

**TCEQ DOCKET NO. 2023-0441-AIR**

<b>APPLICATION BY</b>	§	<b>BEFORE THE TEXAS COMMISSION</b>
<b>HOLCIM-SOR, INC.</b>	§	
<b>FOR AIR QUALITY</b>	§	<b>ON</b>
<b>REGISTRATION NO. 161637L003</b>	§	
	§	<b>ENVIRONMENTAL QUALITY</b>

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**HOLCIM-SOR, INC.’S RESPONSE  
TO REQUESTS FOR CONTESTED CASE HEARING AND RECONSIDERATION**

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TO THE COMMISSIONERS OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

Applicant Holcim-SOR, Inc. (“Holcim” or “Applicant”) files this Response to Requests for Contested Case Hearing and Reconsideration (“Response”), and in support thereof, would respectfully show the following:

**I. Introduction**

Holcim has applied to the Texas Commission on Environmental Quality (“TCEQ” or “Commission”) to register a temporary concrete batch plant, under the TCEQ’s Air Quality Standard Permit for Concrete Batch Plants (2021), for the life of Holcim’s project in Forney, Texas. The plant is needed to support the on-going development of Gateway, which is a new mixed-use, master-planned community in a rapidly developing area 20 miles east of Dallas.

Holcim’s application has been thoroughly reviewed by the TCEQ Executive Director and the proposed registration has been found to meet the requirements of the Standard Permit and applicable law, including Texas Clean Air Act Section 382.0518. These requirements include review to ensure the use of best available control technology at plant facilities and the protectiveness of plant emissions. Even so, eight individuals expressing concerns about the location and operation of the plant, requested a contested case hearing and one requested

reconsideration. Because these concerns have been properly evaluated by staff, and because each of these individuals lives too far from the plant to validly demand that a contested case hearing be held on the registration, the requests should be denied.

Holcim therefore respectfully requests that the Commission deny the requests for contested case hearing, deny the request for reconsideration, adopt the Executive Director's Response to Public Comments, and approve the registration to use the Standard Permit.

## **II. Procedural History**

Holcim's registration application ("Application") was received by the Commission on October 10, 2022, and was declared administratively complete on October 12, 2022. The Consolidated Notice of Receipt of Application and Intent to Obtain Permit and Notice of Application and Preliminary Decision for the Application was published in English on October 27, 2022, in the *Forney Messenger* and in Spanish on October 25, 2022, in *La Prensa Comunidad*. The public comment period ended on November 28, 2022, and the following persons submitted timely comments: Russel J. Boisvert, Tonia Goodwin, Larry Todd Keith, Crystal L. Staggs, Mr. Harrison Odell Travis III, Leasa C. Travis, Travis Troutt, Kaleb Willis, and Jill Wilson.

The Executive Director prepared a Response to Public Comments ("RTC") on January 27, 2023, that fully addressed all of the comments submitted regarding the Application. On February 6, 2023, the Executive Director rendered the decision that the Application meets all the requirements of applicable law. The deadline for submitting requests for a contested case hearing and requests for reconsideration was March 8, 2023.

On April 5, 2023, the TCEQ Chief Clerk announced that all timely filed hearing requests and requests for reconsideration will be considered by the Commissioners on May 10, 2023. According to this announcement, hearing requests regarding the Application were submitted by

the following people: Russel J. Boisvert, Tonia Goodwin, Larry Todd Keith, Crystal L. Staggs, Mr. Harrison Odell Travis III, Leasa C. Travis, Travis Troutt, and Kaleb Willis (collectively, the “Requesters”). Jill Wilson is listed as an Interested Person, but not a Requester. According to the TCEQ Commissioners’ Integrated Database, Mr. Harrison Odell Travis III has also made a request that was deemed to be a request for reconsideration.

Holcim hereby provides its Response in accordance with Commission rules.

### **III. The Requests for a Contested Case Hearing Should be Denied**

#### ***a. Legal Framework for the Commission’s Evaluation of the Hearing Requests***

Under Section 55.201(c) of the TCEQ’s rules, a valid request for a contested case hearing must be (1) made by an affected person; (2) be timely filed; and (3) be based solely on the requestor’s timely comments that raised disputed issues of fact or mixed questions of fact and law that are relevant and material to the Commission’s decision on the application.<sup>1</sup> Each of these three prongs is a mandatory requirement, and the request must fail if there is a failure in meeting any one of them.

Compliance with TCEQ’s rules is essential, because the Texas Legislature, in enacting the Texas Clean Air Act and the Texas Water Code, only allows an “affected person” the opportunity to demand that a hearing be held on permit applications.<sup>2</sup> Additionally, the Texas Legislature has narrowly defined the universe of “affected persons” who may validly demand that a contested case hearing be held by or on behalf of the Commission. Only those persons who have “a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the administrative hearing” may be granted a hearing.<sup>3</sup> The Texas Clean Air Act similarly limits

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<sup>1</sup> 30 TEX. ADMIN. CODE §§ 55.201(c); 55.211(c).

<sup>2</sup> See TEX. HEALTH & SAFETY CODE § 382.056(b)(5); TEX. WATER CODE §§ 5.556(c); 5.115.

<sup>3</sup> TEX. WATER CODE § 5.115(a); see also 30 TEX. ADMIN. CODE § 55.203(a).

entitlement to a contested case hearing to “a person who may be affected by emissions of air contaminants from the . . . proposed facility.”<sup>4</sup> And, for applications for authorization to construct a concrete batch plant under a Standard Permit, “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.”<sup>5</sup> Therefore, a hearing requester who is “actually residing in a permanent residence” that is located more than 440 yards from such a proposed concrete batch plant is not an affected person.<sup>6</sup> If a requester is not an affected person, then he or she may not validly demand that a contested case hearing be held.<sup>7</sup>

The Commission may also consider information and analyses in the record in determining whether a person is an affected person, including:

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 executive director; and
3. any other expert reports, affidavits, opinions, or data submitted by the executive director, the applicant, or hearing requestor.<sup>8</sup>

In considering evidence to apply the above factors to a given request, the Third Court of Appeals explained that “TCEQ enjoys the discretion to weigh and resolve matters that may go to the merits

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<sup>4</sup> TEX. HEALTH & SAFETY CODE § 382.056(b)(5).

<sup>5</sup> TEX. HEALTH & SAFETY CODE § 382.058(c).

<sup>6</sup> *See* TEX. HEALTH & SAFETY CODE § 382.058(c).

<sup>7</sup> TEX. HEALTH & SAFETY CODE § 382.056(b)(5). Beyond the distance requirement in the Texas Clean Air Act, which is dispositive if not met, the TCEQ has adopted rules specifying additional factors that must be considered in determining whether a person is an affected person. Those factors are: (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 that were not withdrawn; and (7) for governmental entities, their statutory authority over or interest in the issues relevant to the application. 30 TEX. ADMIN. CODE § 55.203(c).

<sup>8</sup> 30 TEX. ADMIN. CODE § 55.203(d).

of the underlying application, including the likely impact the regulated activity . . . will have on the health, safety, and use of property by the hearing requestor and on the use of natural resources.”<sup>9</sup> TCEQ’s application of the factors described above “may include reference to the permit application, attached expert reports, the analysis and opinions of professionals on its staff, and any reports, opinions, and data it has before it.”<sup>10</sup>

***b. Legal Deficiencies in the Requests for Contested Case Hearing***

*i. Requesters are not “Affected Persons” Because Each Requester Resides Further than 440 Yards from the Proposed Plant.*

Each Requester has failed to show that he or she is an affected person. Simply put, each Requester’s provided home address is more than 440 yards away from Holcim’s proposed concrete batch plant, necessarily failing to meet the standard for affected person status.<sup>11</sup>

Distance of a requester from a proposed facility is always a relevant consideration in determining whether he or she qualifies as an affected person.<sup>12</sup> However, in requesting a hearing on a registration to use a Standard Permit for a concrete batch plant under the Texas Clean Air Act, the distance of a requester begins, and ends, the affected person analysis when that requester resides more than 440 yards away from the proposed plant.<sup>13</sup> The Texas Clean Air Act provides

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<sup>9</sup> *Sierra Club v. Tex. Comm’n on Envtl. Quality*, 455 S.W.3d 214, 223–24 (Tex. App.—Austin 2014, pet. denied).

<sup>10</sup> *See id.* at 224.

<sup>11</sup> *See* TEX. HEALTH & SAFETY CODE § 382.058(c).

<sup>12</sup> 30 TEX. ADMIN. CODE § 55.201(d)(2).

<sup>13</sup> TEX. HEALTH & SAFETY CODE § 382.058(c); *see e.g., Application of Quality Ready Mix, Ltd for New Air Quality Standard Permit No. 85181 In San Patricio Cnty.*, Proposal for Decision, TCEQ Docket No. 2009-1483-AIR, 2010 WL 1500769 at \*1 (“evidence showed that [the requesters did not] reside within 440 [yards] of the proposed plant; consequently, they do not qualify as affected persons for party status under the requirements of the [Texas Clean Air Act]”); *Application by East Texas Precast Co., Ltd for Registration and Approval to Use the Air Quality Standard Permit for Concrete Batch Plants, Registration No. 86593*, Proposal for Decision, TCEQ Docket No. 2009-1691-Air, 2010 WL 1500771 at \*1 (“The Administrative Law Judge (ALJ) cannot find that any of the five Protestants has shown that he or she permanently resides within 440 yards of the proposed plant. For that reason, he recommends that the Commission deny their requests for a hearing”); *Concerning the Application by Block Creek Concrete Products, LLC for Issuance of Air Quality Standard Registration No. 83958*, Proposal for Decision, TCEQ Docket No. 2008-1009-AIR, 2009 WL 102837 at \*3 (“the ALJ concludes that [the requester’s] house is further than 440 yards from Applicant’s plant and that he does not maintain a justiciable interest in this matter”).

no exception to this unambiguous requirement. The Supreme Court of Texas has “long held a statute’s unambiguous language controls the outcome.”<sup>14</sup>

Here, each of the Requesters identified addresses with homes that are located further than 440 yards away from Applicant’s proposed plant, and thus cannot qualify as an affected person. Gregory Mark Peace, an experienced and licensed Registered Professional Land Surveyor in Texas, has provided a sworn affidavit detailing how he calculated the distances between Applicant’s proposed plant and the residence claimed by each Requester.<sup>15</sup> As shown in Exhibit A-2, the Requester who resides *closest* to the proposed plant is Crystal L. Staggs, whose property at 15000 Plantation Ridge is more than 460 yards from the Applicant’s proposed plant.<sup>16</sup> Every other Requester lives even further away than Ms. Staggs from the proposed plant.<sup>17</sup>

Thus, the Texas Clean Air Act Section 382.058(c) plainly and affirmatively provides that none of the Requesters is an affected person relative to Applicant’s proposed plant, and therefore have no right to a contested case hearing.<sup>18</sup> Accordingly, Applicant requests that the Commission deny the request for a contested case hearing of each Requester.

*ii. TCEQ Rules Provide Further Support that None of the Requesters is an Affected Person.*

Beyond Requesters’ failure to meet the distance requirements for affected person status under the Texas Clean Air Act, TCEQ rules provide further support that the Requesters are not affected persons. Specifically, the proposed plant will not adversely impact the health and safety of the Requesters, their property, or their use of natural resources.<sup>19</sup>

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<sup>14</sup> *Paxton v. City of Dallas*, 509 S.W.3d 247, 257 (Tex. 2017).

<sup>15</sup> See Affidavit of Gregory Mark Peace, Exhibit A.

<sup>16</sup> See Affidavit of Gregory Mark Peace, Exhibit A; Requesters and Respective Addresses, Exhibit A-1; Residential Map, Exhibit A-2.

<sup>17</sup> See Requesters and Respective Addresses, Exhibit A-1; Residential Map, Exhibit A-2.

<sup>18</sup> See also TEX. HEALTH & SAFETY CODE § 382.056(b)(5).

<sup>19</sup> See 30 TEX. ADMIN. CODE § 55.203(c)(4)–(5).

None of the Requesters provides any allegations of harm specifically caused by the proposed plant itself. Rather, several of the Requesters offer the same, or similar, generalized complaints regarding unspecified “studies” and the connection between particulate matter, Volatile Organic Compounds, and certain health effects. However, when developing the Standard Permit, the terms of which will bind the Applicant’s plant, “the Executive Director conducted an extensive protectiveness review to ensure protectiveness of human health and the environment.”<sup>20</sup> In fact, such protectiveness is statutorily required to be reflected in the terms of the Standard Permit.<sup>21</sup> Under the Texas Clean Air Act, a Standard Permit must use “at least the best available control technology” and show “no indication that the emissions from the facility will contravene the intent of [the Texas Clean Air Act], *including protection of the public’s health and physical property.*”<sup>22</sup>

The failure of Requesters to show specific harm to their health, safety, property, or use of natural resources, combined with the regulatory and statutory protectiveness built into the Standard Permit, further supports the position that none of the Requesters are affected persons. Because the Requesters are not affected persons, each has failed to meet the requirements to be granted a contested case hearing, and each request should be denied.

#### **IV. The Request for Reconsideration Should be Denied**

In addition to the requests for a contested case hearing, Mr. Harrison Odell Travis III has submitted a request for reconsideration (the “Reconsideration Request”). This request should be denied. A request for reconsideration “must expressly state that the person is requesting reconsideration of the executive director’s decision, and give reasons why the decision should be

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<sup>20</sup> Executive Director’s Response to Public Comment at 2.

<sup>21</sup> TEX. HEALTH & SAFETY CODE § 382.05195(a)(3).

<sup>22</sup> *See id.*; TEX. HEALTH & SAFETY CODE § 382.0518(b)(1)–(2) (emphasis added). *See also Boerne to Bergheim Coal. for Env’t v. Texas Comm’n on Env’t Quality*, 657 S.W.3d 382, 386 (Tex. App.—El Paso, 2022) (In developing the Standard Permit, worst-case assumptions were made, and yet “TCEQ’s protectiveness review determined facilities operating in compliance with the Regular Standard Permit were protective of human health and welfare.”).

reconsidered.”<sup>23</sup> The Reconsideration Request fails to meet this requirement. The issues expressed in the Reconsideration Request were either adequately and fully addressed in the Executive Director’s RTC, beyond the jurisdiction of the Commission, or both.

***a. The Standard Permit is protective of the environment.***

The Reconsideration Request claims that the “[air] pollution . . . is not an acceptable tradeoff for convenience.” To begin with, this claim is not supported by specific evidence or allegations. Further, as demonstrated in Section III(b)(ii), and as detailed by the Executive Director in the RTC, the Standard Permit is protective of the environment. Therefore, there is no basis for the Commission to reconsider this issue.

***b. The location of the proposed plant, noise pollution, and the ability of roads to handle concrete transit trucks are issues beyond the jurisdiction of the Commission.***

Additionally, the Reconsideration Request claims that the proposed plant “is too close to existing homes and properties [and will cause noise pollution],” “Helms Trail was not designed nor built for the weight of concrete transit trucks,” and that the TCEQ should “reconsider the location of this proposed plant.” These issues are beyond the scope of the Commission’s jurisdiction, and thus are not appropriate for reconsideration.

The Executive Director noted this in responding to these issues, plainly stating that when determining whether or not to approve a permit application, TCEQ does not have jurisdiction “to consider plant location choices made by an applicant,” “to consider traffic, road safety, or road repair costs” or “to consider noise or light from a plant.”<sup>24</sup>

Because these issues are not within TCEQ’s jurisdiction to consider in the first place, there can be no reconsideration. Therefore, because the Reconsideration Request fails to demonstrate

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<sup>23</sup> 30 TEX. ADMIN. CODE § 55.201(e).

<sup>24</sup> Executive Director’s Response to Public Comment at 4, 5.

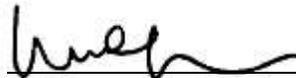
any reason that the Commission should reconsider the Executive Director's decision, the request should be denied.

**V. Conclusion and Prayer**

For the foregoing reasons, Holcim respectfully requests that the Commission deny the requests for contested case hearing, deny the request for reconsideration, approve the Executive Director's Response to Public Comment, and issue Air Quality Registration No. 161637L003 for a Standard Permit as recommended by the Executive Director.

Dated: April 17, 2023

Respectfully Submitted,



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Derek McDonald  
State Bar No. 00786101  
Baker Botts L.L.P.  
401 South 1st Street  
Suite 1300  
Austin, Texas 78704  
512.322.2500 (phone)  
512.322.2501 (fax)

ATTORNEY FOR HOLCIM-SOR, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Holcim-SOR, Inc.'s Response to Requests for Contested Case Hearing and Reconsideration has been served on the following counsel/persons by regular U.S. Mail, electronic mail, or with the Chief Clerk, by electronic service on this 17th day of April, 2023.

**FOR THE EXECUTIVE DIRECTOR**

via electronic mail:

Contessa Gay, Staff Attorney  
Texas Commission on Environmental  
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Environmental Law Division, MC-173  
P.O. Box 13087  
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Steven Stump, Technical Staff  
Texas Commission on Environmental  
Quality  
Air Permits Division, MC-163  
P.O. Box 13087  
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Ryan Vise, Deputy Director  
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External Relations Division  
Public Education Program, MC-108  
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*ryan.vise@tceq.texas.gov*

**FOR PUBLIC INTEREST COUNSEL**

via electronic mail:

Garrett T. Arthur, Attorney  
Texas Commission on Environmental  
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Public Interest Counsel, MC-103  
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**FOR ALTERNATIVE DISPUTE  
RESOLUTION**

via electronic mail:

Kyle Lucas  
Texas Commission on Environmental  
Quality  
Alternative Dispute Resolution, MC-222  
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*kyle.lucas@tceq.texas.gov*

**FOR THE CHIEF CLERK:**

via eFilings:

<https://www14.tceq.texas.gov/epic/eFiling/>  
Docket Clerk  
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

**REQUESTER(S):**

via U.S. mail:

Russel J. Boisvert  
Russ Boisvert  
11220 Prairie Lakes Lane  
Forney, Texas 75126

Tonia Goodwin  
15066 Plantation Ridge  
Forney, Texas 75126

Larry Todd Keith  
2059 Plantation Ridge  
Forney, Texas 75126

Crystal L. Staggs  
15000 Plantation Ridge  
Forney, Texas 75126

Mr. Harrison Odell Travis III  
15088 Plantation Ridge  
Forney, Texas 75126

Leasa C. Travis  
15088 Plantation Ridge  
Forney, Texas 75126

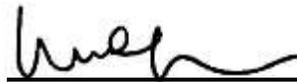
Travis Troutt  
10229 Highland Prairie Lane  
Forney, Texas 75126

Kaleb Willis  
960 High Ridge  
Forney, Texas 75126

**INTERESTED PERSON(S)**

via U.S. mail

Jill Wilson  
15077 Plantation Ridge  
Forney, Texas 75126



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Derek R. McDonald

**TCEQ DOCKET NO. 2023-0441-AIR**

**APPLICATION BY  
HOLCIM-SOR INC.  
FOR AIR QUALITY  
REGISTRATION NO. 161637L003**

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**BEFORE THE TEXAS COMMISSION**

**ON**

**ENVIRONMENTAL QUALITY**

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**HOLCIM-SOR INC.'S RESPONSE  
TO REQUESTS FOR CONTESTED CASE HEARING AND RECONSIDERATION**

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# **Exhibit A**

TCEQ DOCKET NO. \_\_\_\_\_

APPLICATION BY  
HOLCIM-SOR INC.  
FOR AIR QUALITY  
REGISTRATION NO. 161637L003

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BEFORE THE TEXAS COMMISSION  
  
ON  
  
ENVIRONMENTAL QUALITY

AFFIDAVIT OF \_\_\_\_\_

STATE OF TEXAS §  
COUNTY OF TARRANT §

Before me, the undersigned Notary Public in and for the State of Texas, personally appeared **Gregory Mark Peace**, the affiant, whose identity is known to me. After I administered an oath, affiant testified as follows:

1. My name is **Gregory Mark Peace**. I am over 18 years of age, of sound mind, and capable of making this affidavit. The facts in this affidavit are within my personal knowledge and are true and correct.
2. I am a Professional Surveyor with BGE, Inc. My experience includes more than 6 years of work in the practice of land surveying, including experience with industrial projects. I am a Registered Professional Land Surveyor in good standing in the State of Texas. My R.P.L.S. Registration Number is **6608**.
3. I have prepared this Affidavit in support of Applicant Holcim SOR Inc.'s ("Holcim's") Response to Contested Case Hearing Request on its air quality registration application (which I will refer to as the "application") to install and operate a temporary concrete batch plant at the south corner of Helms Trail and Akron Way ("Forney Plant") to support commercial development activities in the immediately surrounding areas.
4. As part of my work on this project, I am very familiar with the location of the Forney Plant and surrounding areas. Prior to the preparation of this affidavit, I have visited this area numerous times, I have prepared and/or reviewed plans for the Forney Plant and other construction activities in this area, I have observed the nearest structures to the Forney Plant, and have reviewed numerous maps and satellite images of this location.
5. I have assessed the locations of properties and structures of persons who have requested a contested case hearing on the application. I determined the names of all persons who have requested a contested case hearing on the application, who I will call requesters in this Affidavit, by reviewing entries in the publicly available TCEQ's Commissioners' Integrated Database. I determined the location of the requesters' properties and structures by using the address provided by such requester in his or her request, and then identifying any structures on that property by personal observations on February 13, 2023 and use of recent satellite imagery from which was prepared with an image captured on January 5,

2023. A complete list of the requesters and their respective addresses is attached to my Affidavit as Exhibit 1.

6. I have also determined the distance of any new emission source to be authorized by the application and the closest structure on each requester's property by reviewing information provided by a registered professional land surveyor that indicated that the distance from the intended location of the new potential emission source and the structures on any of the Requesters' properties was in excess of four hundred forty (440) yards. The methods that I have employed to determine the distances are reliable and accurate in my professional judgment and reflect the same good methods used by engineers and surveyors to perform determinations like this.
7. The map at Exhibit 2 shows the address identified by each person who requested a contested case hearing on the application. The background imagery of the map was obtained from NearMap and is dated January 5, 2023. Based on my personal observations of the area, those images accurately depict the area as of February 13, 2023. I plotted the closest structure on the address of each hearing requestor on the map and measured from that location to the closest emission source to be authorized by the application.
8. As the map demonstrates, no hearing requestor has a structure that is 440 yards or less from Forney Plant. The requestor who has a structure closest to the Forney Plant is that of 15000 Plantation Ridge, whose house is located over 460 yards from the Forney Plant.

Further Affiant Sayeth Not.

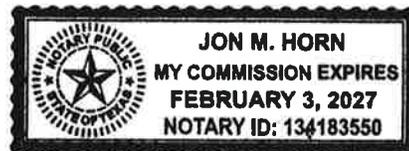


A handwritten signature in blue ink, appearing to read "Jon M. Horn", written over a horizontal line.

Sworn and subscribed before me by Jon M. Horn on this 14th day of March, 2023.

Notary Public in and for the State of Texas

My commission expires: February 3, 2027



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**Exhibit A-1**



## Exhibit 1 – Requesters and Respective Addresses

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BOISVERT , RUSSELL J RUSS BOISVERT 11220 PRAIRIE LAKES LN FORNEY TX 75126-7085	GOODWIN , TONIA 15066 PLANTATION RDG FORNEY TX 75126-7146	KEITH , LARRY TODD 2059 PLANTATION RDG FORNEY TX 75126-7159
STAGGS , CRYSTAL L 15000 PLANTATION RDG FORNEY TX 75126-7146	TRAVIS III , MR HARRISON ODELL 15088 PLANTATION RDG FORNEY TX 75126-7146	TRAVIS , LEASA C 15088 PLANTATION RDG FORNEY TX 75126-7146
TROUT , TRAVIS LM 10229 HIGHLAND PRAIRIE LN FORNEY TX 75126-7104	WILLIS , KALEB 960 HIGH RDG FORNEY TX 75126-8187	WILSON , JILL 15077 PLANTATION RDG FORNEY TX 75126-7147

*Pg. 11 excerpt from the Executive Director's Response to Public Comment (RTC) Letter dated February 6, 2023*

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**ON**

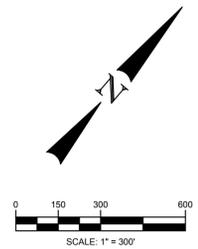
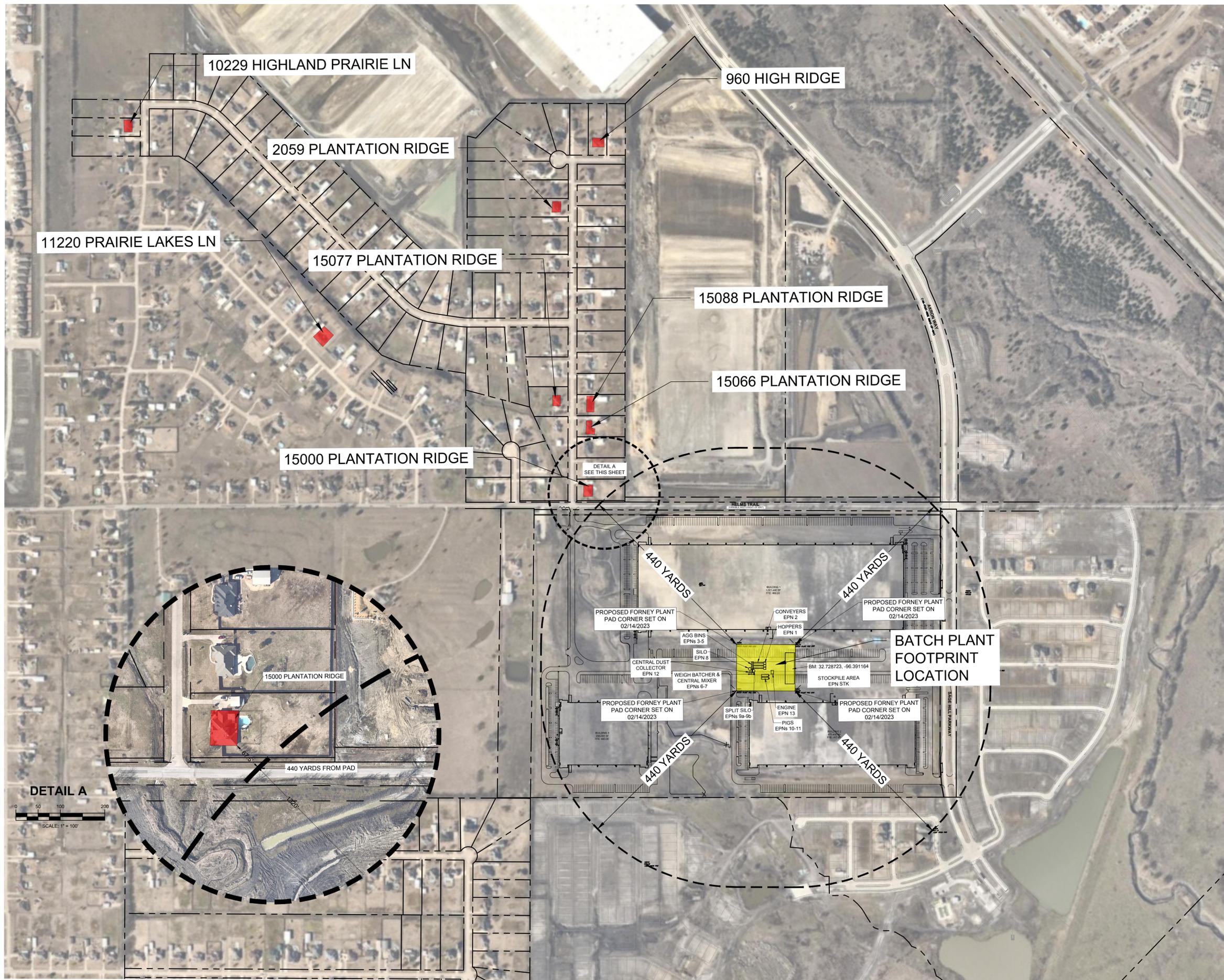
**ENVIRONMENTAL QUALITY**

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**Exhibit A-2**



**NOTE:**  
 1. 440-YARD RADIUS BASED ON FIELD SURVEY PERFORMED ON 2-14-23.

**DETAIL A**  
 SCALE: 1" = 100'

**SURVEYOR'S CERTIFICATE**  
 This exhibit is a true and accurate representation, to the best of my knowledge and belief, of the proposed batch plant pad location in relation to adjoining property owners as shown hereon. Measurements and dimensions shown are as determined by an on-the-ground survey performed under my supervision on February 14, 2023.  
*Gregory Mark Peace*  
 Gregory Mark Peace March 14, 2023  
 RPLS No. 6608



**RESIDENT COMPLAINTS EXHIBIT**  
**HOLT LUNSFORD INDUSTRIAL**  
 City of Forney, Texas  
 March 14, 2023

**BGE, Inc.**  
 2595 Dallas Pkwy, Suite 101  
 Frisco, TX 75034  
 Tel: 972-464-4800 • www.bgeinc.com  
 TBPE Registration No. F-1046

