

Valerie Valliereboyd

Valerie Valliereboyd timely submitted comments and a hearing request and is concerned about health effects and air pollution. According to the ED's map, Ms. Valliereboyd resides 4.56 miles from the facility. Her relative proximity to the facility, when combined with the volume of emissions and her concerns regarding health effects and air pollution, gives Ms. Valliereboyd a personal justiciable interest in this matter. Her proximity also shows that she could be impacted in a manner not common to the general public and distinguishes her personal justiciable interest from an interest common to the general public. Further, the 30 TAC § 55.203 affected person determination factors indicate that Ms. Valliereboyd qualifies as an affected person. First, the concerns about health effects and air pollution are interests protected by the law under which this application is being considered. Second, a reasonable

relationship exists between those interests and the regulation of air contaminants. Finally, her proximity to the facility increases the likelihood of impacts to her health, safety, and use of property. OPIC finds that Valerie Valliereboyd qualifies as an affected person in this matter.

Form Letter Hearing Requestors Within 5 miles - Josh Abelson, Sarah Ingram, Jean Vogler

Josh Abelson, Sarah Ingram, and Jean Vogler all used a similar form letter to timely submit their individual comments and hearing requests. As stated in the form letter, these requestors are concerned about emissions, air quality, and health effects.

According to the ED's map, Josh Abelson, Sarah Ingram, and Jean Vogler reside 3.96 miles, 1.21 miles, and 4.21 miles respectively from the facility. Their relative proximity to the facility, when combined with the volume of emissions and their concerns regarding emissions, air quality, and health effects, gives them each a personal justiciable interest in this matter. Their proximity also shows that they could be impacted in a manner not common to the general public and distinguishes each personal justiciable interest from an interest common to the general public. Further, the § 55.203 affected person determination factors indicate that these requestors qualify as affected persons. First, the concerns about emissions, air quality, and health effects are interests protected by the law under which this application is being considered. Second, a reasonable relationship exists between those interests and the regulation of air contaminants. Finally, their proximity to the facility increases

the likelihood of impacts to their health, safety, and use of property. OPIC finds that Josh Abelson, Sarah Ingram, and Jean Vogler qualify as affected persons in this matter.

Form Letter Hearing Requestors Beyond 20 miles - Michelle Mitchell, David Parsons

Michelle Mitchell and David Parsons used a similar form letter to timely submit their individual comments and hearing requests. As stated in the form letter, these requestors are concerned about emissions, air quality, and health effects.

According to the ED's map, Michelle Mitchell resides 25.69 miles from the facility, and David Parsons resides 24.59 miles from the facility. At over 20 miles from the facility, Ms. Mitchell and Mr. Parsons lack the proximity necessary to establish a personal justiciable interest which is distinct from interests common to the general public. Without a personal justiciable interest, a hearing requestor cannot qualify as an affected person. Further, the intervening distance diminishes any likelihood that the regulated activity will impact their health, safety, or use of property. Therefore, OPIC finds that Michelle Mitchell and David Parsons do not qualify as affected persons.

Jeralynn Cox

Jeralynn Cox timely submitted comments and a hearing request and is concerned about air quality, health effects, emissions, and property value. According to the ED's map, Ms. Cox resides 27.64 miles from the facility. At

over 25 miles from the facility, Ms. Cox lacks the proximity necessary to establish a personal justiciable interest which is distinct from interests common to the general public. Without a personal justiciable interest, a hearing requestor cannot qualify as an affected person. Further, the intervening distance diminishes any likelihood that the regulated activity will impact her health, safety, or use of property. Therefore, OPIC finds that Jeralynn Cox does not qualify as an affected person.

Susan Alford, Theresa Branum, Monte Carroll, Erica Condori, Amy Cuffin, Nikki Fannin, Candice Hale, Michael Hart, Marsha Kiss, Kristina Leos, James Majors, Lynda Martinez, Ashley McClellan, Sergio Montalvo, Katherine Montgomery, John Opolka, Kimberly Palmer, Cheryl Powers, Jeff Provost, Shae Ray, Catherine Smith

These requestors all submitted timely hearing requests. However, the requestors failed to state a personal justiciable interest. Under 30 TAC § 55.201(d), a hearing request must identify the requestor's personal justiciable interest affected by the application, including a specific statement explaining the requestor's location and distance relative to the facility and how and why the requestor believes he or she will be adversely affected by the facility in a manner not common to members of the general public. The hearing requests listed here are general requests only and lack the required specific information to determine whether the requestor has a personal justiciable interest. All of these requests fail to comply with the requirements of § 55.201, and therefore, OPIC must find that none of these requestors can qualify as affected persons.

B. Which issues raised in the hearing requests are disputed

The following issues were raised in hearing requests and are disputed.

The requestors who raised the issue are noted in parentheses.

- Whether the plant and the amended permit will be protective of air quality and public health. (Josh Abelson, Tawnya Clardy, DREF, Laura Hunt, Sarah Ingram, Melissa Koehler, Midlothian Breathe, Jeff Millet, Abigail Slye, Valerie Valliereboyd, Jean Vogler)
- Whether the plant will adversely impact the environment, plants, and animals. (Jean Vogler)
- Whether the plant will cause or contribute to climate change, smog, or acid rain. (Josh Abelson, Laura Hunt, Sarah Ingram, Jeff Millet, Abigail Slye, Jean Vogler)
- Whether the plant will affect DFW's nonattainment status. (Abigail Slye)
- Whether the Applicant chose and the TCEQ accepted appropriate meteorological data for the air quality modeling. (Laura Hunt)
- Whether the ambient air monitoring, including the use of continuous emission monitoring systems (CEMS), around the plant is sufficient. (Laura Hunt, Abigail Slye)
- Whether the application and amended permit include adequate enforceability and monitoring. (Abigail Slye)
- Whether the plant will cause or contribute to nuisance dust conditions. (Abigail Slye)
- Whether the amended permit requires adequate stack testing. (Laura Hunt, Abigail Slye)
- Whether the plant's carbon monoxide (CO) emissions will be appropriately controlled. (Abigail Slye)
- Whether the TCEQ's review of the application was proper. (Laura Hunt, Abigail Slye)
- Whether the amended permit's emission rates reflect the Best Available Control Technology (BACT). (Laura Hunt)

- Whether emission rates were properly calculated. (Laura Hunt)
- Whether Prevention of Significant Deterioration (PSD) applicability was properly determined, including Applicant’s use of a “could have accommodated” analysis. (Laura Hunt)
- Whether Applicant’s compliance history and the plant’s compliance history have been appropriately considered. (Josh Abelson)

C. Whether the dispute involves questions of fact or of law

All of the issues involve questions of fact.

D. Whether the issues were raised during the public comment period

The issues listed above in Section IV.B were all raised during the public comment period.

E. Whether the hearing requests are based on issues raised solely in public comments which have been withdrawn

None of the hearing requests are based on issues raised solely in public comments which have been withdrawn.

F. Whether the issues are relevant and material to the decision on the application

All of the issues listed above in Section IV.B are relevant and material to the Commission’s decision under the Texas Clean Air Act (Texas Health and Safety Code, Chapter 382) and the TCEQ Rules (Texas Administrative Code, Title 30, Part 1), including Chapters 60, 101, and 116.

G. Maximum expected duration for the contested case hearing

Commission rule 30 TAC § 50.115(d) requires that any Commission order referring a case to SOAH specify the maximum expected duration of the hearing by stating a date by which the judge is expected to issue a proposal for decision. The rule further provides that, for applications filed on or after September 1, 2015, the administrative law judge must conclude the hearing and provide a proposal for decision by the 180th day after the first day of the preliminary hearing, or a date specified by the Commission, whichever is earlier.⁷ To assist the Commission in setting a date by which the judge is expected to issue a proposal for decision, and as required by 30 TAC § 55.209(e)(7), OPIC estimates that the maximum expected duration of a hearing on this application would be 180 days from the first day of the preliminary hearing until the proposal for decision is issued.

V. Conclusion

OPIC respectfully recommends the Commission find that Josh Abelson, Tawnya Clardy, Downwinders at Risk Education Fund, Laura Hunt, Sarah Ingram, Melissa Koehler, Midlothian Breathe, Jeff Millet, Abigail Slye, Valerie Valliereboyd, and Jean Vogler are affected persons and grant their hearing requests. OPIC further recommends the Commission refer the relevant and material issues listed in Section IV.B for a contested case hearing at SOAH with

⁷ 30 TAC § 50.115(d)(2).

a maximum duration of 180 days. Finally, OPIC recommends the Commission deny the remaining hearing requests.

Respectfully submitted,


Vic McWherter
Public Interest Counsel

By 

Garrett T. Arthur
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CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2021, the Office of Public Interest Counsel's Response to Hearing Requests was filed with the Chief Clerk of the TCEQ, and a copy was served to all parties on the attached mailing list via electronic mail. Additionally, copies will be served by U.S. Mail next week when TCEQ offices reopen.



Garrett T. Arthur

**MAILING LIST
HOLCIM (US) INC.
TCEQ DOCKET NO. 2021-0051-AIR**

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**FOR ALTERNATIVE DISPUTE
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