

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**NOTICE OF HEARING  
TYCON READY MIX, LLC  
SOAH Docket No. 582-21-1741  
TCEQ Docket No. 2020-1426-AIR  
Proposed Registration No. 159582**

## **APPLICATION.**

Tycon Ready Mix, LLC, has applied to the Texas Commission on Environmental Quality (TCEQ) for an Air Quality Standard Permit, Registration No. 159582. This application would authorize construction of a permanent Concrete Batch Plant located at the following driving directions: from the intersection of Hunters Trail and County Road 139 (Burkett Road), go north on County Road 139 for approximately 180 feet, site entrance will be on the right, Flint, Smith County, Texas 75762. This application is being 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 December 20, 2019. 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:

<<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-95.349166%2C32.209166&level=12>>. For the exact location, refer to the application. The proposed plant will emit the following air contaminants: particulate matter, including (but not limited to) aggregate, cement, road dust, and particulate matter with diameters of 10 microns or less and 2.5 microns or less.

The TCEQ Executive Director has determined that the application meets all of the requirements of a standard permit authorized by 30 Texas Administrative Code § 116.611, which would establish the conditions under which the plant must operate. The Executive Director has made a preliminary decision to issue the registration because it meets all applicable rules. The permit application, executive director's preliminary decision, and standard permit are available for viewing and copying at the TCEQ central office, the TCEQ Tyler regional office, and the Bullard Community Library, 211 West Main Street, Bullard, Smith County, Texas. The facility's compliance file, if any exists, is available for public review at the TCEQ Tyler Regional Office, 2916 Teague Drive, Tyler, Texas. Visit <http://www.tceq.texas.gov/goto/cbp> to review the standard permit.

## **CONTESTED CASE HEARING.**

Considering directives to protect public health, the State Office of Administrative Hearings (SOAH) will conduct a preliminary hearing via Zoom videoconference. A Zoom meeting is a secure, free meeting held over the internet that allows video, audio, or audio/video conferencing.

**10:00 a.m. – May 17, 2021**

To join the Zoom meeting via computer:

<https://soah-texas.zoomgov.com/j/1604839774?pwd=MFo1bHZyYlFTNnROToFmbzFFSGR3Zz09>

**Meeting ID:** 160 483 9774

**Password:** ZZ8WN2

or

To join the Zoom meeting via telephone:

(346) 248-7799

**Meeting ID:** 160 483 9774

**Password:** 431820

**Visit the SOAH website for registration at: <http://www.soah.texas.gov/>  
or call SOAH at 512-475-4993.**

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding, which will occur at a later date, will be 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 February 1, 2021. 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, B, and F; 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 hearing and show you would be affected by the application in a way not common to the general public. Any person may attend the hearing and request to be a party. Only persons named as parties may participate at the 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/agency/decisions/cc/comments.html](http://www.tceq.texas.gov/agency/decisions/cc/comments.html), 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 [www.tceq.texas.gov](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 [www.tceq.texas.gov](http://www.tceq.texas.gov).

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-4993, at least one week prior to the hearing.

Further information may also be obtained from Mr. Josh Butler, Principal Consultant, Elm Creek Environmental, LLC at 972-768-9093.

Issued: March 25, 2021



Laurie Gharis, Chief Clerk  
Texas Commission on Environmental Quality