

State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge

February 10, 2009

2009 FEB 10 AM 10:34
CHIEF CLERKS OFFICE
TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY

Les Trobman, General Counsel
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087

VIA FACSIMILE 512/239-5533

Re: SOAH Docket No. 582-08-4460; TCEQ Docket No. 2008-1009-AIR; In Re:
Concerning the Application by Block Creek Concrete Products, LLC for Issuance
of Air Quality Standard Registration No. 83958

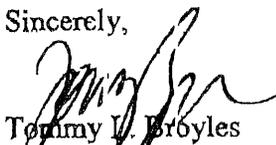
Dear Mr. Trobman:

The Administrative Law Judge (ALJ) has reviewed the exceptions filed by Block Creek Concrete Products, LLC (Applicant) and recommends that a cite to section 382.058(c) of the TEX. HEALTH & SAFETY CODE be added to Conclusion of Law No. 3.

The ALJ has not addressed the definition of "permanent residence" in this Proposal for Decision but will be prepared to discuss the facts should the Commission choose to do so during the Agenda.

Finally, the ALJ found Mr. Spinelli's consultant to render a competent expert opinion but agrees with Applicant that its consultant provided a more thorough and precise opinion. To be clear, the ALJ agrees with Applicant that Mr. Spinelli did not provide an expert with equivalent credentials or data.

Sincerely,


Tommy L. Broyles
Administrative Law Judge

TLB/lr
xc: Mailing List

STATE OFFICE OF ADMINISTRATIVE HEARINGS

AUSTIN OFFICE

**300 West 15th Street Suite 502
Austin, Texas 78701
Phone: (512) 475-4993
Fax: (512) 475-4994**

SERVICE LIST

AGENCY: Environmental Quality, Texas Commission on (TCEQ)
STYLE/CASE: BLOCK CREEK CONCRETE PRODUCTS, LLC
SOAH DOCKET NUMBER: 582-08-4460
REFERRING AGENCY CASE: 2008-1009-AIR

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**ADMINISTRATIVE LAW JUDGE
ALJ TOMMY L. BROYLES**

REPRESENTATIVE / ADDRESS

PARTIES

ALICIA M LEE
STAFF ATTORNEY
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
ENVIRONMENTAL LAW DIVISION, MC 163
MC-175 P.O. BOX 13087
AUSTIN, TX 78711-3087
(512) 239-0133 (PH)
(512) 239-0606 (FAX)

TCEQ EXECUTIVE DIRECTOR

TCEQ CHIEF CLERK
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
MC-173 P.O. BOX 13087
AUSTIN, TX 78711-3087

(512) 239-3311 (FAX)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

ELI MARTINEZ
PUBLIC INTEREST COUNSEL
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
12100 PARK 35 CIRCLE, MC-103, BUILDING F
AUSTIN, TX 78753
(512) 239-3974 (PH)
(512) 239-6377 (FAX)
elmartin@tceq.state.tx.us

OFFICE OF PUBLIC INTEREST COUNSEL

JOHN J. VAY
LAW OFFICE OF JOHN J. VAY
1250 S. CAPITAL OF TEXAS HIGHWAY, SUITE 400
AUSTIN, TX 78746
(512) 329-2010 (PH)
(512) 329-2011 (FAX)

BLOCK CREEK CONCRETE PRODUCTS, L.L.C.

JOE M. DAVIS
THE DAVIS LAW FIRM
P. O. BOX 2349
BOERNE, TX 78006
(830) 331-9386 (PH)
(830) 331-9387 (FAX)

DENNIS SPINELLI

MICKEY V. BUSH
430 OLD NO. 9 HIGHWAY
COMFORT, TX 78013-3803

MICKEY V. BUSH

DEANNA RICH
607 OLD NO. 9 HIGHWAY
COMFORT, TX 78013-3810

DEANNA RICH

JANICE SPARGER
607 OLD NO. 9 HIGHWAY
COMFORT, TX 78013-3810

JANICE SPARGER

JERRY WINAKUR
P. O. BOX 128
COMFORT, TX 78013-3825

JERRY WINAKUR

xc: Docket Clerk, State Office of Administrative Hearings

STATE OFFICE OF ADMINISTRATIVE HEARINGS

AUSTIN OFFICE
300 West 15th Street Suite 503
Austin, Texas 78701
Phone: (512) 475-4993
Fax: (512) 475-4994

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DOCKET NUMBER: 582-08-4460

JUDGE TOMMY L BROYLES

FAX TO:

FAX TO:

Table with 2 columns: Recipient Name and Phone Number. Includes JOHN J. VAY, ALICIA M LEE, ELI MARTINEZ, LES TROBMAN, JOE M. DAVIS, MICKEY V. BUSH, DEANNA RICH, JANICE SPARGER, JERRY WINAKUR, and TCEQ CHIEF CLERK.

TCEQ Docket Clerk, Fax Number 512/239-3311

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