Kathleen Hartnett White, *Chairman*
Larry R. Soward, *Commissioner*
Martin A. Hubert, *Commissioner*
Glenn Shankle, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 7, 2006

TO: Persons on the attached mailing list.

RE: Lonestar Prestress MFG, Inc.
Permit No. 76688L001

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.** Unless a timely request for contested case hearing or reconsideration is received (see below), the TCEQ executive director will act on the application and issue the permit.

Enclosed with this letter is a copy of the Executive Director's Amended 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 Environmental Services City Service Center, 1675 S. E. John Jones, Burleson, 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.

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 in writing and must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date of this letter: You should submit your request to the following address:

LaDonna Castañuela, 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 Office of Public Assistance, Toll Free, at 1-800-687-4040.

Sincerely,

LaDonna Castañuela

LaDonna Castañuela
Chief Clerk

LDC/ec

Enclosures

MAILING LIST
for
Lonestar Prestress MFG, Inc.
Permit No. 76688L001

FOR THE APPLICANT:

Chris B. Pepper, Attorney at Law
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Brad B. Boyer, President
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Texas Commission on Environmental Quality
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FOR OFFICE OF PUBLIC ASSISTANCE:

Jodena Henneke, Director
Texas Commission on Environmental Quality
Office of Public Assistance MC-108
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FOR PUBLIC INTEREST COUNSEL:

Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Public Interest Counsel MC-103
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Austin, Texas 78711-3087

FOR THE CHIEF CLERK:

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

INTERESTED PERSONS:

See attached list.

RICHARD A ASHBY
REID ESTATES CIVIC CLUB
8910 ELSIE LN
HOUSTON TX 77064-7704

RITA J ASHBY
8910 ELSIE LN
HOUSTON TX 77064-7704

KEN BENGLE
9019 PRAIRIE DR
HOUSTON TX 77064-7809

ANNISA BLANCHARD
9008 ELSIE LN
HOUSTON TX 77064-7706

PAUL BLANCHARD
9008 ELSIE LN
HOUSTON TX 77064-7706

ANN BONEFAS
9301 KAY LN
HOUSTON TX 77064-7711

MAURICE BONEFAS
9301 KAY LN
HOUSTON TX 77064-7711

HANS BOONE
9510 WINDFERN RD
HOUSTON TX 77064-7740

ZOE BRADSTREET
9102B PRAIRIE DR
HOUSTON TX 77064-7812

OCTAVIO CABRERA
9334 KAY LN
HOUSTON TX 77064-7712

MARICELA CANO
9327 KAY LN
HOUSTON TX 77064-7711

MARY W CARTER
BLACKBURN CARTER PC
4709 AUSTIN ST
HOUSTON TX 77004-5004

DOLORES CASTILLO
9319 KAY LN
HOUSTON TX 77064-7711

HENRY CASTILLO
9319 KAY LN
HOUSTON TX 77064-7711

GLADYS CHALOUPKA
9006 ELSIE LN
HOUSTON TX 77064-7706

JOHNNIE CHALOUPKA
9006 ELSIE LN
HOUSTON TX 77064-7706

GILBERT CHARROS
9418 WINDFERN RD
HOUSTON TX 77064-7751

SUKUDEV CHEEMA
9202 PRAIRIE DR
HOUSTON TX 77064-7814

DORIS CHESSER
8902 PRAIRIE DR
HOUSTON TX 77064-7808

JAMES CHESSER
8902 PRAIRIE DR
HOUSTON TX 77064-7808

DONALD L CHRISTIAN
8902 ELSIE LN
HOUSTON TX 77064-7704

JUDY A CHRISTIAN
8902 ELSIE LN
HOUSTON TX 77064-7704

ZSUZSANNA COHEN
9302 REID LAKE DR
HOUSTON TX 77064-7750

CONCERNED CITIZEN
9202 PRAIRIE DR
HOUSTON TX 77064-7814

JAY CONLIN
9211 REID LAKE DR
HOUSTON TX 77064-7739

MARY L CRAFT
9303 KAY LN
HOUSTON TX 77064-7711

DENNIS CULBERSON
8902 1/2 PRAIRIE DR
HOUSTON TX 77064-7808

MATTHEW S CULBERSON
#1
8902 1/2 PRAIRIE DR
HOUSTON TX 77064-7808

SHARMON DEAS
9011 PRAIRIE DR
HOUSTON TX 77064-7809

WILLIAM DEAS
9011 PRAIRIE DR
HOUSTON TX 77064-7809

PEDRO DELEON
8912 PRAIRIE DR
HOUSTON TX 77064-7808

GLENDA DEVEAU
9300 KAY LN
HOUSTON TX 77064-7712

JIM DEVEAU
9300 KAY LN
HOUSTON TX 77064-7712

RAJINDER DHILLON
9202 PRAIRIE DR
HOUSTON TX 77064-7814

STEVE DONN
9008 ELSIE LN
HOUSTON TX 77064-7706

ROBERT ELLIOTT
9102 PRAIRIE DR
HOUSTON TX 77064-7812

BARBARA FARLEY
9230 WINDFERN RD
HOUSTON TX 77064-7743

DENNIS FARLEY
9230 WINDFERN RD
HOUSTON TX 77064-7743

GLEN J FORNERETTE
9300 REID LAKE DR
HOUSTON TX 77064-7750

FLORE GARZA
8918 ELSIE LN
HOUSTON TX 77064-7704

PABLO GARZA
8918 ELSIE LN
HOUSTON TX 77064-7704

M ELENA GOMEZ
#3
9334 KAY LN
HOUSTON TX 77064-7712

ROD JACKSON
8914 PRAIRIE DR
HOUSTON TX 77064-7808

ANGEL JUAREZ
9019 ELSIE LN
HOUSTON TX 77064-7705

MELBA LA MOUNTAIN
#4
9014 PRAIRIE DR
HOUSTON TX 77064-7810

ALYSSA LENGYEL
9112 PRAIRIE DR
HOUSTON TX 77064-7812

MIRECA LENGYEL
9112 PRAIRIE DR
HOUSTON TX 77064-7812

PATRICIA LENGYEL
9112 PRAIRIE DR
HOUSTON TX 77064-7812

W RAY LILLY
8814 ELSIE LN
HOUSTON TX 77064-7702

JOHNNY T LOTT
9323 REID LN
HOUSTON TX 77064

BILLIE JO MALONE
9009 ELSIE LN
HOUSTON TX 77064-7705

GERALD MALONE
9009 ELSIE LN
HOUSTON TX 77064-7705

JEANETTE MALONE
9003 ELSIE LN
HOUSTON TX 77064-7705

MICHAEL MALONE
9009 ELSIE LN
HOUSTON TX 77064-7705

TOMMY MALONE
9003 ELSIE LN
HOUSTON TX 77064-7705

KEN MATTHEWS
9002 PRAIRIE DR
HOUSTON TX 77064-7810

J MEYER
9115 PRAIRIE DR
HOUSTON TX 77064-7811

ANGELINA MIRELES
9113 ELSIE LN
HOUSTON TX 77064-7707

ALMA MONGONIA
8911 ELSIE LN
HOUSTON TX 77064-7703

KENNETH MONGONIA
8911 1/2 ELSIE LN
HOUSTON TX 77064-7703

MARY A MORAL
9117 PRAIRIE DR
HOUSTON TX 77064-7811

GRACIELA MOSQUEDA
#C
9334 KAY LN
HOUSTON TX 77064-7712

LETICIA MOSQUEDA
#2
9334 KAY LN
HOUSTON TX 77064-7712

CHRIS MURRAY
#6
9014 PRAIRIE DR
HOUSTON TX 77064-7810

JAMES MURRAY
STE 2
9014 PRAIRIE DR
HOUSTON TX 77064-7810

KIM MURRAY
#6
9014 PRAIRIE DR
HOUSTON TX 77064-7810

MELBA JO MURRAY
9014 PRAIRIE DR
HOUSTON TX 77064-7810

GERTRUDE NOWAK
9011 ELSIE LN
HOUSTON TX 77064-7705

SARA NUGENT
9002 ELSIE LN
HOUSTON TX 77064-7706

GAIL PRASEK
9305 KAY LN
HOUSTON TX 77064-7711

HARVEY PRASEK
9303 KAY LN
HOUSTON TX 77064-7711

SUSANA PUGA
9109 ELSIE LN
HOUSTON TX 77064-7707

JUAN RAZO
9331 KAY LN
HOUSTON TX 77064-7711

MARIA L RAZO
9331 KAY LN
HOUSTON TX 77064-7711

CARLOS REYES
8913 ELSIE LN
HOUSTON TX 77064-7703

MARIA REYES
8913 ELSIE LN
HOUSTON TX 77064-7703

ELSIE RHEA
9203 ELSIE LN
HOUSTON TX 77064-7709

CIPRIANO RUVALCABA
8918 PRAIRIE DR
HOUSTON TX 77064-7808

TIM SANDUSKY
9302 KAY LN
HOUSTON TX 77064-7712

KATHI SCHATZ
9019 PRAIRIE DR
HOUSTON TX 77064-7809

TOMMY SHELTON JR
9302 REID LAKE DR
HOUSTON TX 77064-7750

RHJINDER SINGH
8819 PRAIRIE DR
HOUSTON TX 77064-7805

DONNA STANLEY
9300 REID LAKE DR
HOUSTON TX 77064-7750

KARON TANK
9015 ELSIE LN
HOUSTON TX 77064-7705

TED TANK
9015 ELSIE LN
HOUSTON TX 77064-7705

FLOYD A TELSCHOW
9010 ELSIE LN
HOUSTON TX 77064-7706

CALVIN D VU
9119 PRAIRIE DR
HOUSTON TX 77064-7811

NGUYEN VU
9119 PRAIRIE DR
HOUSTON TX 77064-7811

ERNEST L WALLINGFORD
9106 ELSIE LN
HOUSTON TX 77064-7708

ART E WEATHERS
9410 WINDFERN RD
HOUSTON TX 77064-7741

ASA WEATHERS
8919 ELSIE LN
HOUSTON TX 77064-7703

MARK WILDE
8915 PRAIRIE DR
HOUSTON TX 77064-7807

TCEQ PROPOSED STANDARD PERMIT REGISTRATION NO. 76688L001

APPLICATION BY	§	**BEFORE THE**
	§	
LONESTAR PRESTRESS MFG, INC.	§	**TEXAS COMMISSION ON**
	§	
HOUSTON, HARRIS COUNTY, TEXAS	§	**ENVIRONMENTAL QUALITY**

2006 NOV -9 PM 4:19
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S AMENDED RESPONSE TO PUBLIC COMMENT

The Executive Director ("ED") of the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") files this Amended Response to Public Comment on the request to register Standard Permit No.76688L001 filed by Lonestar Prestress MFG, Inc., ("Lonestar" or "the Applicant") and the ED's preliminary decision. As required by 30 Texas Administrative Code ("TAC") § 55.156, before an application is approved, the ED prepares a response to all timely, relevant and material, or significant comments. The Office of Chief Clerk received a comment letter from the following persons: Mary W. Carter with Blackburn & Carter for Tommy Shelton, Jr. and Richard A. Ashby, President of Reid Estates Civic Club, submitting a petition signed by the following commenters: Kenneth Bengle, Annisa Blanchard, Paul Blancard, Ann Bonefas, Maurice Bonefas, Hans Boone, Zoe Bradstreet, Octavia Cabrera, Maricela Cano, Mary W. Carter, Dolores Castillo, Henry Castillo, Gladys Chaloupka, Johnnie Chaloupka, Gilbert Charros, Doris Chesser, James Chesser, Donald L. Christian, Judy A. Christian, ZsuZsanna Cohen, Concerned Citizen at 9202 Reid Lane Drive, Jay Conlin, Mary Craft, Dennis Culberson, Mathew Culberson, Sharmon Deas, William Deas, Pedro Deleon, Glenda Deveau, Jim Deveau, Rajinder Dmillon, Steve Donn, Robert Elliott, Barbara Farley, Dennis Farley, Glen J. Fornerette, Flore Garza, Pablo Garza, M. Elena Gomez, Rod Jackson, Angel Juarez, Melba La Mountain, Mireca Lengyel, Patricia Lengyel, Alyssa Lengyel, Wray Lilly, Johnny T. Lott, Billiejo Malone, Gerald Malone, Jeanette Malone, Michael Malone, Tommy Malone, Ken Mathews, J. Meyer, Angelina Mireles, Susana Mireles, Alma Mongonia, Kenneth Mongonia, Mary A. Moral, Gracila Mosqueda, Leticia Mosqueda, James Murray, Kim Murray, Melba Jo Murray, Tim Murray, Gertrude Nowak, Sara Nugent, Gail Prasek, Harvvey Prasek, Susana Puga, Juan Razo, Maria Razo, Carlos Reyes, Maria Reyes, Elsie Rhea, Cipriano Ruvalcaba, Tim Sandusky, Kathi Schatz, Tommy Shelton Jr., Rhjinder Singh, Donna Stanley, Karen Tank, Ted Tank, Floyd Telschow, Calvin Vu, Nguyen Vu, Ernest L. Wallingford, Artu Weathers, Asa Weathers, Mark Wilde. This Amended Response to Public Comment addresses all timely public comments received, whether or not withdrawn. If more information about this permit registration or the permitting process is needed, please call the TCEQ Office of Public Assistance at 1-800-687-4040. General information about TCEQ can be found at www.tceq.state.tx.us.

BACKGROUND

Description of Facility

Lonestar applied to the TCEQ for an Air Quality Standard Permit Registration No. 76688L001, which would authorize the operation of an existing specialty concrete batch plant ("CBP") located at 9316 Reid Lake Drive, Houston, Harris County. The facility will emit the following air contaminants: particulate matter including, but not limited to, aggregate, cement, and road dust.

Procedural Background

This application was submitted to the TCEQ on September 21, 2005, and was declared administratively complete on September 26, 2005. The Notice of Receipt and Intent to Obtain an Air Quality Permit was published on October 27, 2005, in the *Houston Chronicle* and the Alternative Language Notice was published on October 26, 2005, in the *La Voz de Houston*. The technical review was completed on November 21, 2005, and the Notice of Application and Preliminary Decision was published on February 2, 2006, in the *Houston Chronicle* and the Alternative Language Notice was published on February 1, 2006, in the *La Voz de Houston*. The public comment period ended on March 6, 2006. **The Response to Public Comment was filed with TCEQ's Office of Chief Clerk on August 18, 2006. This document amends and supersedes that Response to Public Comment.** Since this application was administratively complete after September 1, 1999, this action is subject to the procedural requirements adopted pursuant to House Bill 801.

COMMENTS AND RESPONSES

COMMENT 1: Commenters believe dust produced by the batch plant will adversely affect the surrounding air quality and consequently cause harmful effects to all people, homes, animals, and vegetation located in near proximity.

RESPONSE 1: The stated purpose of the Texas Clean Air Act ("TCAA") is to "safeguard the state's air resources from pollution by controlling or abating air pollution and emissions of air contaminants." In accordance with this policy, every facility that emits air contaminants must be authorized by permit or qualify for an exception before construction or modification begins.

In this case, the Applicant is registering under Air Quality Standard Permit for concrete batch plants. A standard permit authorizes the construction or modification of new or existing facilities, which are similar in terms of operations, processes, and emissions. A standard permit is one permit that multiple facilities may register under and receive authorization from if each

facility meets the criteria specified by the standard permit. To be authorized under this particular standard permit, the Applicant must, among other things, register with the TCEQ, pay a registration fee, complete the concrete batch plant checklist to ensure that its facility complies with the permit, and submit appropriate plot plans, maps, and process descriptions to the TCEQ for review and approval.

Before the standard permit for CBPs was adopted, the TCEQ conducted a protectiveness review of the permit's requirements. The protectiveness review determined that CBPs operating under the standard permit will meet the requirements of 30 TAC § 111.155[1] (off-property concentration limits for total suspended particulate matter). The standards are 400 μg/m3 (micrograms per cubic meter) for a one-hour period and 200 μg/m3 for a three-hour period.

Furthermore, for all types of CBPs considered under the protectiveness review, emissions were calculated based on reasonable worst-case assumptions of plant design, layout, and operation. Full air dispersion modeling was used in the protectiveness review to evaluate each plant configuration and corresponding emissions. Emissions sources evaluated for this standard permit included three storage silos, a central baghouse exhaust point (with horizontal release), aggregate storage bin drop point, feeder bin drop point, sand and aggregate stockpiles, in-plant road fugitive emissions, and a front-end loader source. The modeling results were reviewed by several divisions within the TCEQ to ensure compliance with the state and federal standards and guidelines for air quality permit reviews. All production limits are directly proportional to emissions and are based on site-wide limits. The site-wide production limit is calculated by adding all concrete being produced by all plants at a given property, regardless of their authorization mechanism. Lonestar represented that its specialty CBP will produce concrete at a rate of 10 cubic yards per hour and 3750 cubic yards per year. The standard permit for a specialty CBP limits production at a given site to a maximum of *30* cubic yards per hour, regardless of how many batching facilities are located at the site. Detailed information on the review conducted for the standard permit is available upon request from the TCEQ's Air Permits Division or by visiting the agency's website at www.tceq.state.tx.us. The document is entitled "Air Quality Standard Permit for Concrete Batch Plants."

CBPs operating under a standard permit are required to meet Best Available Control Technology ("BACT") for emissions controls. BACT standards for CBPs include, but are not limited to: production limitations, cartridge and fabric filters, water and chemical suppression devices, maintenance and cleanliness standards, fencing requirements and warning devices on storage silos.

Also, when creating policies, setting emission rates, and issuing permits to protect the state's air,

1 30 TAC § 111.155 has since been repealed.

the TCEQ must comply with the National Ambient Air Quality Standards ("NAAQS") developed by the United States Environmental Protection Agency ("EPA"). NAAQS are standards set for certain primary pollutants considered harmful to human health and the environment. One of the contaminants specifically regulated by NAAQS is particulate matter, which is the contaminant most commonly associated with concrete batch plants. Although NAAQS are promulgated by the federal government, the Texas Administrative Code specifically states that NAAQS "will be enforced throughout all parts of Texas." 30 TAC § 101.21. The protectiveness review for the CBP standard permit determined emissions from facilities operating under the standard permit will meet the NAAQS for particulate matter with an aerodynamic diameter of 10 microns or less, and applicable TCEQ toxicology and risk assessment health effects guidelines.

The EPA has set both Primary and Secondary NAAQS. While Primary NAAQS are designed to protect public health with an adequate margin of safety, Secondary NAAQS are those which the Administrator of the EPA determines are necessary to protect the public welfare and the environment, including animals, crops, vegetation, and buildings, from any known or anticipated adverse affects associated with the presence of an air contaminant in the ambient air. Since the TCEQ observes both Primary and Secondary NAAQS, it must issue permits which are protective of humans, homes, plants, and animals. If the Applicant is allowed to register under the standard permit for CBPs and the Applicant fully complies with the permit, there is no reason to expect that the welfare of people, property, plants, or animals will be harmed by the Applicant's permitted emissions.

In addition to complying with the federal and state standards and guidelines mentioned above, the Applicant must also comply with 30 TAC §101.4, which prohibits nuisance conditions. Specifically, the rule states, "No person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property." As long as the concrete batch plant is operated in compliance with the terms of the standard permit for CBPs, nuisance conditions are not expected.

However, if at anytime there is a question of whether or not the Applicant's plant is being operated in compliance with the standard permit, contact the Houston Regional Office by mail at 5425 Polk St., Ste. H, Houston, Texas 77703-1452 or by phone at (713) 767-3500. You may also call the Environmental Complaints Hot Line to report your concerns at 1-888-777-3186.

COMMENT 2: Commenters are concerned with harmful effects that dust from the Applicant's plant might cause to sensitive subpopulations, such as people with asthma and other respiratory related illnesses.

RESPONSE 2: As discussed above, the primary NAAQS, which must be observed throughout Texas, are set to protect public health, which includes sensitive members of the population, such as asthmatics, children, and the elderly. Thus, emissions levels established in air quality permits are set within parameters that are protective of those same sensitive subpopulations.

COMMENT 3: Commenters allege that the Applicant's facility will cause harm to their community's water wells, their lake, and the fish inhabiting their lake's water.

RESPONSE 3: The Applicant has applied to TCEQ for Air Quality Standard Permit Registration No. 76688L001, which governs emissions into the air. Depending on the Applicant's operations, it may be required to apply for authorizations governing water quality. However, water quality issues are beyond the scope of this particular permitting action. Any concerns about whether the Applicant's plant is in compliance with a water permit or whether the Applicant has contaminated the water should be directed to the TCEQ's Houston Regional Office at (713) 767 -3500, or the Environmental Complaints Hot Line at 1-888-777-3186.,

COMMENT 4: Commenters claim noise caused by the operation of the Applicant's plant, along with the noise created by vehicles driving in and out of the plant, will destroy the serenity of the neighborhood.

RESPONSE 4: The TCEQ's jurisdiction is established by the Legislature and limited to the issues set forth in statute. Accordingly, the TCEQ does not have jurisdiction to consider noise from a facility when determining whether to approve or deny a permit registration. However, the limited scope of the TCEQ's regulatory jurisdiction does not affect or limit landowners' ability to seek relief from a court in response to activities that interfere with the landowners' use and enjoyment of their property.

COMMENT 5: Commenters complain that the Applicant has been operating without a permit for years to the detriment of the surrounding environment.

RESPONSE 5: In response to complaints from the public, Lonestar was investigated by the Pollution Control Department of the Harris County Public Health & Environmental Services Office, and the TCEQ *Houston* Regional Office. At the time of the investigations, Lonestar voluntarily closed the concrete batching portion of their facility.

CHANGES MADE IN RESPONSE TO COMMENT:

No changes to the standard permit have been made in response to public comment.

Respectfully submitted,

Texas Commission on Environmental Quality

Glenn Shankle, Executive Director

Stephanie Bergeron Perdue, Deputy Director
Office of Legal Services

Douglas Brown, Staff Attorney
Environmental Law Division

REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY