

**TCEQ AIR QUALITY STANDARD PERMIT FOR CONCRETE BATCH PLANTS
REGISTRATION NUMBER 164317
TCEQ DOCKET NUMBER 2021-1508-AIR**

APPLICATION BY	§	BEFORE THE TEXAS
AMERITEX PIPE & PRODUCTS, LLC	§	COMMISSION ON
CONCRETE BATCH PLANT	§	ENVIRONMENTAL QUALITY
GUNTER, GRAYSON COUNTY	§	

EXECUTIVE DIRECTOR’S RESPONSE TO HEARING REQUESTS

I. INTRODUCTION

The Executive Director of the Texas Commission on Environmental Quality (commission or TCEQ) files this response (Response) to the requests for a contested case hearing submitted by persons listed herein regarding the above-referenced matter. The Texas Clean Air Act (TCAA), Texas Health & Safety Code (THSC) § 382.056(n), requires the Commission to consider hearing requests in accordance with the procedures provided in Tex. Water Code (TWC) § 5.556.¹ This statute is implemented through the rules in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter F.

Maps showing the location of the proposed plant are included with this Response and have been provided to all hearing requesters listed on the mailing list for this application. In addition, a current compliance history report, technical review summary, and a copy of the Standard Permit for Concrete Batch Plants prepared by the Executive Director’s staff have been filed as backup material for the commissioners’ agenda. The Executive Director’s Response to Public Comment (RTC), which was mailed by the chief clerk to all persons on the mailing list, is on file with the chief clerk for the commission’s consideration.

II. PLANT DESCRIPTION

AmeriTex Pipe & Products, LLC (AmeriTex or the Applicant) has applied to the TCEQ for a Standard Permit for Concrete Batch Plants under TCAA § 382.05195. This will authorize the construction of a new facility that may emit air contaminants.

This permit, if issued, will authorize the Applicant to construct four concrete batch plants. The plants will be located on property located approximately 2,220 feet southeast of the intersection of McDonald Road and Wall Street Road, Gunter, Grayson County. Contaminants authorized under this permit include particulate matter (PM), including but not limited to aggregate, cement, road dust, and particulate matter with diameters of 10 microns or less (PM₁₀) and 2.5 microns or less (PM_{2.5}).

¹ Statutes cited in this response may be viewed online at www.statutes.legis.state.tx.us. Relevant statutes are found primarily in the THSC and the TWC. The rules in the TAC may be viewed online at www.sos.state.tx.us/tac/index.shtml, or follow the “Rules” link on the TCEQ website at www.tceq.texas.gov.

III. PROCEDURAL BACKGROUND

Before work begins on the construction of a new plant that may emit air contaminants, the person planning the construction must obtain an authorization from the commission. This permit application is for an initial issuance of Air Quality Standard Permit for Concrete Batch Plants Registration Number 164317.

The permit application was received on March 8, 2021 and declared administratively complete on March 09, 2021. The Consolidated Notice of Receipt of Application and Intent to Obtain Permit and Notice of Application and Preliminary Decision (public notice) for this permit application was published on March 30, 2021, in the *Herald Democrat*. A public meeting was held on July 19, 2021 utilizing the GoToMeeting platform. The public comment period ended at the close of the public meeting on July 19, 2021. Because this application was received after September 1, 2015, it is subject to the procedural requirements of and rules implementing Senate Bill 709 (84th Legislature, 2015).

The Executive Director's RTC was filed with the Chief Clerk's Office on September 29, 2021 and mailed to all interested persons on October 5, 2021, including to those who asked to be placed on the mailing list for this application and those who submitted comments or requests for a contested case hearing. The cover letter attached to the RTC included information about making requests for a contested case hearing or for reconsideration of the Executive Director's decision. The letter also explained that hearing requestors should specify any of the Executive Director's responses to comments they dispute and the factual basis of the dispute, in addition to listing any disputed issues of law or policy. The time for requests for reconsideration and hearing requests ended on November 4, 2021. The TCEQ did not receive any requests for reconsideration.

The TCEQ received timely hearing requests that were not withdrawn during the comment period from Diedre Diamond, Connie Jo Eubanks, Don Everingham, Bryan Hemman, Don Hunter, Linda K. Hunter, Emily Lewis, Linda McAllister, Nick Owens, Timothy Mark Peery, Christina Peyton, Jessica Seay, Michael Spano, and Wendy Wright. The TCEQ also received timely hearing requests that were subsequently withdrawn from Cheryl Cohagan and Paul Gabriel.

IV. THE EVALUATION PROCESS FOR HEARING REQUESTS

House Bill 801 established statutory procedures for public participation in certain environmental permitting proceedings, specifically regarding public notice and public comment and the Commission's consideration of hearing requests. Senate Bill 709 revised the requirements for submitting public comment and the Commission's consideration of hearing requests. The evaluation process for hearing requests is as follows:

A. Response to Requests

The Executive Director, the Public Interest Counsel, and the Applicant may each submit written responses to a hearing requests. 30 TAC § 55.209(d).

Responses to hearing requests must specifically address:

- 1) whether the requestor is an affected person;
- 2) which issues raised in the hearing request are disputed;
- 3) whether the dispute involves questions of fact or of law;
- 4) whether the issues were raised during the public comment period;
- 5) whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the ED's Response to Comment;
- 6) whether the issues are relevant and material to the decision on the application; and
- 7) a maximum expected duration for the contested case hearing.

30 TAC § 55.209(e).

B. Hearing Request Requirements

In order for the Commission to consider a hearing request, the Commission must first determine whether the request meets certain requirements:

Affected persons may request a contested case hearing. The request must be made in writing and timely filed with the chief clerk. The request must be based only on the requestor's timely comments and may not be based on an issue that was raised solely in a public comment that was withdrawn by the requestor prior to the filing of the Executive Director's Response to Comment.

30 TAC § 55.201(c).

A hearing request must substantially comply with the following:

- 1) give the time, address, daytime telephone number, and where possible, fax number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime telephone number, and where possible, fax number, who shall be responsible for receiving all official communications and documents for the group;
- 2) identify the person's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public;
- 3) request a contested case hearing;
- 4) list all relevant and material disputed issues of fact that were raised during the public comment period and that are the basis of the hearing request. To facilitate the commission's determination of the number and scope of issues to be referred to hearing, the requestor

should, to the extent possible, specify any of the ED's responses to comments that the requestor disputes and the factual basis of the dispute and list any disputed issues of law; and

- 5) provide any other information specified in the public notice of application.

30 TAC § 55.201(d).

C. Requirement that Requestor be an Affected Person/"Affected Person" Status

In order to grant a contested case hearing, the Commission must determine that a requestor is an "affected" person. Section 55.203 sets out who may be considered an affected person.

- a) For any application, 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. An interest common to members of the general public does not qualify as a personal justiciable interest.
- b) Except as provided by 30 TAC § 55.103, governmental entities, including local governments and public agencies with authority under state law over issues raised by the application may be considered affected persons.
- c) In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:
 - 1) whether the interest claimed is one protected by the law under which the application will be considered;
 - 2) distance restrictions or other limitations imposed by law on the affected interest;
 - 3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
 - 4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;
 - 5) likely impact of the regulated activity on use of the impacted natural resource by the person;
 - 6) for a hearing request on an application filed on or after September 1, 2015, whether the requestor timely submitted comments on the application which were not withdrawn; and
 - 7) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

30 TAC § 55.203

In regard specifically to air quality permits, the activity the commission regulates is the emissions of air contaminants into the atmosphere. Any person who plans to construct or modify a facility that may emit air contaminants must receive authorization from the commission. Commission rules also include a general prohibition against causing a

nuisance. Further, for air quality permits, distance from the proposed facility is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility.

Additionally, this application is for registration for the Standard Permit for Concrete Batch Plants. Hearing requests on a concrete batch plant standard permit are subject to the requirements in TCAA § 382.058(c), which states that "only those persons actually residing in a permanent residence within 440 yards of the proposed plant may request a hearing...as a person who may be affected."

For applications filed on or after September 1, 2015, 30 TAC § 55.201(d) allows the commission to consider, to the extent consistent with case law:

1. the merits of the underlying application and supporting documentation in the commission's administrative record, including whether the application meets the requirements for permit issuance;
2. the analysis and opinions of the ED; and
3. any other expert reports, affidavits, opinions, or data submitted by the ED, the applicant, or hearing requestor.

D. Referral to the State Office of Administrative Hearings

"When the commission grants a request for a contested case hearing, the commission shall issue an order specifying the number and scope of the issues to be referred to SOAH for a hearing." 30 TAC § 50.115(b). The commission may not refer an issue to SOAH for a contested case hearing unless the commission determines that the issue:

- 1) involves a disputed question of fact or a mixed question of law and fact;
- 2) was raised during the public comment period by an affected person whose hearing request is granted; and
- 3) is relevant and material to the decision on the application.

30 TAC § 50.115(c).

V. ANALYSIS OF THE HEARING REQUESTS

The Executive Director has analyzed the hearing requests to determine whether they comply with Commission rules, if the requestors qualify as affected persons, what issues may be referred for a contested case hearing, and what is the appropriate length of the hearing.

A. Was the request for a contested case hearing timely and in proper form?

1. Diedre Diamond

Diedre Diamond submitted a hearing request during the comment period. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing requests Ms. Diamond stated that the production rates proposed to be authorized exceed the limitations of the Standard Permit for Concrete Batch Plants and that she believes the Standard Permit is

not an appropriate authorization for the plants. Ms. Diamond requested that the Applicant be required to submit a New Source Review permit application which would allow her to contest the permit and ensure the community is protected from pollutants released during concrete production. In addition, Ms. Diamond stated that the Standard Permit is not appropriate because the Applicant plans on conducting steam or vapor curing at the site and expressed concern that TCEQ does not care about all sources of emissions. However, the request did not state how Ms. Diamond may be affected in a manner different from the general public. Therefore, Ms. Diamond did not raise a personal justiciable interest.

In her hearing requests, Ms. Diamond provided two addresses, one in McKinney, Texas and one in Gunter, Texas. Ms. Diamond did not indicate which address is her permanent resident or provide the distance of either residence to the proposed plants. Ms. Diamond indicated her address in Gunter is 123 Bledsoe Road.² The Executive Director was unable to determine the location of this address and the Grayson County Appraisal District property records do not reflect any property at the given street address. However, the Executive Director is aware that Ms. Diamond submitted a hearing request in an unrelated permitting matter in which she provided a different address on Bledsoe Road. Specifically, in a hearing request Ms. Diamond submitted on the application by Metroplex Gunitite, LP for Registration No. 164838, she stated her address was 2105 Bledsoe Road, Gunter, TX.³ The Grayson County Appraisal District property records reflect that 2105 Bledsoe Road is owned by Stuart and Diedre Diamond.⁴ Therefore, out of an abundance of caution, the 2105 Bledsoe Rd. address was used to reflect Ms. Diamond's address in Gunter, on the attached maps. Using the updated address, the Executive Director that Ms. Diamond resides approximately 4.63 miles from the proposed location of the plants.

In her hearing requests, Deirdre Diamond raised the following issues:

Issue 5: Whether the application complies with the Standard Permit for Concrete Batch Plants

Issue 6: Whether all sources of emissions were properly considered

2. Connie Jo Eubanks

Connie Jo Eubanks submitted a hearing request during the comment period. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing requests. In her hearing requests, Ms. Eubanks stated that she was requesting an in-person hearing. However, Ms. Eubanks did not otherwise express concern or state how she may be affected in a manner different from the general public. Therefore, Ms. Eubanks did not raise a personal justiciable interest. Using the address provided, the Executive Director determined that

² See

https://www14.tceq.texas.gov/epic/eCID/index.cfm?fuseaction=main.ipdetail&ints_pers_id=981268752020161&disp=no which reflects the address Ms. Diamond provided to comment on this application online.

³ See

https://www14.tceq.texas.gov/epic/eCID/index.cfm?fuseaction=main.ipdetail&ints_pers_id=236413632021270&disp=no which reflects the address Ms. Diamond provided to comment on Permit No. 164838.

⁴ <http://esearch.graysonappraisal.org/Property/View/403389>.

Ms. Eubanks resides approximately 2.84 miles from the proposed location of the plants.

3. Don Everingham

Don Everingham submitted a timely hearing request during the comment period. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. Mr. Everingham's hearing requested stated that he requested a public hearing for the review of the application. Mr. Everingham stated that these types of facilities are known to be high level polluters of particulate matter and place area residents' health at risk from improper setback distances. The request did not state how Mr. Everingham may be affected in a manner different from the general public. Therefore, Mr. Everingham did not raise a personal justiciable interest. Using the address provided, the Executive Director determined that Mr. Everingham resides approximately 273 miles from the proposed location of the plants.

In his hearing request, Mr. Everingham raised the following issues:

Issue 2: Whether the proposed plants will affect human health, including sensitive subgroups.

Issue 5: Whether the application complies with the Standard Permit for Concrete Batch Plants.

4. Bryan Hemman

Bryan Hemman submitted a hearing request during the comment period. The hearing request was in writing and provided the required contact information. In his request, Mr. Hemman stated "request for public hearing." However, Mr. Hemman did not otherwise express concern or state how he may be affected in a manner different from the general public. Therefore, Mr. Hemman did not raise a personal justiciable interest. Using the address provided, the Executive Director determined that Mr. Hemman resides approximately 17 miles from the proposed location of the plants.

5. Don Hunter and Linda K. Hunter

Don and Linda K. Hunter each submitted timely hearing requests during the comment period. The hearing request were in writing, provided the required contact information, and included issues that are the basis of their hearing requests. In his hearing request, Don Hunter expressed concern about the number of batch plants in close proximity to his home. In her hearing request, Linda K. Hunter stated that the TCEQ rules provide that if a permit will keep an existing property owner from enjoying their own property, they have a right to a contested case hearing.⁵ Mrs. Hunter asked TCEQ to follow its own rules and expressed concern that a hostile government is running over citizens whose taxes fund the TCEQ. The Hunters did not raise any other issues or indicate how they may be affected in a manner different from the general public. Therefore, the Hunters did not raise a personal justiciable interest in their hearing requests. Using the

⁵ The Executive Director believes Mrs. Hunter may have been referring to 30 TAC § 101.4 which is a general prohibition on the creation of nuisance that would interfere with the normal use and enjoyment of property. See 30 TAC § 101.4. However, this rule is not relevant to the determination of whether a requestor may be an affected person.

address provided, the Executive Director determined that Mr. and Mrs. Hunter reside approximately 0.61 miles (1073 yards) from the proposed location of the plants.

In their hearing requests, Don and Linda K. Hunter raised the following issue:

Issue 3: Whether the proposed plants will create a nuisance.

6. Emily Lewis

Emily Lewis submitted two hearing requests during the comment period. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of her hearing requests. Ms. Lewis expressed concern about the cumulative and additive effects of multiple batch plants in the area and stated that TCEQ has a responsibility to consider cumulative effects. Ms. Lewis also expressed concern that the prevailing winds will carry additional pollutants to the area. In her hearing request, Ms. Lewis stated that she has health issues that make her more susceptible to adverse health effects and expressed concern that the additional plants proposed will adversely affect her health. Ms. Lewis stated that one of her children struggles with frequent headaches and coughing which began after other batch plants began operating in the area and expressed concern that her children's health would also be impacted by the proposed plants.

In her hearing requests, Ms. Lewis provided two addresses, one in Gunter, Texas and one in Pottsboro, Texas. Ms. Lewis stated that her property in Gunter is 430 yards from the Applicant's property line and that the property is currently used as rental property. Accordingly, the Executive Director mapped Ms. Lewis' address in Pottsboro, TX. Using the address provided, the Executive Director determined that Ms. Lewis resides approximately 25.28 miles from the proposed location of the plants.

In her hearing request, Ms. Lewis raised the following issues:

Issue 1: Whether the proposed plants will negatively affect air quality

Issue 2: Whether the proposed plants will affect human health, including sensitive subgroups

Issue 3: Whether the proposed plants will create a nuisance

Issue 4: Whether cumulative and additive impacts of nearby operations were adequately considered

Issue 8: Whether mobile source emission from trucks associated with the proposed plants will negatively impact air quality and human health and welfare

7. Linda McAllister

Linda McAllister submitted a timely hearing request during the comment period. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing requests. In her hearing request, Ms. McAllister stated that she was strongly opposed to the proposed plants and requested TCEQ to hold an in-person public hearing to provide citizens with a chance to voice concerns. While Ms. McAllister expressed general opposition, her hearing request did indicate how she may be affected in a manner different from the general public. Therefore, Ms. McAllister did not raise a personal justiciable interest in her hearing

request. Using the address provided, the Executive Director determined that Ms. McAllister resides approximately 2.73 miles from the proposed location of the plants.

8. Nick Owens

Nick Owens submitted a hearing request during the comment period. The hearing request was in writing and provided the required contact information. In his hearing request, Mr. Owens stated he would like to request a public hearing. However, Mr. Owens did not otherwise express concern or state how he may be affected in a manner different from the general public. Therefore, Mr. Owens did not raise a personal justiciable interest. Using the address provided, the Executive Director determined that Mr. Owens resides approximately 6.57 miles from the proposed location of the plants.

9. Timothy Mark Peery

Timothy Mark Peery submitted a hearing request during the comment period. The hearing request was in writing and provided the required contact information. In his hearing request, Mr. Peery stated that there needs to be a hearing. However, Mr. Peery did not otherwise express concern or state how he may be affected in a manner different from the general public. Therefore, Mr. Peery did not raise a personal justiciable interest. Using the address provided, the Executive Director determined that Mr. Peery resides approximately 237 miles from the proposed location of the plants.

10. Christina Peyton

Christina Peyton submitted a hearing request during the comment period. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing requests Ms. Peyton stated that she is concerned for air quality and road safety. However, Ms. Peyton did not raise any other issues that were the basis of her hearing request or state how she would be affected in a manner different than the general public. Therefore, Ms. Peyton failed to raise a personal justiciable issue. Using the address provided, the Executive Director determined that Ms. Peyton resides approximately 4.89 miles from the proposed location of the plants.

In her hearing request, Christina Peyton raised the following issues:

Issue 1: Whether the proposed plants will negatively affect air quality

Issue 7: Whether the proposed plants will negatively impact road safety

11. Jessica Seay

Jessica Seay submitted a hearing request during the comment period. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request Ms. Seay stated that she was requesting a public hearing because the town needs transparency and open communication. Ms. Seay did not raise any other issues that were the basis of her hearing request or state how she would be affected in a manner different than the general public. Therefore, Ms. Seay failed to raise a personal justiciable issue. Using the address provided, the Executive Director determined that Ms. Seay resides approximately 3.28 miles from the proposed location of the plants.

12. Michael Spano

Michael Spano submitted a hearing request during the comment period. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing requests. In his hearing request, Mr. Spano stated he requested a public meeting/hearing and that these issues should be discussed with the public at large. However, Mr. Spano did not otherwise express concern or state how he may be affected in a manner different from the general public. Therefore, Mr. Spano did not raise a personal justiciable interest. Using the address provided, the Executive Director determined that Mr. Spano resides approximately 197 miles from the proposed location of the plants.

13. Wendy Wright

Wendy Wright submitted a timely hearing request during the comment period. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing requests. In her hearing request, Ms. Wright stated that she requested a public hearing be conducted before this permit is approved. However, Ms. Wright did not otherwise express concern or state how she may be affected in a manner different from the general public. Therefore, Ms. Wright did not raise a personal justiciable interest. Using the address provided, the Executive Director determined that Ms. Wright resides approximately 221 miles from the proposed location of the plants.

B. Whether the those who requested a contested case hearing are affected persons?

For a registration for a concrete batch plant standard permit, TCAA § 382.058(c) states that "only those persons actually residing in a permanent residence within 440 yards of the proposed plant may request a hearing...as a person who may be affected." As shown on the attached maps, none of the hearing requestors reside within 440 yards of the of the proposed plants. Therefore, the Commission cannot consider them to be affected persons.

VI. CONCLUSION

The Executive Director respectfully recommends the Commission:

1. Find all hearing requests in this matter were timely filed;
2. Find that all hearing requestors are not affected persons as a matter of law; and
3. Deny all requests for contested case hearing.

Respectfully submitted,

Texas Commission on Environmental Quality

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Erin E. Chancellor, Director
Office of Legal Services

Guy Henry, Acting Deputy Director
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REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
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ENVIRONMENTAL QUALITY

AmeriTex Pipe & Products LLC

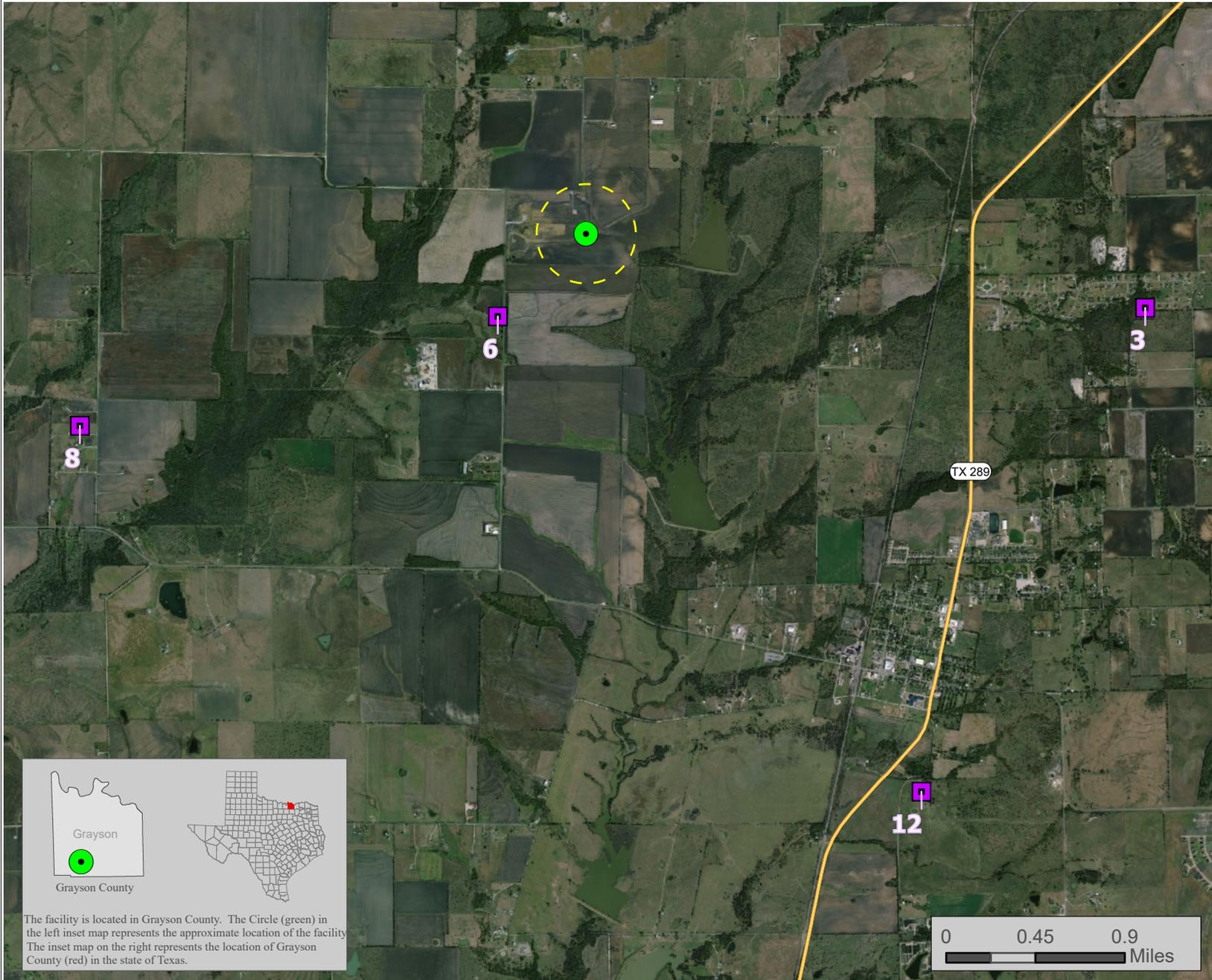
Standard Permit for Concrete Batch Plants Registration No. 164317

Map Requested by TCEQ Office of Legal Services
for Commissioners' Agenda



*Protecting Texas by
Reducing and
Preventing Pollution*

Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087
Date: 12/10/2021
CRF 0062808 - Map A
Cartographer: ABanda



- Requesters
- Facility
- 440- Yard Buffer
- County Boundary

Distances from the Facility
to each requestor can be
found in Appendix A.



The facility is located in Grayson County. The Circle (green) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Grayson County (red) in the state of Texas.

Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.



AmeriTex Pipe & Products LLC

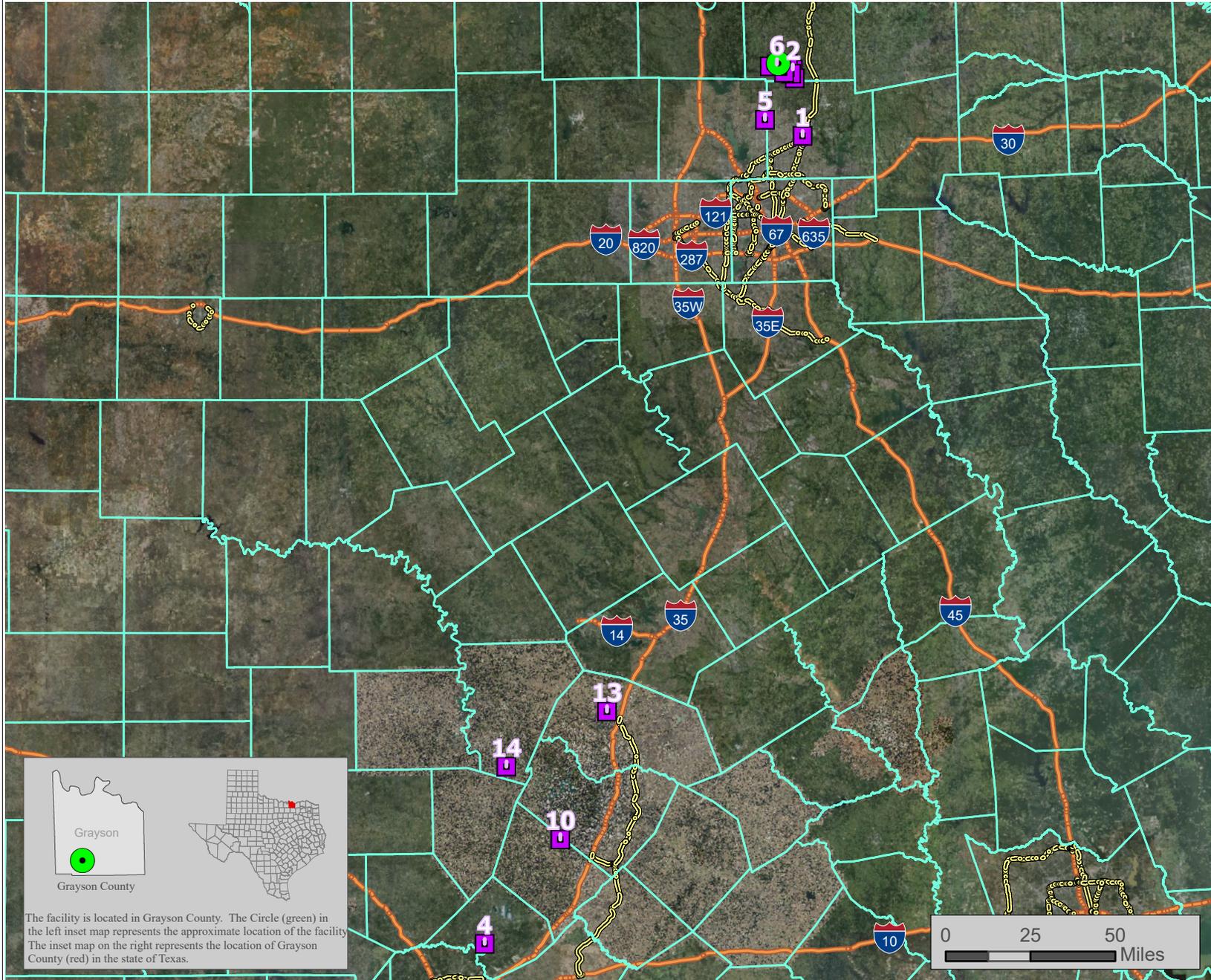
Standard Permit for Concrete Batch Plants Registration No. 164317

Map Requested by TCEQ Office of Legal Services
for Commissioners' Agenda



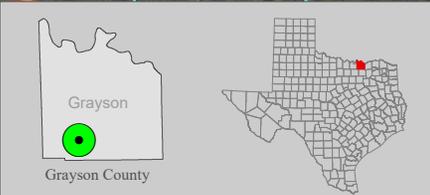
*Protecting Texas by
Reducing and
Preventing Pollution*

Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087
Date: 12/8/2021
CRF 0062808 - Map B
Cartographer: ABanda

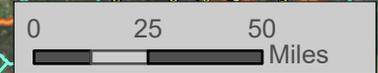


- Requesters
- Facility
- County Boundary

Distances from the Facility
to each requestor can be
found in Appendix A.



The facility is located in Grayson County. The Circle (green) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Grayson County (red) in the state of Texas.



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Map Appendix A: Requester Table

ID	Requester	Distance from Facility (miles)
1	Deirdre Diamond	22.55
2	Deirdre Diamond	4.63
3	Connie Jo Eubanks	2.84
4	Don Everingham	273.12
5	Bryan Hemman	17.12
6	Don and Linda K. Hunter	0.61
7	Emily Lewis	25.28
8	Linda McAllister	2.73
9	Nick Owens	6.57
10	Timothy Mark Peery	237.19
11	Christina Peyton	4.89
12	Jessica Seay	3.28
13	Michael Spano	197.26
14	Wendy Wright	221.89

CERTIFICATE OF SERVICE

I certify that on December 13, 2021, a true and correct copy of the “Executive Director’s Response to Hearing Requests” was filed with the TCEQ’s Office of the Chief Clerk and a copy was served to 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.



Betsy Peticolas

**SERVICE LIST – AMERITEX PIPE & PRODUCTS, LLC
TCEQ DOCKET NO. 2021-1508-AIR
REGISTRATION NO. 164317**

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¹ Based on the address Ms. Diamond submitted on an unrelated application as described in the Executive Director's Response to Hearing Requests.