

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**NOTICE OF HEARING  
VULCAN CONSTRUCTION MATERIALS, LLC  
SOAH Docket No. 582-19-1955  
TCEQ Docket No. 2018-1303-AIR  
Proposed Permit No. 147392L001**

**APPLICATION.**

Vulcan Construction Materials, LLC, P.O. Box 791550, San Antonio, Texas 78279-1550, has applied to the Texas Commission on Environmental Quality (TCEQ) for issuance of Proposed Air Quality Permit Number 147392L001, which would authorize construction of a Portable Crushing Plant located on property whose northeast corner is the southwest corner of the intersection of Highway 46 and Farm-to-Market Road 3009, Bulverde, Comal County, Texas 78132. This application was processed in an expedited manner, as allowed by the commission's rules in 30 Texas Administrative Code (TAC), Chapter 101, Subchapter J. This application was submitted to the TCEQ on June 27, 2017. The proposed facility will emit the following contaminants: particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less, carbon monoxide, nitrogen oxides, organic compounds, and sulfur dioxide.

The TCEQ Executive Director has prepared a draft permit which, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision to issue the permit because it meets all rules and regulations. The permit application, executive director's preliminary decision, and draft permit are available for viewing and copying at the TCEQ central office, the TCEQ San Antonio regional office, and the Bulverde-Spring Branch Library, 131 Bulverde Crossing Road, Bulverde, Comal County, Texas. The facility's compliance file, if any exists, is available for public review at the TCEQ San Antonio Regional Office, 14250 Judson Road, San Antonio, Texas. As a public courtesy, we have provided the following Web page to an online map of the site or the facility's general location. The online map is not part of the application or the notice:  
<<http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=29.76833&lng=-98.30861&zoom=13&type=r>>. For the exact location, refer to the application.

**CONTESTED CASE HEARING.**

The State Office of Administrative Hearings (SOAH) will conduct a formal preliminary hearing to a contested case hearing at:

**9:00 a.m. - March 6, 2019  
Comal County Courthouse  
Main Courtroom, 2<sup>nd</sup> Floor  
100 Main Plaza  
New Braunfels, Texas 78130**

The contested case hearing (hearing) will be a legal proceeding similar to a civil trial in state district court. The hearing will address the disputed issues of fact identified in the TCEQ order concerning this application issued on December 13, 2018. In addition to these issues, the judge may consider additional issues if certain factors are met.

The hearing will be conducted in accordance with the Chapter 2001, Texas Government Code; Chapter 382, Texas Health and Safety Code; TCEQ rules including 30 TAC Chapter 116, Subchapters A and B; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. The hearing will be held unless all timely hearing requests have been withdrawn or denied.

To request to be a party, you must attend the preliminary hearing and show you would be affected by the application in a way not common to the general public. Any person may attend the preliminary hearing and request to be a party. Only persons named as parties may participate at the contested case hearing.

### **MAILING LIST.**

You may ask to be placed on a mailing list to obtain additional information on this application by sending a request to the Office of the Chief Clerk at the address below.

### **AGENCY CONTACTS AND INFORMATION.**

Public comments and requests must be submitted either electronically at [www.tceq.texas.gov/goto/comments](http://www.tceq.texas.gov/goto/comments), or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. If you communicate with the TCEQ electronically, please be aware that your email address, like your physical mailing address, will become part of the agency's public record. For more information about this permit application, the permitting process, or the contested case hearing process, please call the Public Education Program toll free at (800) 687-4040. Si desea información en Español, puede llamar al (800) 687-4040. General information regarding the TCEQ may be obtained electronically at <http://www.tceq.texas.gov>

**In accordance with 1 Tex. Admin. Code § 155.401(a), Notice of Hearing, "Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at [www.soah.texas.gov](http://www.soah.texas.gov), or in printed format upon request to SOAH."**

### **INFORMATION.**

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at (800) 687-4040. General information regarding the TCEQ can be found at <http://www.tceq.texas.gov/>.

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at (512) 475-3445, at least one week prior to the hearing.

Further information may also be obtained from Vulcan Construction Materials, LLC at the address stated above or by calling Ms. Katy Sipe, Environmental Specialist, Westward Environmental, Inc. at (830) 249-8284.

Issued: January 29, 2019

A handwritten signature in black ink that reads "Bridget C. Bohac". The signature is written in a cursive style with a prominent loop at the end of the last name.

Bridget C. Bohac, Chief Clerk  
Texas Commission on Environmental Quality