

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 29, 2010

TO: Persons on the attached mailing list.

RE: Genan, Inc.
Tire Registration No. 6200673

This letter is your notice that the Texas Commission on Environmental Quality (TCEQ) executive director (ED) has issued final approval of the above-named application. According to 30 Texas Administrative Code (TAC) Section 50.135 the approval became effective on October 28, 2010, the date the ED signed the permit or other approval unless otherwise specified in the permit or other approval.

You may file a **motion to overturn** with the chief clerk. A motion to overturn is a request for the commission to review the TCEQ ED's approval of the application. Any motion must explain why the commission should review the TCEQ executive director's action. According to 30 TAC Section 50.139 an action by the ED is not affected by a motion to overturn filed under this section unless expressly ordered by the commission.

A motion to overturn must be received by the chief clerk within 23 days after the date of this letter. An original and 7 copies of a motion must be filed with the chief clerk in person, or by mail to the chief clerk's address on the attached mailing list. On the same day the motion is transmitted to the chief clerk, please provide copies to the applicant, the ED's attorney, and the Public Interest Counsel at the addresses listed on the attached mailing list. If a motion to overturn is not acted on by the commission within 45 days after the date of this letter, then the motion shall be deemed overruled.

You may also request **judicial review** of the ED's approval. According to Texas Water Code Section 5.351 a person affected by the ED's approval must file a petition appealing the ED's approval in Travis County district court within 30 days after the effective date of the approval. Even if you request judicial review, you still must exhaust your administrative remedies, which includes filing a motion to overturn in accordance with the previous paragraphs.

Individual members of the public may seek further information by calling the TCEQ Office of Public Assistance, toll free, at 1-800-687-4040.

Sincerely,

A handwritten signature in black ink, appearing to read "Lalonna Castañuela".

Lalonna Castañuela
Chief Clerk

LDC/lg

MAILING LIST
FOR
Genan, Inc.
Tire Registration No. 6200673

FOR THE APPLICANT:

Butch Battreall
Genan, Inc.
4630 North McCarty
Houston, Texas 77013

PROTESTANTS/INTERESTED PERSONS:

See list attached.

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

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

Cynthia Hackathorn, Technical Staff
Texas Commission on Environmental Quality
Scrap Tire Division MC R-4
2309 Gravel Drive
Fort Worth, Texas 76118-6951

FOR OFFICE OF PUBLIC ASSISTANCE
via electronic mail:

Bridget Bohac, Director
Texas Commission on Environmental Quality
Office of Public Assistance MC 108
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL
via electronic mail:

Blas J. Coy, Jr., 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:

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

MR. RAFFI ATTAR
23501 CINCO RANCH BLVD
STE. B225
KATY TX 77494

MS. CONNIE RUSSELL
17940 HWY 90
HOUSTON TX 77049

MS. MARISA PERALES
LOWERRE FREDERICK PERALES
ALLMON & ROCKWELL
ATTORNEYS AT LAW
707 RIO GRANDE STE 200
AUSTIN TX 78701

MR. RENE SANCHEZ JR
11026 VANILLA CIRCLE
HOUSTON TX 77044

THE HONORABLE ED EMMET JUDGE
HARRIS COUNTY
1001 PRESTON STE 911
HOUSTON TX 77002

MICHAEL R SCHAFER ENVIRONMENTAL
PUBLIC HEALTH
HCPHES
101 S RICHEY STE G
PASADENA TX 77396

PHILLIP R ROGERS
CAPTIAN PREVENTION/INSPECTION
HARRIS COUNTY FIRE
MARSHAL'S OFFICE
2318 ATASCOCITA RD
HUMBLE TX 77396

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 28, 2010

Mr. Butch Battreall
Genan, Inc.
4630 N. McCarty
Houston, TX 77013

Re: Scrap Tire Management Registration Approval for:
Genan, Inc., 18038 Beaumont Highway, Houston, Harris County, Texas
TCEQ Registration ID Number 6200673

Dear Mr. Battreall:

The Texas Commission on Environmental Quality (TCEQ) has completed the review of your Scrap Tire Facility Processor, Storage Site, and Transporter Registration Application. The application and supporting documentation were determined to meet all registration requirements and have been approved for registration. Your Registration Identification Number is 6200673, which should be used on all correspondence and documentation related to this registration. This registration authorizes you to **transport, process, and store** whole used or scrap tires and tire pieces as specified in your site operating plan. This registration will expire on **October 28, 2015**. An application for renewal should be filed with the executive director no later than 60 days prior to the expiration date of the registration.

As part of the facility's registration application requirements, a written estimate certified by a registered professional engineer for the cost of hiring a third party to close the facility was provided for review. Based on a review of this information, the closure cost estimate was calculated for maximum on-site storage of **309,120 whole used or scrap tires (or weight equivalent in tire pieces or any combination thereof)**. It was also noted that appropriate financial assurance has been provided in accordance with 30 Texas Administrative Code, Chapter 37, Subchapter M.

Please be aware that the manner in which used or scrap tires or tire pieces are stored should not create a hazard to the health and safety of the public or the environment. If the operating conditions of your site change, or if the approved site-layout plan does not reflect current operations or site capacity calculations, please contact the TCEQ for guidance on amending your registration. A copy of the rules for the management of used or scrap tires can be obtained on our public web site located at www.tceq.state.tx.us.

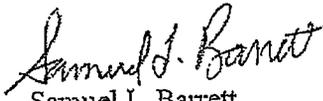
REPLY TO: REGION 4-DALLAS/FORT WORTH • 2309 GRAVEL DR. • FORT WORTH, TEXAS 76118-6951 • 817-588-5800 • FAX 817-588-5700

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • Internet address: www.tceq.state.tx.us

Mr. Butch Battreall
Genan, Inc.
October 28, 2010
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By registering you have agreed to become familiar with and to comply with the rules governing scrap tire management. Failure to comply could result in revocation of your registration. If you have questions regarding registration requirements, please contact Ms. Cynthia Hackathorn, Scrap Tire Management Registration Coordinator, at 817-588-5817.

Sincerely,


Samuel L. Barrett
Waste Section Manager
DFW Region Office

SLB/cah

cc: The Honorable Ed Emmett, Harris County Judge, 1001 Preston, Suite 911, Houston, TX 77002
Mr. Michael R. Schaffer, Director, Environmental Public Health, HCPHES, 101 S. Richey, Suite G, Pasadena, TX 77506
Mr. Phillip R. Rogers, Captain Prevention/Inspections, Harris County Fire Marshall's Office, 2318 Atascocita Rd., Humble, TX 77396