

Mehgan Taack

From: PUBCOMMENT-OCC
Sent: Thursday, February 24, 2022 8:42 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 166281
Attachments: 2022.02.23 Stone Oak and Hansons Hearing Request.pdf

H

From: christa@txenvirolaw.com <christa@txenvirolaw.com>
Sent: Wednesday, February 23, 2022 5:14 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 166281

REGULATED ENTY NAME CONCRETE BATCH PLANT NO 3

RN NUMBER: RN111322558

PERMIT NUMBER: 166281

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: TEXCRETE INC

CN NUMBER: CN605303098

FROM

NAME: Eric Allmon

E-MAIL: christa@txenvirolaw.com

COMPANY: Perales, Allmon & Ice, P.C.

ADDRESS: 1206 SAN ANTONIO ST
AUSTIN TX 78701-1834

PHONE: 5124696000

FAX:

COMMENTS: Please see the attached hearing request.

PERALES, ALLMON & ICE, P.C.

ATTORNEYS AT LAW

1206 San Antonio Street
Austin, Texas 78701
(512) 469-6000 • (512) 482-9346 (facsimile)
info@txenvirolaw.com

Of Counsel:
David Frederick
Richard Lowerre
Brad Rockwell

February 23, 2022

Laurie Gharis, Chief Clerk
Texas Commission on Environmental Quality
Office of the Chief Clerk, MC 105
P.O. Box 13087
Austin, Texas 78701-3087

Via TCEQ Online Comment Form

RE: Hearing Request regarding Application by Texcrete, Inc. for Concrete Batch Plant Proposed Registration No. 166281.

Dear Ms. Gharis:

Stone Oak Ranch RV Resort (“Stone Oak” or the “Resort”) and Tom and Joyce Hanson (collectively, the “Hansons”) maintain their request for a contested case hearing regarding the application of Texcrete, Inc. (“Texcrete” or “Applicant”) for Concrete Batch Plant Registration No. 166281 (the “Application”). The Response to Comments issued by TCEQ Executive Director does not resolve the concerns raised by Stone Oak and the Hansons (jointly, “Requesters”). Stone Oak and the Hansons may be contacted through my office at the address and telephone number indicated above.

I. Stone Oak Ranch RV Resort

Steve Hill is the owner and operator of the Resort, which is located at 25101 Ronald Reagan Boulevard, Georgetown, Texas. The Resort contains 226 separate RV sites, 37 of which can accommodate permanent “tiny home” residences. The tiny home sites are all located near the Resort’s southwestern property boundary and the majority lie within 500 feet of the proposed plant. In addition to the residential sites, Stone Oak provides a recreational center, swimming pool, playground area and two pickle ball courts for residents of the resort located approximately 500 feet from the truck loadout area proposed site. Stone Oak has a personal justiciable interest in the Application.

II. Tom and Joyce Hanson are “Affected Persons”

The Hansons own a home in Space 38 within the Resort. Their home is located within 440 yards of the proposed concrete batch plant. While many vehicles in the Resort are temporary, the Hansons’ home is a “tiny house” that has been permanently installed in their space. They moved to this location in March of 2021. Although their home is modular, wheels of the home have been removed, and the house has been skirted due to its permanent status.

As persons residing in a permanent residence located within 440 yards of the proposed plant, the Hansons meet the distance limitations of Texas Health & Safety Code § 382.058 to be considered “affected.” The Hansons’ concerns relate to the entirety of the operations requested to be authorized, including related stockpiles (collectively, the “Facility”). The Hansons are members of a walking group, and the Hansons often swim in the outdoor swimming pool at the Resort. That swimming pool is located within approximately 500 feet of the truck loadout area of the proposed concrete batch plant. The Hansons also regularly eat outside their home on the porch of their house.

III. Stone Oak and the Hansons requests a contested case hearing

The Response to Comments (“RTC”) issued by the Executive Director does not resolve the issues previously raised by Requesters in prior comments and hearing requests. Stone Oak and the Hansons maintain their request for a hearing on all issues raised in their prior comments and hearing requests, including, without limitation:

- (1) Whether Applicant has demonstrated compliance with the National Ambient Air Quality Standards (NAAQS)?
- (2) Whether Applicant has demonstrated that the proposed emissions will not cause or contribute to a condition of air pollution?
- (3) Whether the emissions from the proposed facility are protective of human health?
- (4) Whether emissions from the proposed facility will be protective of general welfare, including vegetation, animals, and the environment?

IV. Conclusion

For these reasons, Stone Oak and the Hansons maintain their request for a contested case hearing.

Respectfully submitted,

/s/ Eric Allmon

Eric Allmon

State Bar No. 24031819

PERALES, ALLMON & ICE,

P.C.

1206 San Antonio

Austin, Texas 78701

512-469-6000 (t)

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COUNSEL FOR STONE OAK
RANCH RV RESORT; AND TOM
AND JOYCE HANSON

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Thursday, October 28, 2021 8:59 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 166281
Attachments: 2021.10.27 Stone Oak and Hansons Supp HR[1p].pdf

NSR
124998

H
RFR

From: calvin@txenvirolaw.com <calvin@txenvirolaw.com>
Sent: Wednesday, October 27, 2021 4:34 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 166281

REGULATED ENTY NAME CONCRETE BATCH PLANT NO 3

RN NUMBER: RN111322558

PERMIT NUMBER: 166281

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: TEXCRETE INC

CN NUMBER: CN605303098

FROM

NAME: Eric Allmon

E-MAIL: calvin@txenvirolaw.com

COMPANY: Perales, Allmon, & Ice, P.C.

ADDRESS: 1206 SAN ANTONIO ST
AUSTIN TX 78701-1834

PHONE: 5124696000

FAX: 5124829346

COMMENTS: Please see the attached supplemental comments and request for reconsideration on behalf of Stone Oak Ranch and Tom and Joyce Hanson.

PERALES, ALLMON & ICE, P.C.

ATTORNEYS AT LAW

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(512) 469-6000 • (512) 482-9346 (facsimile)
info@txenvirolaw.com

Of Counsel:
David Frederick
Richard Lowerre
Brad Rockwell

October 27, 2021

Laurie Gharis, Chief Clerk
Texas Commission on Environmental Quality
Office of the Chief Clerk, MC 105
P.O. Box 13087
Austin, Texas 78701-3087

Via TCEQ Online Comment Form

RE: Comments, Supplemental Comments, Request for Reconsideration and Request for Contested Case hearing regarding Application by Texcrete. Inc. for Concrete Batch Plants Proposed Registration No. 166281.

Dear Ms. Gharis:

I represent Stone Oak Ranch RV Resort (“Stone Oak Ranch” or the “Resort”) as well as Tom and Joyce Hanson (the “Hansons”), with regard to the application of Texcrete, Inc. (“Texcrete” or “Applicant”) for Concrete Batch Plant Registration No. 166281 (the “Application”).

I. The Stone Oak Ranch RV Resort

Stone Oak Ranch is located at 25101 Ronald Reagan Boulevard, Georgetown, Texas. The Resort contains 226 separate RV sites, 37 of which can accommodate permanent “tiny home” residences. In addition to the residential sites, Stone Oak Ranch provides a recreational center, swimming pool, playground area and two pickle ball courts for residents of the Resort. The loadout area of Texcrete’s proposed concrete batch plant would be located with approximately 500 feet of these outdoor amenities.

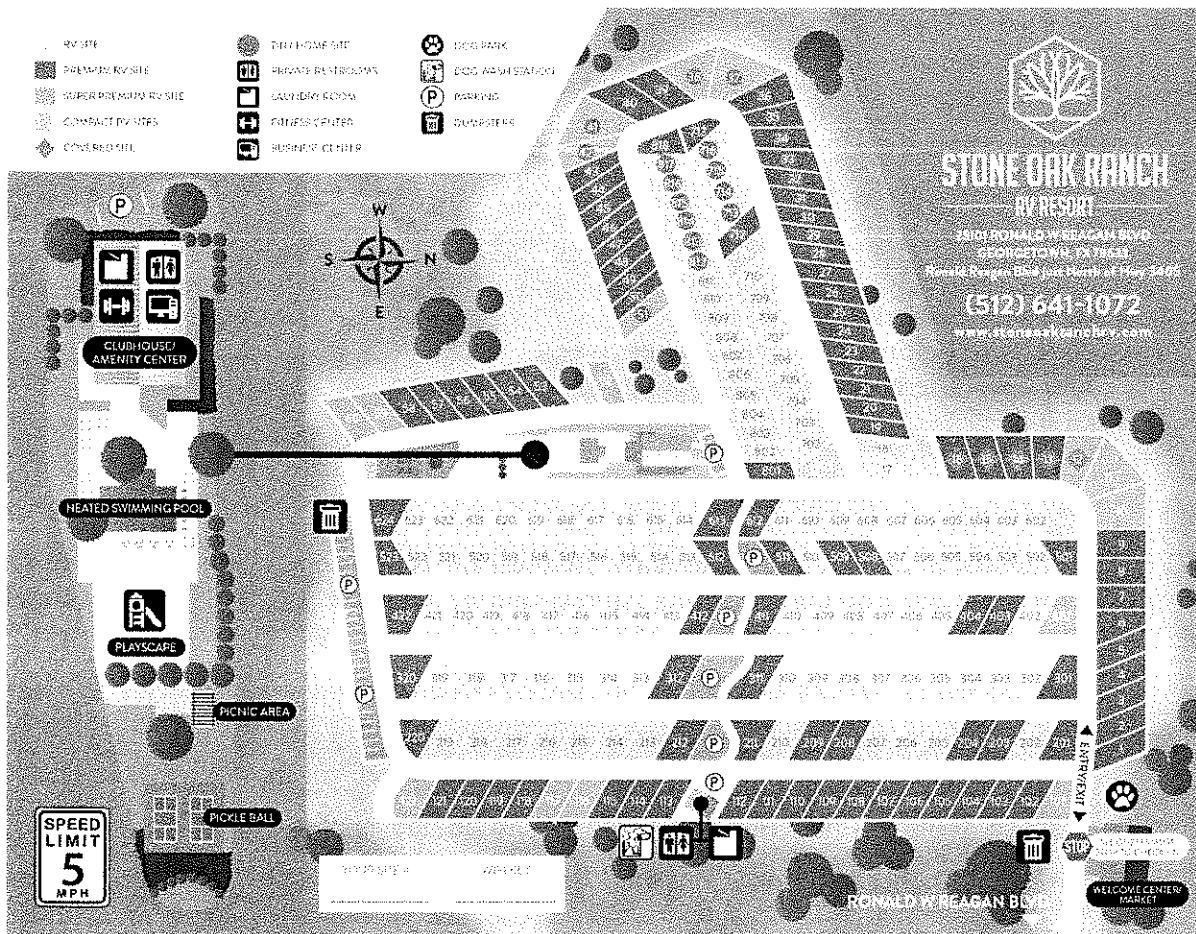


Figure 1: Map of Stone Oak RV Ranch Resort.¹

Stone Oak Ranch is concerned about the potential impacts of the emissions of the proposed facility upon the use and enjoyment of these recreational spaces by residents of the Resort. The Resort is concerned that particulate emissions could accumulate in areas of the Resort in a manner that impairs the use and enjoyment of the Resort, and are concerned that emissions from the facility have not been demonstrated to be adequately protective of health and physical property. Stone Oak RV Ranch Resort possesses economic interests that will be particularly impacted by Texcrete’s proposed concrete batch plant.

¹ As noted, green dots indicate sites of “tiny homes,” which are permanent residences at the Resort. Tom and Joyce Hanson reside in a tiny home located within Site 38 as depicted in this figure. The site of the proposed concrete batch plant is proposed to be located in the general vicinity of the compass depicted within this Figure (near the playscape, picnic area and swimming pool within the Resort).

II. Stone Oak Ranch shares the concerns expressed by Tom and Joyce Hanson in their comments on the Application.

Stone Oak Ranch joins Tom and Joyce Hanson in their previous comments made to the commission regarding the Application. The Hansons' home, located on Site 38 within the Resort, is within 440 feet of the stockpile area designated in the Application. The Hansons and Stone Oak Ranch are concerned about the potential impacts the emissions from the proposed facility may have on human health and physical property. The Hansons and Stone Oak Ranch RV Resort are also concerned about the decreased visibility that may result from operation of the proposed plant.

Stone Oak Ranch joins the Hansons in respectfully requesting that the Application be denied. If not denied, Stone Oak Ranch and the Hansons request a contested case hearing with regard to issues they had raised in these comments as well as the previous comments. This includes whether the Applicant has demonstrated that the proposed emissions will not cause or contribute to a condition of air pollution; whether the emissions from the proposed facility are protective of human health; whether the emissions will be protective of general welfare, including vegetation, animals, and the environment; and whether the proposed facility will implement the Best Available Control Technology (BACT).

III. Compliance with the 2021 Concrete Batch Plant Standard Permit Relied upon by Texcrete fails to demonstrate that the proposed facility is compliant with applicable legal requirements.

A. General Texas Requirements for Standard Permit

The TCEQ administers the requirements of the Texas Clean Air Act ("TCAA"), which is designed to safeguard the state's air resources from pollution. Tex. Health & Safety Code § 382.002. Under the TCAA, a permit is required for any person to construct a new facility or modify an existing facility that may emit air contaminants.² The TCEQ is authorized to issue standard permits for the construction or modification of new or existing similar facilities that have similar operations, processes, and emissions, such as concrete batch plants (CBPs).³ Under Texas law, standard permits must be enforceable, include adequate monitoring, and apply best available

² Tex. Health & Safety Code § 385.0518(a); 30 Tex. Admin. Code § 116.110. Air contaminant includes, among other things, particulate matter, dust, fumes, gas vapor including any combination of these things, produced by non-natural processes. Tex. Health & Safety Code § 382.003(2).

³ Tex. Health & Safety Code §§ 382.051(b)(3), 382.05195(a).

control technology (“BACT”).⁴ Whether a type of control technology qualifies as BACT depends on whether the TCEQ Executive Director (“ED”) finds that the technology is technically practicable and economically reasonable.⁵ The Commission must grant an application for a CBP Standard Permit if it finds that it will satisfy BACT and that there is “no indication that the emissions from the facility will contravene the intent of [the TCAA], including protection of the public’s health and physical property.”⁶

B. Texcrete has failed to demonstrate compliance with the National Ambient Air Quality Standards (NAAQS) for Fine Particulate Matter (PM_{2.5}), and has thereby failed to demonstrate that the facility is protective of public health and physical property.

The Federal Clean Air Act (“FCAA”) requires the United States Environmental Protection Agency (“EPA”) to identify emissions that cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare and set primary and secondary national air quality standards for those pollutants.⁷ These are referred to as “criteria pollutants.” Once a criteria pollutant is identified, the EPA will establish a national air quality standard (“NAAQS”), which are requisite to protection of public health and welfare.⁸ Both fine (PM_{2.5}) and coarse (PM₁₀) particulate matter are criteria pollutants with established NAAQS.⁹

In 2006, the primary and secondary NAAQS for PM_{2.5} was set at 15.0 µg/m, 24-hour concentration (“PM_{2.5} 24-hour NAAQS”) and 35 µg/m³, annual (“2006 PM_{2.5} Annual NAAQS.”)¹⁰ Effective March 18, 2013, EPA lowered the PM_{2.5} NAAQS from 15.0 µg/m³ to 12.0 µg/m³, annual (“2012 PM_{2.5} Annual NAAQS”).¹¹

Permit applicants are required to demonstrate that their facility’s emissions will not cause or contribute to a violation of the NAAQS and are protective of human health, general welfare, and physical property, commonly referred to a protectiveness review.¹² During a

⁴ *Id.*

⁵ 30 TAC § 116.10((1).

⁶ Tex. Health & Safety Code § 382.0518(b).

⁷ 42 U.S.C. §§ 7408 (a), 7409(a).

⁸ 42 U.S.C. § 7409.

⁹ 40 C.F.R. §§ 50.6, 50.7, 50.13, 50.18.

¹⁰ National Ambient Air Quality Standards for Particulate Matter, 71 Fed. Reg. 61,144 (Oct. 17, 2006).

¹¹ National Ambient Air Quality Standards for Particulate Matter, 78 Fed. Reg. 3,085 (Jan. 15, 2013).

¹² TCEQ, Air Quality Modeling Guidelines, APDG 6232, Air Permits Division, TCEQ (November 2019) at 10 (“TCEQ Air Quality Modeling Guidelines”).

protectiveness review, TCEQ evaluates modeled emissions from a new or modified facility and determines if the predicted highest concentration at or beyond the property line is less than the respective NAAQS and is presumably protective.¹³ Total particulate matter in each permit evaluation must meet NAAQS.¹⁴ In other words, modeled emissions meeting or exceeding the respective NAAQS beyond the property line are not protective of human health, general welfare, and physical property.

The initial protectiveness review for the CBP Standard Permit was performed in 2000, and the most recent protectiveness review for the Concrete Batch Plant Standard Permit was completed in September of 2012.¹⁵ That protectiveness review applied the PM_{2.5} NAAQS as they existed prior to the effectiveness of the current PM_{2.5} NAAQS. In issuing the 2021 CBP Standard Permit, TCEQ did not undertake a new protectiveness review. Accordingly, compliance with the current standard permit does not demonstrate compliance with the current PM_{2.5} NAAQS. For this reason, Texcrete has not demonstrated that the proposed emissions will be protective of health, general welfare, and physical property with regard to PM_{2.5}, as Texcrete has not shown that the proposed emissions will meet the applicable NAAQS for PM_{2.5}.

C. Texcrete has failed to demonstrate that the proposed emissions are protective against impacts of crystalline silica.

For certain non-criteria pollutants, the TCEQ Toxicology Division develops effects screening levels (“ESL”), which are used to evaluate the potential for effects to occur from air contaminant exposure.¹⁶ Acute exposure is evaluated using short-term ESLs which are based on a

¹³ TCEQ Air Quality Modeling Guidelines at 17.

¹⁴ Tex. Comm’n on Env’tl. Quality, Interoffice Memorandum on Toxicology Factor Database Screening Levels (Mar. 8, 2018), <https://www.tceq.texas.gov/assets/public/implementation/tox/esl/special%20notations.pdf> (last visited October 27, 2021).

¹⁵ Tex. Nat. Res. Conservation Comm’n, Interoffice Memorandum on Health Effects Review of Emissions Resulting from Concrete Batch Plants Operating under the Proposed Standard Permit (Mar. 20, 2000); Tex. Nat. Res. Conservation Comm’n, Interoffice Memorandum on Modeling Case-Study Permanent and Temporary Concrete Batch Plant Operations (Apr. 7, 2000); TCEQ Proposed Standard Permit for Concrete Batch Plants and Summary Document (April 25, 2000) [collectively, hereinafter 2000 Protectiveness Review]; Tex. Comm’n on Env’tl. Quality, Interoffice Memorandum on Concrete Batch Plant Standard Permit Protectiveness Review (Sept. 24, 2012) [hereinafter 2012 Protectiveness Review].

¹⁶ See *About Air Monitoring Comparison Values*, TEX. COMM’N ON ENVTL. QUALITY, <https://www.tceq.texas.gov/toxicology/amcv> (last visited Oct. 27, 2021); *About Effects Screening Levels*, TEX. COMM’N ON ENVTL. QUALITY, <https://www.tceq.texas.gov/toxicology/esl/ESLMain.html> (last visited Oct. 27, 2021).

one-hour averaging period.¹⁷ Chronic exposure is evaluated with a long-term ESL based on an annual averaging period.¹⁸ If ambient levels of contaminants exceed an ESL, a more in-depth review is required.¹⁹

Crystalline silica (“crystalline silica” or “silica”) is a known carcinogen and pollutant of concern for CBPs. The TCEQ has set the short-term silica ESL at 14 µg/m³ (“short-term silica ESL”) and the long-term ESL at 0.27 µg/m³ (“long-term silica ESL”).²⁰ However, neither the 2000 Protectiveness Review nor the 2012 Protectiveness Review makes any mention of a crystalline silica emissions assessment. Considering that no review has ever been performed to determine whether emissions of crystalline silica under the CBP Standard Permit are protective of human health and physical property, Texcrete has failed to demonstrate that the emission of crystalline silica from the proposed facility will be protective of human health and physical property.

D. Texcrete has failed to demonstrate that the proposed emissions are protective in light of background concentrations of contaminants.

Texas law prohibits issuance of a permit that will either cause *or contribute to* a condition of air pollution.²¹ “Air pollution” is “the presence in the atmosphere of one or more air contaminants or combination of air contaminants in such concentration and of such duration that . . . are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property.”²² The danger posed by air emissions is a function of the cumulative sum of the concentration of a contaminant in the air resulting from the proposed emissions in addition to background ambient air concentrations of the contaminant at issue. However, neither the 2000 protectiveness review nor the 2012 protectiveness review considered the existence of background concentrations of relevant contaminants such as particulate matter and crystalline silica. Accordingly, Texcrete has not shown that the proposed emissions will not cause or contribute to a condition of air pollution.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Tex. Comm’n on Env’tl. Quality, Interoffice Memorandum on Toxicology Factor Database Screening Levels (Mar. 8, 2018), <https://www.tceq.texas.gov/assets/public/implementation/tox/esl/special%20notations.pdf>.

²⁰ ESL data is be found at the TCEQ Texas Air Monitoring Information System Database.

²¹ Tex. Health & Safety Code § 382.085(a).

²² Tex. Health & Safety Code § 382.003(3) (emphasis added).

E. Texcrete has failed to demonstrate that the proposed facility will implement the Best Available Control Technology

As noted above, a permitted facility must apply best available control technology (“BACT”). Yet, the last BACT analysis for the CBP Standard Permit was performed in 2012. No demonstration has been made that BACT for concrete batch plants remains unchanged in the intervening nine years. Accordingly, Texcrete has failed to demonstrate that the proposed facility will implement BACT.

IV. Request for Reconsideration.

In applying for a permit, the Applicant bears the burden of proof, and that burden must be met in the materials supplied to the Executive Director in the processing of the permit application. As is demonstrated above, Texcrete has failed to meet its burden. In light of this failure, the Commission should reconsider the Executive Director’s decision and deny the application.

V. In the Alternative, The Hansons and Stone Oak RV Ranch Resort Request a Contested case hearing.

If the Commission does not grant the request for reconsideration set forth above, the Hansons and the Stone Oak RV Ranch Resort each request a contested case hearing on each issue raised in the Hanson’s prior request, and in this supplemental hearing request.

VI. Conclusion

For the issues raised by Stone Oak and the Hansons, and in light of the deficiencies of the 2021 Amended CBP Standard Permit raised by the Harris County petition, both Stone Oak and the Hansons respectfully request that the commission reconsider their preliminary decision on the Application and deny the permit. If the permit is not denied, Stone Oak Ranch and the Hansons requests a hearing on the issues raised above.

Respectfully submitted,

/s/ Eric Allmon
Eric Allmon
State Bar No. 24031819
PERALES, ALLMON & ICE,
P.C.
1206 San Antonio
Austin, Texas 78701

512-469-6000 (t)

512-482-9346 (f)

COUNSEL FOR TOM AND
JOYCE HANSON AND STONE
OAK RANCH RV RESORT

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Wednesday, October 20, 2021 1:41 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 166281
Attachments: 2021.10.20 Hanson Comments and HR[245p] with Attachment1.pdf

NSR
124998

H

From: calvin@txenvirolaw.com <calvin@txenvirolaw.com>
Sent: Wednesday, October 20, 2021 10:23 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 166281

REGULATED ENTY NAME CONCRETE BATCH PLANT NO 3

RN NUMBER: RN111322558

PERMIT NUMBER: 166281

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: TEXCRETE INC

CN NUMBER: CN605303098

FROM

NAME: Eric Allmon

E-MAIL: calvin@txenvirolaw.com

COMPANY: Perales, Allmon, & Ice, P.C.

ADDRESS: 1206 SAN ANTONIO ST
AUSTIN TX 78701-1834

PHONE: 5124696000

FAX:

COMMENTS: Please see the attached letter for the full comment and hearing request of Tom and Joyce Hanson.

PERALES, ALLMON & ICE, P.C.

ATTORNEYS AT LAW

1206 San Antonio Street
Austin, Texas 78701
(512) 469-6000 • (512) 482-9346 (facsimile)
info@txenvirolaw.com

Of Counsel:
David Frederick
Richard Lowerre
Brad Rockwell

October 20, 2021

Laurie Gharis, Chief Clerk
Texas Commission on Environmental Quality
Office of the Chief Clerk, MC 105
P.O. Box 13087
Austin, Texas 78701-3087

Via TCEQ Online Comment Form

RE: Comment and Hearing Request regarding Application by Texcrete, Inc. for Concrete Batch Plants Proposed Registration No. 166281.

Dear Ms. Gharis:

I represent Tom and Joyce Hanson with regard to the application of Texcrete Inc. (“Texcrete” or “Applicant”) for Concrete Batch Plant Registration No. 166281 (the “Application”). For the reasons identified below, Texcrete’s application should be denied. Tom and Joyce Hanson request a contested case hearing with regard to the Application if the Executive Director does not decide to deny the Application. Tom and Joyce Hanson may be contacted through my office at the address and telephone number indicated above.

I. Tom and Joyce Hanson are Affected Persons

Tom and Joyce Hanson (collectively, the “Hansons”) own a home within the Stone Oak Ranch RV Resort (the “Resort”). The Resort is located at 25101 Ronald Reagan Boulevard, Georgetown, Texas. The Hansons’ house sits in Space 38 within the Resort. Their home is located within 440 yards of the proposed concrete batch plant.¹ While many vehicles in the Resort are temporary, the Hansons’ home is a “tiny house” that has been permanently installed in their space. They moved to this location in March of 2021. Although their home is modular, wheels of the home have been removed, and the house has been skirted due to its permanent status.

¹ See Attachment A to this submission.



Figure 1: Hanson Home

As persons residing in a permanent residence located within 440 yards of the proposed plant, the Hansons meet the distance limitations of Texas Health & Safety Code § 382.058 to be considered “affected.” The Hansons’ concerns relate to the entirety of the operations requested to be authorized, including related stockpiles (collectively, the “Facility”).

The Hansons are members of a walking group, and the Hansons often swim in the outdoor swimming pool at the Resort. That swimming pool is located within approximately 500 feet of the truck loadout area of the proposed concrete batch plant. The Hansons also regularly eat outside their home on the porch of their house.

The Hansons are concerned about the potential impacts of the emissions of the proposed facility upon the use and enjoyment of their home and upon their outdoor activities within the Resort. Particulate emissions from the proposed concrete batch plant will potentially result in the accumulation of dust upon their home, and the emissions will also potentially cause adverse health

impacts upon the Hansons. The Hansons are both in their 70s, and so they are particularly sensitive to health impacts of air pollution.

II. Applicant has not demonstrated that the authorization will not cause or contribute to a condition of air pollution.

The proposed Facility will emit contaminants that are potentially harmful to human health and physical property. Contaminants emitted from the Facility will include crystalline silica, which is known to have long-term health impacts. These contaminants will potentially lead to irritation of the respiratory system. Additionally, the emissions from the Facility will potentially accumulate on property within the Resort, including the Hansons' home.

A permitted facility may not cause or contribute to a condition of air pollution.² The term "air pollution" includes, "the presence in the atmosphere of one or more air contaminants or combination of air contaminants in such concentration and of such duration that . . . are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property."³ For this reason, the Hansons request a contested case hearing regarding "Whether Applicant has demonstrated that the proposed emissions will cause or contribute to a condition of air pollution."

III. The Facility would potentially adversely impact human health.

If permitted, the emissions from the Facility would include crystalline silica, which is recognized as potentially adversely impacting human health. Applicant has not demonstrated that emissions of this contaminant at this location will not result in concentrations potentially resulting in negative impacts upon human health. Accordingly, the Hansons request a contested case hearing on "Whether the emissions from the proposed facility are protective of human health."

IV. Applicant has not demonstrated that the proposed authorization would be protective of general welfare, including vegetation, animals, and the environment.

Emissions from the proposed Facility have the potential to adversely impact visibility, as well as to accumulate upon the environment and the property in the vicinity of the proposed Facility. For this reason, the Hansons request a contested case hearing on the issue of "Whether

² Tex. Health & Safety Code § 382.085(a).

³ Tex. Health & Safety Code § 382.003(3).

emissions from the proposed facility will be protective of general welfare, including vegetation, animals, and the environment.”

V. Conclusion.

For the above reasons, Tom and Joyce Hanson respectfully request that the Application be denied. If not denied, the Hansons request a contested case hearing with regard to the issues raised in these comments and hearing request.

Respectfully submitted,

/s/ Eric Allmon

Eric Allmon

State Bar No. 24031819

**PERALES, ALLMON & ICE,
P.C.**

1206 San Antonio

Austin, Texas 78701

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512-482-9346 (f)

COUNSEL FOR TOM AND
JOYCE HANSON

Attachment A



STONE OAK RANCH RV PARK SITE PLAN

DATE	10/15/2024
PROJECT NO.	2024-0123
ISSUED FOR	PERMITS
DRAWN BY	JAC
CHECKED BY	JAC
REVISIONS	
1	
2	
3	
4	
5	
6	
7	
8	

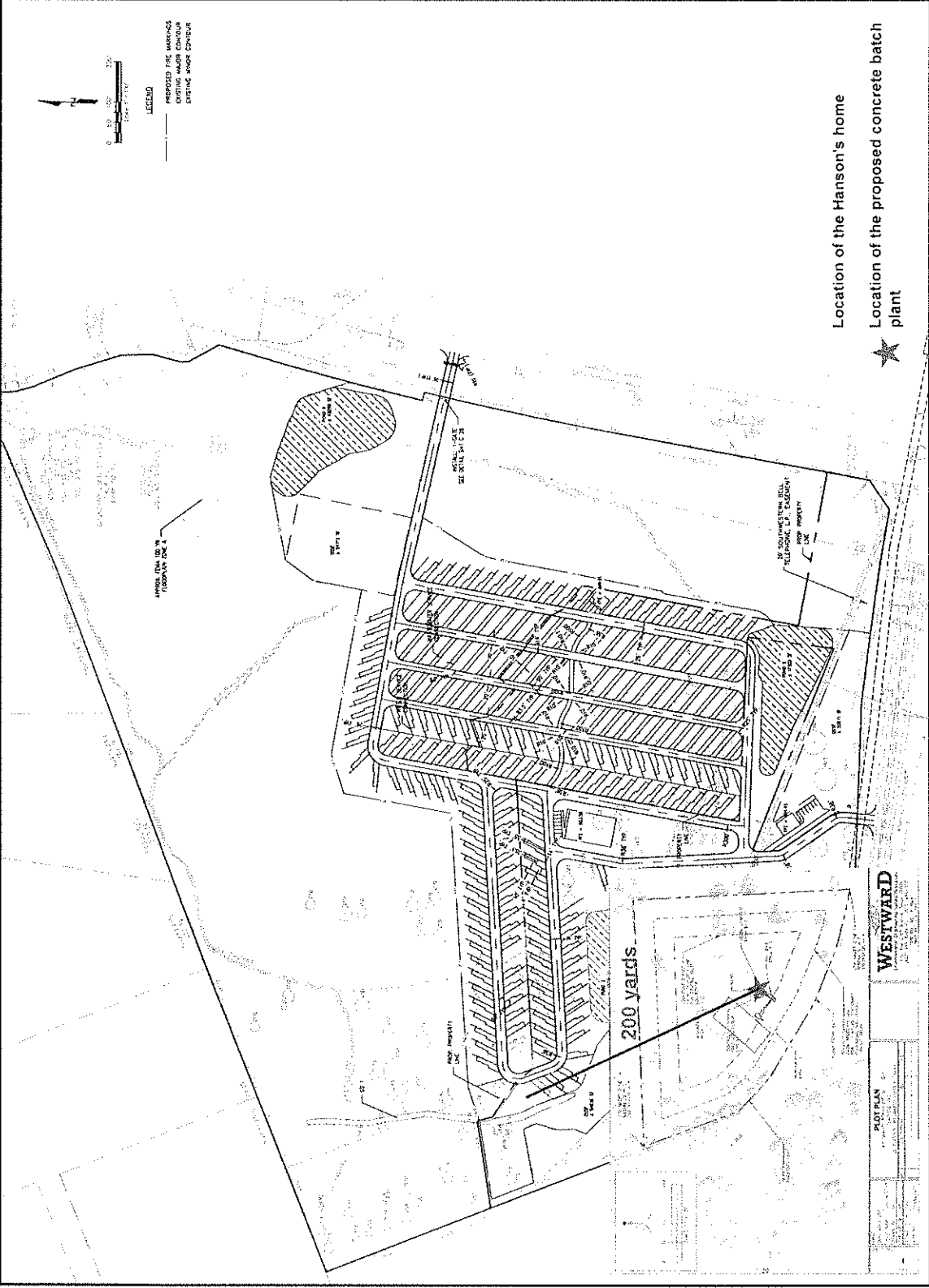
CUDER ENGINEERS
12345 MAIN ST.
DALLAS, TX 75201

C5



LEGEND

- PROPOSED USE MATERIALS
- EXISTING MATERIALS
- EXISTING WORK CONTOUR



Location of the Hanson's home



Location of the proposed concrete batch plant

WESTWARD
ENGINEERS & ARCHITECTS
12345 WEST ST.
DALLAS, TX 75201

PROJECT NO.
DATE
SCALE

Mehgan Taack

From: PUBCOMMENT-OCC
Sent: Friday, February 25, 2022 8:59 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 166281
Attachments: Please help.pdf

eComment = H

Attachment = Comment

From: patriciacatherynyong@gmail.com <patriciacatherynyong@gmail.com>
Sent: Thursday, February 24, 2022 8:08 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 166281

REGULATED ENTY NAME CONCRETE BATCH PLANT NO 3

RN NUMBER: RN111322558

PERMIT NUMBER: 166281

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: TEXCRETE INC

CN NUMBER: CN605303098

FROM

NAME: Patti Young

E-MAIL: patriciacatherynyong@gmail.com

COMPANY:

ADDRESS: 351 COUNTY ROAD 256
LIBERTY HILL TX 78642-4708

PHONE: 5122170414

FAX:

COMMENTS: Please accept the attached document as a request for a contested hearing in the event it is still applicable.

To Whom It May Concern:

I have recently learned about the proposal for a permit regarding application 166281 in Williamson County. Having lived directly down the road from it for many years, I have grave concerns it will destroy the spring behind our house. In the book Land of Good Water it is called the Old Anderson Watering Hole. The historical marker on FM 3405 tells the story of both Draco and Rock House Community. Both were centered around this spring. It is a hidden treasure few people know about. Please help us do whatever is required to protect it. It runs directly into the river on our bottom level, which is the North San Gabriel River.

All of the run off from the proposed property lands in the North San Gabriel River. When it rains it turns the run off water running down CR 256 into a river all its own until it hits the creek behind our house. It was so bad we had to fill up the sink hole it caused as a result back in the day. The moment I heard about the proposal I felt like I had been shot in the gut. We feel it is our duty to protect our spring which is not "ours". It is something we are stewards of. We would be horribly remiss not to make issue of our concerns. We also know of three elderly men who live within a short range who have COPD. My husband is one of them.

Please help.

Sincerely,

Patti Young
351 CR 256
Liberty Hill, TX 78642

512-217-0414

2/24/22

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Friday, October 29, 2021 9:00 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 166281

From: patriciacatherinyoung@gmail.com <patriciacatherinyoung@gmail.com>
Sent: Thursday, October 28, 2021 10:54 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 166281

REGULATED ENTY NAME CONCRETE BATCH PLANT NO 3

RN NUMBER: RN111322558

PERMIT NUMBER: 166281

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: TEXCRETE INC

CN NUMBER: CN605303098

FROM

NAME: Patti Young

E-MAIL: patriciacatherinyoung@gmail.com

COMPANY:

ADDRESS: 351 COUNTY ROAD 256
LIBERTY HILL TX 78642-4708

PHONE: 5122170414

FAX:

COMMENTS: To Whom It May Concern: I have recently learned about the proposal for a permit regarding application 166281 in Williamson County. Having lived directly down the road from it for many years, I have grave concerns it will destroy the spring behind our house. In the book Land of Good Water it is called the Old Anderson Watering Hole. The historical marker on FM 3405 tells the story of both Draco and Rock House Community. Both were centered around this spring. It is a hidden treasure few people know about. Please help us do whatever is required to protect it. It runs

directly into the river on our bottom level, which is the North San Gabriel River. All of the run off from the proposed property lands in the North San Gabriel River. When it rains it turns the run off water running down CR 256 into a river all its own till it hits the creek behind our house. It was so bad we had to fill up the sink hole it caused as a result back in the day. The moment I heard about the proposal I felt like I had been shot in the gut. We feel it is our duty to protect our spring which is not ours. It is something we are stewards of. We would be horribly remiss not to make issue of our concerns. We also know of three elderly men who live within a short range who have COPD. My husband is one of them. Please help. Sincerely, Patti Young 351 CR 256 Liberty Hill, TX 78642 512-217-0414 10/23/21