

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Thursday, February 17, 2022 9:58 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0005337000

IWD
126634

From: BKEEPER8072@gmail.com <BKEEPER8072@gmail.com>
Sent: Thursday, February 17, 2022 9:39 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0005337000

REGULATED ENTY NAME MTX 1

RN NUMBER: RN109468389

PERMIT NUMBER: WQ0005337000

DOCKET NUMBER:

COUNTY: MONTGOMERY

PRINCIPAL NAME: MTX MATERIALS LP

CN NUMBER: CN605256544

FROM

NAME: Daniel Timothy Bolton

E-MAIL: BKEEPER8072@GMAIL.COM

COMPANY:

ADDRESS: 8072 STACY DIANE DR
MONTGOMERY TX 77316-9525

PHONE: 9362441239

FAX:

COMMENTS: I believe there may be some factual errors in this permit application. Namely ,most of the discharged water is not from stormwater but mainly from an exposed shallow aquifer. Water discharge has been continuing for several years prior to this application. Very little mitigation has been put in place to limit the amount of silt deposited in the creek and ponds downstream. The amount of silt has required excavation and removal in the amount of nearly 20 truckloads. My previous complaint to your agency was largely brushed aside. Most of the pumping occurs during

darkness so as avoid revealing the amount of silt and sand in the discharge. Please include me in your future decision making process. Sincerely, Dan Bolton

IWD
124634

skt 1 of 1

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

APR 08 2022

By GCW



Mike Machala Reply to
4/6/22
8166 Hills Parkway
Montgomery
TX 77316

NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN WATER QUALITY PERMIT

PROPOSED PERMIT NO. WQ0005337000

APPLICATION. MTX Materials, LP, 7720 Westview Drive, Houston, Texas 77055, which operates a sand mining facility, has applied to the Texas Commission on Environmental Quality (TCEQ) for proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005337000 (EPA I.D. No. TX0141950) to authorize the discharge of stormwater at an intermittent and flow variable rate. The facility is located at 19219 Keenan Cut Off Road, Montgomery, in Montgomery County, Texas 77316. The discharge route is from the plant site to an unnamed tributary of Lake Creek; thence to East Edge Lake; thence to Lake Creek. TCEQ received this application on November 12, 2021. The permit application is available for viewing and copying at Montgomery County Memorial Library System – Central Library, 104 Interstate Highway 45 North, Conroe, Texas. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location, refer to the application.

<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd36of816825of&marker=-95.662878%2C30.319578&level=12>

ADDITIONAL NOTICE. TCEQ's Executive Director has determined the application is administratively complete and will conduct a technical review of the application. After technical review of the application is complete, the Executive Director may prepare a draft permit and will issue a preliminary decision on the application. **Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list and to those who are on the mailing list for this application. That notice will contain the deadline for submitting public comments.**

PUBLIC COMMENT / PUBLIC MEETING. **You may submit public comments or request a public meeting on this application.** The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments and the Executive Director's decision on the application, will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting reconsideration of the Executive Director's decision.**

Library M-T 9-9
F-S 9-5

CHIEF CLERK OFFICE

2022 APR -8 PM 9:49

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

and for requesting a contested case hearing. A contested case hearing is a legal proceeding similar to a civil trial in state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period and, the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period. TCEQ may act on an application to renew a permit for discharge of wastewater without providing an opportunity for a contested case hearing if certain criteria are met.**

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at <https://www14.tceq.texas.gov/epic/eComment/>, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address, and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit

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OFFICE

1-800-687-4040
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their website at www.tceq.texas.gov/goto/pep. Si desea información en Español, puede llamar al 1-800-687-4040.

131 acres

Further information may also be obtained from the MTX Materials, LP at the address stated above or by calling Mr. Cole Gorka at 936-206-4362.

Issuance Date: January 27, 2022

c.gorka@mtxmaterials.com

general nature of the business says
"Mining of Sand, SIC code 1442)

Concerns

- 1) Noise Pollution (Dump trucks banging dump trailer doors at all times of Day). This noise wakes me up at 7:00 am in the morning a lot of days.
- 2) Dust Pollution (Have increase in dust particles in home than ^{when} we moved in 2016).
- 3) Dirt Pollution on Keenum Cutoff Road at plant entrance due to lack/non-efficient SWPPP devices such as Stabilized Construction exits.
- 4) Tandem axle dump trucks traversing through Hills Of Montgomery Subdivision on Hills Parkway.
- 5) Concerned about what will become of site. If not filled in, there will be mosquitos and possible outlaw dumps of hazardous materials which could affect ground water quality. If filled in, concern would be what materials will be allowed to be placed and their possible affect of ground water quality and residential water wells.
- 6) From Photos, looks like discharge is currently ongoing unpermitted.
- 7) Says sand mining operation. Appears to be structural fill soil.
- 8) Dirt from site is deposited on Keenum Cutoff Road by dump truck wheels after every major rainfall. Send an ~~and~~ inspector to see.
- 9) Barium level is much higher than the MCL and slightly higher for both Zinc and Lead.

10) The Pollutant analysis performed tests only for heavy metals, but not for toxic chemicals such as benzene, toluene, or any pesticides. This water collect surface runoff and should include tests for these organic toxic chemicals, as well as bacteria tests.

~~The organics do~~ Organic toxic chemicals and bacteria can cause pollution to the Ground Water. My assumption is that most of the affected landowners have water wells for potable water, of which I am one. This is a major concern to me.

11) See following comments -

Michael Machala

Michael Machala

8166 Hills Parkway

Montgomery, TX 77316

mikemachala72@gmail.com

Cell Ph 713-553-0217

Home Ph 936-242-6046

Technical Report – Worksheet 7.0

Section 4.c.-4.d.

4.c. – Attach an inventory, or list, of materials currently handles at the facility that may be exposed to precipitation

- Bulk Sand
- Diesel, Oils and Grease

4.d. – Attach narrative descriptions of the industrial processes and activities involving the materials in the above-listed inventory that occur outdoors or in some manner that may result in exposure of the materials to precipitation or runoff (see instructions for guidance).

- Facility's operations consist of mining/excavating sand. A diesel-powered pump is located within the mine for use for mine dewatering. A dyed diesel aboveground storage tank is located on-site for use fueling company and contractor owned trucks and/or equipment.

4.e. – Describe any BMPs and controls the facility uses/proposes to prevent or effectively reduce pollution in stormwater discharges from the facility:

- Facility uses the following best management practices:
 - Dust suppression of access roads
 - Refueling occurs only in designated areas
 - Chemicals are stored properly and in designated containers
 - Preventative equipment and vehicle maintenance
 - Proper training of personnel in stormwater management areas
 - Trash and litter removal
 - Immediate cleanup of spills, should they occur
- Facility uses the following structure control measures:
 - Constructing and maintaining a stormwater diversion system within the mine to prevent unauthorized discharge
 - Entrances and exits to the facility are stabilized
 - ASTs are equipped with secondary containment
 - Water is pumped from the mine into a retention pond
 - A check dam consisting of bull rock is placed at the discharge point from the retention pond
 - Earthen berm barriers are strategically placed along site perimeter to redirect stormwater runoff towards the stormwater diversion system X

I dispute this claim. I have never witnessed such. I have not seen a water truck used for this practice.

I dispute this claim. As I mentioned herein before, dirt from the site is deposited on Keenum Cutoff Road by dump trucks after each major rainfall event. This occurs along the frontage of the new





Mike Machala
Comments
4/6/22

Montgomery Schools bordering the site ingress/egress. Send an inspector to see.

Sht 6 of 7

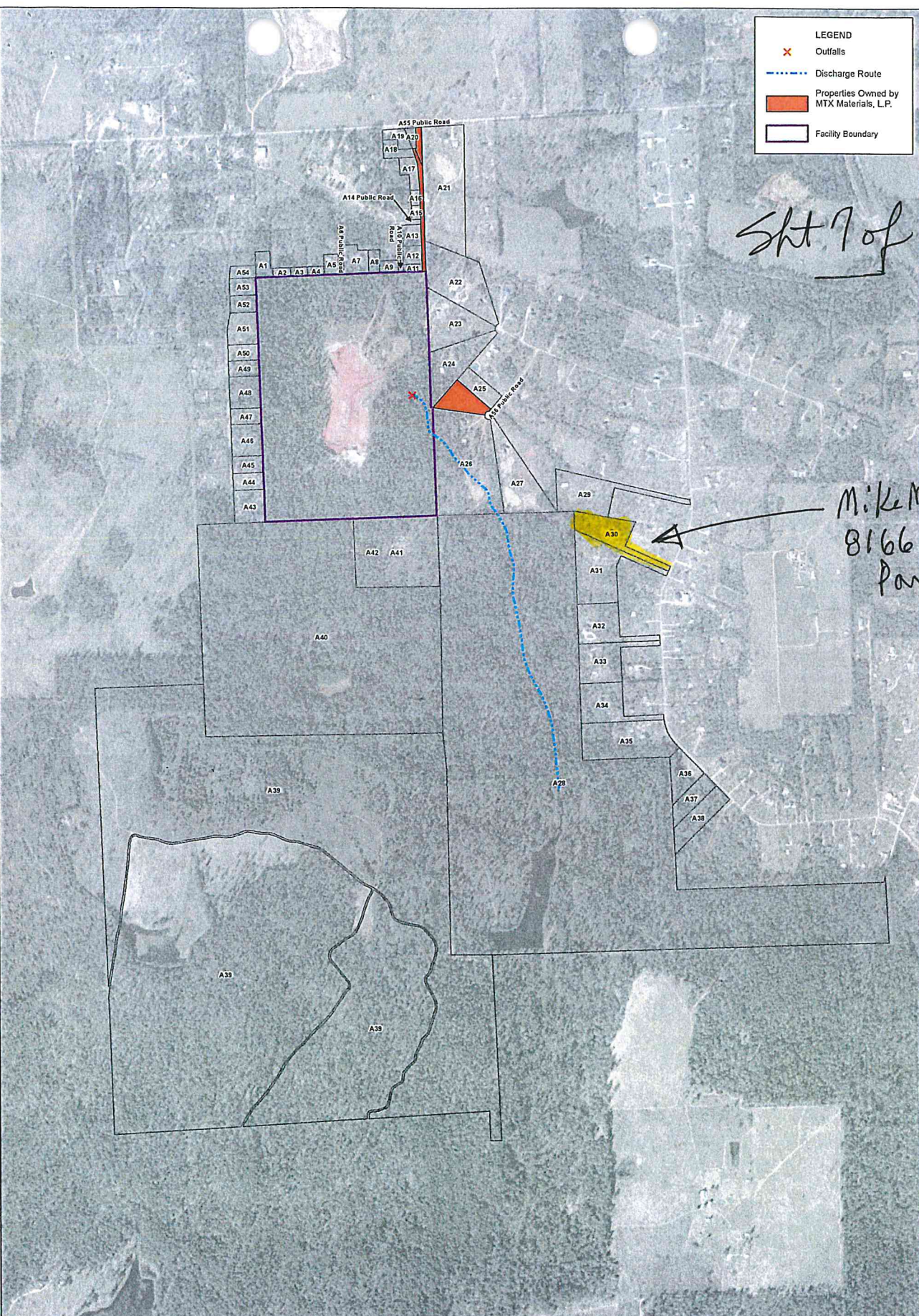
ID	MCAD Property ID	Owner Name	Mailing Address	City	State	Zip
A1	R97466	MCDONALD, LAURE LEE	20983 WESTGROVE LN	PORTER	TX	77365
A2	R97471	WILLIAMS, FARON RAY	9609 ELOISE DR	MONTGOMERY	TX	77316
A3	R97477	PATTON, CHARLES W	6615 GRANDVALE DR	HOUSTON	TX	77072
A4	R97480	KOWIS, DIANA	17515 QUEENSLAKE DR	CYPRESS	TX	77429
A5	R97484	TORRES, ROBERT E	9580 RED WING LN	MONTGOMERY	TX	77316
A6	N/A - PUBLIC ROAD	NOT APPLICABLE	NOT APPLICABLE	NOT APPLICABLE	N/A	NOT APPLICABLE
A7	R97488	YOUNG, JAMES M & HOLLY M	9585 RED WING LN	MONTGOMERY	TX	77316
A8	R97494	BARANOWSKI, JOHN E	19103 CLARK ST	CONROE	TX	77302
A9	R97499	BARANOWSKI, JOHN E	19103 CLARK ST	CONROE	TX	77302
A10	N/A - PUBLIC ROAD	NOT APPLICABLE	NOT APPLICABLE	NOT APPLICABLE	N/A	NOT APPLICABLE
A11	R97501	MING, BARTON P & RACHEL A	9633 SEALE RD	MONTGOMERY	TX	77316
A12	R97502	RODRIGUEZ, MANUEL A	9621 SEALE LN	MONTGOMERY	TX	77316
A13	R97500	VILLA, MANUEL & PATRICIA	9565 SEALE	MONTGOMERY	TX	77316
A14	N/A - PUBLIC ROAD	NOT APPLICABLE	NOT APPLICABLE	NOT APPLICABLE	N/A	NOT APPLICABLE
A15	R97515	CLARK, WYNONA S	10072 CRESENT DR	MONTGOMERY	TX	77316
A16	R97516	CLARK, WYNONA S	10072 CRESENT DR	MONTGOMERY	TX	77316
A17	R97517	PATTERSON, PAMELA D	9199 PEGGY DR	MONTGOMERY	TX	77316
A18	R97505	PATTERSON, PAMELA D	9199 PEGGY DR	MONTGOMERY	TX	77316
A19	R97503	FONSECA, MONICA	18563 MICHALS RUN	MONTGOMERY	TX	77316
A20	R490128	FONSECA, MONICA	123 RACETRACK LN	MONTGOMERY	TX	77356
A21	R263454	OWEN, MONTY L & BLYNDA S	19287 KEENAN CUT OFF RD	MONTGOMERY	TX	77316
A22	R275267	BILDERBACK, DAMON & DAYNA A	18766 DALTON WILLIS DR	MONTGOMERY	TX	77316
A23	R275268	DENISON, SHAWN M & KELLY D	18769 DALTON WILLIS DR	MONTGOMERY	TX	77316
A24	R275269	WARREN, DUANE E & MONICA T	18761 DALTON WILLIS DR	MONTGOMERY	TX	77316
A25	R275274	PRZYBORSKI, CRAIG A & EMILY A	8064 STACY DIANE DR	MONTGOMERY	TX	77316
A26	R275275	BOLTON, DANIEL & DIANE	8072 STACY DIANE DR	MONTGOMERY	TX	77316
A27	R275277	BROCK, MIKE	28075 FM 2978	MAGNOLIA	TX	77354
A28	R39105	COOKS BRANCH CONSERVANCY LP	2700 TECHNOLOGY FOREST BLVD	SPRING	TX	77381
A29	R258914	SCHROEDER, ROBERT & KATHY	8134 HILLS PKWY	MONTGOMERY	TX	77316
A30	R264062	MICHAEL MACHALA LIVING TRUST	8166 HILLS PARKWAY	MONTGOMERY	TX	77316
A31	R264063	DRIVER, SHANNON W & JENNIFER LYN	8174 HILLS PKWY	MONTGOMERY	TX	77316
A32	R264068	REED, ROBERT H JR & THERESA L	8214 HILLS PKWY	MONTGOMERY	TX	77316
A33	R264069	HALL, CHARLES E & CHRISTY L	8222 HILLS PKWY	MONTGOMERY	TX	77316
A34	R264074	REEDER, LOY D & APRIL E	8262 HILLS PKWY	MONTGOMERY	TX	77316
A35	R264076	DIEHL, WILLIAM T & RACHELLE	8278 HILLS PKWY	MONTGOMERY	TX	77316
A36	R264111	THE HILLS OF MONTGOMERY POA INC	PO BOX 425	MONTGOMERY	TX	77356
A37	R264077	UNKNOWN	UNKNOWN	UNKNOWN	UNKNOWN	UNKNOWN
A38	R264078	UNKNOWN	UNKNOWN	UNKNOWN	UNKNOWN	UNKNOWN
A39	R46073	COOKS BRANCH CONSERVANCY LP	2700 TECHNOLOGY FOREST BLVD	SPRING	TX	77381
A40	R44686	COOKS BRANCH CONSERVANCY LP	2700 TECHNOLOGY FOREST BLVD	SPRING	TX	77381
A41	R309117	HUTSON, KATHERINE M	8280 FM 149 RD	MONTGOMERY	TX	77316
A42	R309117	HUTSON, KATHERINE M	8280 FM 149 RD	MONTGOMERY	TX	77316
A43	R97572	SEIP, ROBERTA	10123 REBECCA LN	MONTGOMERY	TX	77316
A44	R97571	UNKNOWN	UNKNOWN	UNKNOWN	UNKNOWN	UNKNOWN
A45	R97570	SEIP, JIMMY & KIMBERLEY	10147 REBECCA LN	MONTGOMERY	TX	77316
A46	R97569	JOHNSON, GALE L & DEBRA K	10027 REBECCA LN	MONTGOMERY	TX	77316
A47	R97568	NOORDHOEK, KATHY	9955 REBECCA LN	MONTGOMERY	TX	77316
A48	R97566	PAVLICEK, JASON ALEX	9927 REBECCA LN	MONTGOMERY	TX	77316
A49	R97565	WREN, ANTHONY & DANA	9873 REBECCA LN	MONTGOMERY	TX	77316
A50	R97564	SMITH, BERNICE H-ESTATE OF	9861 REBECCA LN	MONTGOMERY	TX	77316
A51	R97563	PATTON, PAUL & GIDGET	9793 REBECCA LN	MONTGOMERY	TX	77316
A52	R97562	MCDOWELL, PAUL WELDON	PO BOX 3977	HUMBLE	TX	77347
A53	R97548	PATTON, PAUL & GIDGET	9793 REBECCA LN	MONTGOMERY	TX	77316
A54	R97463	BRENHAM, JAMES W	9318 MEADOWGLEN LN	HOUSTON	TX	77063
A55	N/A - PUBLIC ROAD	NOT APPLICABLE	NOT APPLICABLE	NOT APPLICABLE	N/A	NOT APPLICABLE
A56	N/A - PUBLIC ROAD	NOT APPLICABLE	NOT APPLICABLE	NOT APPLICABLE	N/A	NOT APPLICABLE

LEGEND

-  Outfalls
-  Discharge Route
-  Properties Owned by MTX Materials, L.P.
-  Facility Boundary

Sht. 7 of 7

Mike Machole
8166 Hills
Parkway



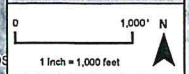
MTX MATERIALS, LP
APPROXIMATELY 131 ACRES
19291 KEENAN CUT OFF ROAD
MONTGOMERY, TEXAS 77316

AFFECTED LANDOWNERS MAP

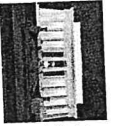
PROJECT NUMBER: 21-0366
FILE NAME: Attachment C - Affected Landowners Map V2
DATE: 1/11/2022
DRAWN BY: PB
APPROVED BY: VS



ATTACHMENT C



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, IGN, and the GIS User Community



Michael Machala
8166 Hills Pkwy
Montgomery, TX 77316

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FORM 16 ENVIRONMENTAL
MONTGOMERY, TX
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*Texas Commission on Environmental Quality
Office of the Chief Clerk, MC-105
P.O. Box 13087
Austin, TX 78711-3087*

