

ROBERT L. RAMEY

ATTORNEY AT LAW

615 NORTH UPPER BROADWAY, SUITE 1605

CORPUS CHRISTI, TEXAS 78477

615 NORTH UPPER BROADWAY, SUITE 1605

TELEPHONE (361) 882-5484

FAX (361) 882-5486

May 6, 2010

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

Re: Quality Readymix, Ltd.; SOAH Docket No. 582-10-1698; TCEQ Docket
No. 2009-1483-AIR

Dear Ms. Castañuela:

Enclosed for filing is an original and seven (7) copies of Applicant Quality Readymix, Ltd.'s Reply to the Exceptions by the Office of Public Interest Counsel and Mary Jane Robertson and Ronald V. Tate to Administrative Law Judge Thomas H. Walston's Proposal for Decision and Proposed Order in the above styled and numbered case.

Sincerely,



Robert L. Ramey

RLR:tmb
Enclosure

cc:

The Honorable Thomas H. Walston
Administrative Law Judge
State Office of Administration Hearings
P. O. Box 13025
Austin, Texas 78711-3025

Mary Jane Robertson
23816 CR 441/15
P. O. Box 65
Mathis, Texas 78368

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2010 MAY 10 AM 9:58
CHIEF CLERKS OFFICE

Ronald V. Tate
23816 CR 441/15
P. O Box 65
Mathis, Texas 78368

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

2010 MAY 10 AM 9: 58

CHIEF CLERKS OFFICE

SOAH DOCKET NO. 582-10-1698
TCEQ DOCKET NO. 2009-1483-AIR

IN THE MATTER OF THE	§	BEFORE THE
APPLICATION OF QUALITY	§	
READYMIX, LTD. FOR AIR	§	TEXAS COMMISSION ON
QUALITY STANDARD PERMIT,	§	
REGISTRATION NO. 85181		ENVIRONMENTAL QUALITY

**QUALITY READYMIX, LTD.'S REPLY TO THE
EXCEPTIONS TO THE PROPOSAL FOR DECISION AND PROPOSED
ORDER FILED BY THE OFFICE OF PUBLIC INTEREST COUNSEL
AND MARY JANE ROBERTSON AND RONALD V. TATE**

TO THE HONORABLE MEMBERS OF THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY:

Quality Readymix, Ltd. ("Applicant") files this reply to the Exceptions to the Proposal for Decision and Proposed Order filed by the Office of Public Interest Counsel and by Mary Jane Robertson and Ronald V. Tate regarding the Proposal for Decision (PFD) and Proposed Order issued by the Honorable Administrative Law Judge Thomas H. Walston on April 9, 2010 in the above styled and numbered matter and respectfully shows the following:

1. Applicant submits that Administrative Law Judge Thomas H. Walston's Proposal for Decision referenced "Introduction" and "Procedural History" re the above styled and numbered case correctly sets forth both the background and the procedural history of Applicant's above referenced Application.

2. Applicant submits that Administrative Law Judge Thomas H. Walston's Proposal for Decision referenced "Applicable Law" correctly sets forth the law applicable to Applicant's above referenced Application.

3. Applicant submits that Administrative Law Judge Thomas H. Walston's Proposal for Decision referenced "Discussion" documents a proper basis under Texas law for Administrative Law Judge Thomas H. Walston's findings that a preponderance of the evidence offered at the hearing on February 11, 2010, established that neither Mr. Lumpkin, Ms. Robertson, nor Mr. Tate qualifies for party status as an affected person because they each reside further from the proposed plant than the 440 yard (1,320 feet) distance restriction contained in TEX. HEALTH & SAFETY CODE §382.058(c) and, because no other person objecting to the Application sought party status, that this matter be remanded to the Executive Director for administrative processing as an uncontested case.

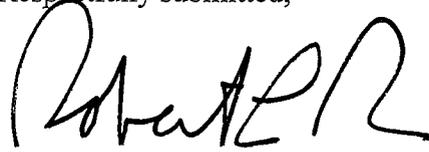
4. Applicant submits that each of proposed Findings of Fact Nos. 1-13 in Administrative Law Judge Thomas H. Walston's Proposed Order Concerning the Application of Quality Readymix, Ltd. for New Air Quality Permit No. 85181 is supported by a preponderance of the evidence in the above styled and numbered case.

5. Applicant submits that each of proposed Conclusions of Law Nos. 1-6 in Administrative Law Judge Thomas H. Walston's Proposed Order Concerning the Application of Quality Readymix, Ltd. for New Air Quality Permit No. 85181 is correct under Texas law.

6. Applicant submits that Administrative Law Judge Thomas H. Walston's Proposed Order Concerning the Application of Quality Readymix, Ltd. for New Air Quality Permit No. 85181 referenced "Ordering Paragraphs" is supported by a preponderance of the evidence in this case and by Texas law.

Applicant requests that this matter be remanded to the Executive Director for administrative processing as an uncontested case.

Respectfully submitted,



Robert L. Ramey
615 North Upper Broadway, Suite 1605
Corpus Christi, Texas 78477
361.882.5484
361.882.5486 (FAX)
State Bar No. 16498000
Attorney for Applicant
Quality Readymix, Ltd.

CERTIFICATE OF SERVICE

I hereby certify that on May 6, 2010 the original and seven true and correct copies of Applicant Quality Readymix, Ltd.'s Reply to the Exceptions filed by the Office of Public Interest Counsel and Mary Jane Robertson and Ronald V. Tate to Administrative Law Judge Thomas H. Walston's Proposal for Decision and Proposed Order in the above referenced case were forwarded for filing with the Chief Clerk of the TCEQ and a copy was served on all persons listed on the attached mailing list via hand delivery, facsimile transmission, Inter-Agency mail, electronic mail, or by deposit in the U.S. Mail.



Robert L. Ramey

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2010 MAY 10 AM 9:58
CHIEF CLERKS OFFICE

MAILING LIST
QUALITY READYMIX, LTD.
SOAH DOCKET NO. 582-10-1698
TECQ DOCKET NO. 2009-1483-AIR

The Honorable Thomas H. Walston
Administrative Law Judge
State Office of Administration Hearings
P. O. Box 13025
Austin, Texas 78711-3025
Tel. 512/475-4993 Fax: 512/475-4994

Mary Jane Robertson
23816 CR 441/15
P. O. Box 65
Mathis, Texas 78368
Tel: 361/547-9617
Fax: 361/547-7084

Ronald V. Tate
23816 CR 441/15
P. O. Box 65
Mathis, Texas 78368
Tel: 361/547-9617

Douglas Brown, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division, MC-173
P. O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-0600
Fax: (512) 239-0606

Ms. LaDonna Castañuela
Texas Commission on Environmental Quality
Office of Chief Clerk, MC-105
P. O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-3300
Fax: (512) 239-3311