

**TCEQ AIR QUALITY STANDARD PERMIT FOR CONCRETE BATCH PLANTS  
REGISTRATION NUMBER 168180  
TCEQ DOCKET NUMBER 2023-0852-AIR**

<b>APPLICATION BY MANDO</b>	<b>§</b>	<b>BEFORE THE TEXAS</b>
<b>CONCRETE PARTNERS LLC</b>	<b>§</b>	<b>COMMISSION ON</b>
<b>CONCRETE BATCH PLANT</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>
<b>EAGLE LAKE, COLORADO</b>	<b>§</b>	
<b>COUNTY</b>	<b>§</b>	

**EXECUTIVE DIRECTOR’S RESPONSE TO HEARING REQUESTS AND REQUESTS FOR  
RECONSIDERATION**

**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.<sup>1</sup> 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**

Mando Concrete Partners LLC (Applicant) has applied to the TCEQ for a Standard Permit under Texas Clean Air Act (TCAA) § 382.05195. This will authorize the construction of a new facility that may emit air contaminants.

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<sup>1</sup> Statutes cited in this response may be viewed online at [www.statutes.legis.state.tx.us](http://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](http://www.sos.state.tx.us/tac/index.shtml), or follow the “Rules” link on the TCEQ website at [www.tceq.texas.gov](http://www.tceq.texas.gov).

This permit will authorize the Applicant to construct a Concrete Batch Plant. The facility is proposed to be located at the following, amended driving directions: from the intersection of Interstate 10 and Texas State Highway 71 East head south on Texas State Highway 71 East for 10 miles, turn left onto U.S. Highway 90 East and continue onto U.S. Highway 90 Alternate for 5.5 miles, destination will be on the left, Eagle Lake, Colorado County. Contaminants authorized under this permit include: particulate matter including (but not limited to) aggregate, cement, road dust, and particulate matter with diameters of 10 microns or less and 2.5 microns or less.

### **III. PROCEDURAL BACKGROUND**

Before work is begun on the construction of a new facility 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 Permit Number 168180.

The permit application was received on March 8, 2022, and declared administratively complete on March 15, 2022. The Consolidated Notice of Receipt of Application and Intent to Obtain Permit and Notice of Application and Preliminary Decision for this permit application was published in both English and Spanish on April 7, 2022, in the *Banner Press*. A separate Spanish language publication was not available. A public meeting was held on Tuesday, July 26, 2022. After comments were received at the Public Meeting regarding inaccuracies in the application, the Applicant was required to provide an Amended Consolidated Notice of Receipt of Application and Intent to Obtain Permit and Notice of Application and Preliminary Decision and the comment period was reopened. The Amended Consolidated Notice of Receipt of Application and Intent to Obtain Permit and Notice of Application and Preliminary Decision for this permit application was published in English and Spanish on December 22, 2022, in the *Banner Press*. The public comment period ended on January 23, 2023. 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 May 11, 2023, and mailed to all interested persons on May 25, 2023, including 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 June 26, 2023. The TCEQ received a timely request for reconsideration from Charles L. Rogers.

### **IV. APPLICABLE LAW FOR REQUESTS FOR RECONSIDERATION**

Any person may file a request for reconsideration of the Executive Director's decision. However, for the commission to consider the request, it must substantially comply with the following requirements set forth in 30 TAC § 55.201(e): give the name, address, daytime telephone number and, when possible, fax number of the person who

files the request; expressly state that the person is requesting reconsideration of the Executive Director's decision; and give reasons why the decision should be reconsidered.

## **V. RESPONSE TO REQUESTS FOR RECONSIDERATION**

The TCEQ received a timely request for reconsideration from Charles L. Rogers. Although the Executive Director determined that the permit application meets the applicable rules and requirements, a final decision to approve the proposed registration has not been made. The application must be considered by the commissioners of the TCEQ at a regularly scheduled public meeting before any final action can be taken on the application.

The request for reconsideration did not state any of the Executive Director's responses in the RTC that they are specifically requesting to be reconsidered. Because some of the issues raised in the request for reconsideration raise concerns about RTC responses, the Executive Director is interpreting statements in the request for reconsideration as they correspond to the appropriate response in the RTC. The Executive Director provides the following responses to the requests for reconsideration.

### **REQUEST FOR RECONSIDERATION OF RESPONSE 2**

Charles L. Rogers stated that dust will spread beyond the 440 yards due to winds.

TCEQ RESPONSE: The Executive Director responded to concerns about wind in Response 2 of the RTC.

The protectiveness review conducted by TCEQ considered meteorological conditions. The protectiveness review also incorporated five years of meteorological data, including wind directions, which would include worst-case, short-term meteorological conditions that could occur anywhere in the state. In addition, all emissions sources were co-located in order to minimize bias due to source configuration and wind direction. This technique also provided conservative results since the impact from all sources was maximized. The results of the protectiveness review for all pollutants authorized by the Standard Permit demonstrated that emissions will not exceed any state or federal standards, including the NAAQS. Emission rates authorized under the Standard Permit for Concrete Batch Plants were evaluated at the property line. Therefore, any emissions rates, including variations based on weather, operating times, etc., are considered protective of human health and the environment at the property line of a facility.

### **REQUEST FOR RECONSIDERATION OF RESPONSE 3**

Charles L. Rogers stated that the facility location will negatively impact livestock.

**TCEQ RESPONSE:** The Executive Director responded to concerns about livestock in Response 3 of the RTC.

The secondary NAAQS are those the EPA Administrator determines are necessary to protect public welfare and the environment, including animals, crops, vegetation, visibility, and buildings, from any known or anticipated adverse effects associated with the presence of a contaminant in the ambient air. Because the emissions from this facility should not cause an exceedance of the NAAQS, air emissions from this facility are not expected to adversely impact land, livestock, wildlife, crops, or visibility, nor should emissions interfere with the use and enjoyment of surrounding land or water.

#### **REQUEST FOR RECONSIDERATION OF RESPONSE 6**

Charles L. Rogers raised concerns regarding the location of the facility, including its proximity to a Colorado County EMS station and that the location is not in the zoned industrial area of the City of Eagle Lake.

**TCEQ RESPONSE:** As discussed in Response 6 of the RTC, TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. Accordingly, the TCEQ does not have jurisdiction to consider plant location choices, including purchasing of property, made by an applicant when determining whether to approve or deny a permit application, unless a statute or rule imposes specific distance limitations that are enforceable by the TCEQ, as explained below. The TCEQ also does not have jurisdiction to consider potential effects from plant location, aesthetics, land use issues, or effects on property values when determining whether to approve or deny this air permit. Zoning is beyond the authority of the TCEQ for consideration when reviewing air quality permit applications and such issues should be directed to local officials. The issuance of an air quality authorization does not override any local zoning requirements that may be in effect and does not authorize an applicant to operate outside of local zoning requirements. In addition, the TCEQ does not have jurisdiction over feedlots or landfills.

In addition, the standard permit contains the following distance requirements: the suction shroud baghouse exhaust must be located more than 100 feet from any property line; stationary equipment, stockpiles, and vehicles used at the proposed plant (except for incidental traffic and vehicles entering/exiting the site) must be located or operated more than 100 feet from any property line; and if the plant is located in an area not subject to municipal zoning regulation, the central baghouse must be located at least 440 yards from any building used as a single or multifamily residence, school, or place of worship at the time the standard permit registration is filed with the commission.

#### **REQUEST FOR RECONSIDERATION OF RESPONSE 7**

Charles L. Rogers raised concerns about traffic and road safety. Specifically, he stated the location will greatly elevate the chances of potential motor vehicle accidents as the entrance/exit intersection is not designed for constant heavy equipment traffic, there are no railroad crossing warning lights, the entrance location is on a curve, this location is along a hurricane evacuation route, and there are no separate acceleration/deceleration lanes.

**TCEQ RESPONSE:** As explained in Response 7 of the RTC, while TCEQ rules prohibit creation of a nuisance, the TCEQ does not have jurisdiction to consider traffic, road safety, or road repair costs when determining whether to approve or deny a permit application. In addition, trucks are considered mobile sources, which are not regulated by the TCEQ. The TCEQ is also prohibited from regulating roads per the TCAA § 382.003(6) which excludes roads from the definition of “facility.”

Similarly, TCEQ does not have the authority to regulate traffic on public roads, load-bearing restrictions, and public safety, including access, speed limits, and public roadway issues. These concerns are typically the responsibility of local, county, or other state agencies, such as the Texas Department of Transportation (TxDot) and the Texas Department of Public Safety (DPS). Concerns regarding roads should be addressed to the appropriate state or local officials. However, the Standard Permit requires all entry and exit roads and main traffic routes associated with the operation of the concrete batch plant to be paved and cleaned in order to prevent nuisance dust from in-plant roads.

## **VI. 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 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).

### **VII. 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.

#### **1. Susan Austin**

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Susan Austin is not an affected person.

Susan Austin was named in a comment letter submitted by Ms. Barbara Hoffman as a contested case hearing requestor. Ms. Austin also submitted individual comments. The hearing request was in writing and provided the required contact information. The hearing request stated she was concerned about the health effects of the facility on people, particularly for sensitive populations, and livestock. Additionally, she raised concerns that the wind and dust will carry particulate matter. Finally, Ms. Austin raised concerns about safety and fire protection, traffic and road safety, whether public notice was sufficient, and the sufficiency of the application. Ms. Austin requested that the permit be denied.

Ms. Austin did not indicate the distance between her residence and the proposed plant. Based on the address provided, the Executive Director determined that Ms. Austin's residence is more than 440 yards from the proposed location of the plant. 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 map, Ms. Austin does not reside within 440 yards of the proposed plant and therefore cannot be considered an affected person. Because Ms. Austin resides greater than 440 yards from the proposed plant, the Executive Director recommends that the commission find that Susan Austin is not an affected person based on the criteria set out in 30 TAC § 55.203 and that her hearing request be denied.

In her hearing requests, Susan Austin raised the following issues:

- Issue 1: Whether the Applicant provided proper notice.
- Issue 2: Whether the facility will have an adverse effect on her health.
- Issue 3: Whether wind and nuisance conditions will create an adverse health effect.
- Issue 5: Whether the proposed facility will have an adverse effect on livestock, exotic animals, native wildlife, farms, soil, and habitat loss.
- Issue 6: Whether the Applicant proposed sufficient controls for dust emissions.
- Issue 8: Whether the application is complete.

Additionally, Ms. Austin raised the following issues that are outside the scope of the air permit or are not issues subject to TCEQ's jurisdiction, and therefore should not be referred to SOAH:

- Issue 10: Whether the proposed location of the facility is appropriate.
- Issue 11: Whether the Applicant complied with zoning ordinances.
- Issue 13: Whether the proposed facility will negatively impact road conditions and increase truck traffic.
- Issues 14: Whether the facility has appropriate fire protection.
- Issue 15: Whether the permit should be denied based on the wishes of the community.

## **2. Kathy Barnes**

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Kathy Barnes is not an affected person.

Kathy Barnes was named in a comment letter submitted by Ms. Barbara Hoffman as a contested case hearing requestor. Ms. Barnes also submitted individual comments. The hearing request was in writing and provided the required contact information. Her hearing request stated she was concerned about the health effects of the facility on people, particularly for sensitive populations. Additionally, she raised concerns about the effect of windy conditions and dust control. Finally, Ms. Barnes raised concerns about missing or incorrect information in the application, road and traffic concerns, and water runoff.

Ms. Barnes did not indicate the distance between her residence and the proposed plant. Based on the address provided, the Executive Director determined that Ms. Barnes' residence is more than 440 yards from the proposed location of the plant. 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 map, Ms. Barnes does not reside within 440 yards of the proposed plant and therefore cannot be considered an affected person. The Executive Director recommends that the commission find that Kathy Barnes is not an affected person based on the criteria set out in 30 TAC § 55.203 and that her hearing request be denied.

In their hearing requests, Kathy Barnes raised the following issues:

- Issue 1: Whether the Applicant provided proper notice.
- Issue 2: Whether the facility will have an adverse effect on her health.
- Issue 3: Whether wind and nuisance conditions will create an adverse health effect.
- Issue 6: Whether the Applicant proposed sufficient controls for dust emissions.
- Issue 8: Whether the application is complete.

Additionally, Kathy Barnes raised the following issues that are outside the scope of the air permit or are not issues subject to TCEQ's jurisdiction, and therefore should not be referred to SOAH:

- Issue 10: Whether the proposed location of the facility is appropriate.
- Issue 12: Whether the proposed facility will have a negative effect on flooding or water quality.
- Issue 13: Whether the proposed facility will negatively impact road conditions and increase truck traffic.
- Issue 15: Whether the permit should be denied based on the wishes of the community.

### **3. Michael Battles**

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Michael Battles is not an affected person.

Mr. Battles was named in a comment letter submitted by Ms. Barbara Hoffman as a contested case hearing requestor. Mr. Battles also submitted individual comments. The hearing request was in writing and provided the required contact information. His hearing request stated he was concerned about the health effects of the facility on people, particularly for sensitive populations. Additionally, he raised concerns about the effect of windy conditions and dust control. Finally, Mr. Battles raised concerns about water runoff and drainage issues at the property.

Mr. Battles did not indicate the distance between his residence and the proposed plant. Based on the address provided, the Executive Director determined that Mr. Battles' residence is more than 440 yards from the proposed location of the plant. 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 map, Mr. Battles does not reside within 440 yards of the proposed plant and therefore cannot be considered an affected person. Because Mr. Battles resides greater than 440 yards from the proposed plant, the Executive Director recommends that the commission find that Michael Battles is not an affected person based on the criteria set out in 30 TAC § 55.203 and that his hearing request be denied.

In his requests, Michael Battles raised the following issue:

- Issue 1: Whether the Applicant provided proper notice.
- Issue 2: Whether the facility will have an adverse effect on his health.
- Issue 3: Whether wind and nuisance conditions will create an adverse health effect.
- Issue 6: Whether the Applicant proposed sufficient controls for dust emissions.
- Issue 8: Whether the application is complete.

Additionally, Mr. Battles raised the following issues that are outside the scope of the air permit or are not issues subject to TCEQ's jurisdiction, and therefore should not be referred to SOAH:

- Issue 10: Whether the proposed location of the facility is appropriate.
- Issue 12: Whether the proposed facility will have a negative effect on flooding or water quality.
- Issue 13: Whether the proposed facility will negatively impact road conditions and increase truck traffic.
- Issue 15: Whether the permit should be denied based on the wishes of the community.

#### **4. Billie Jean Case**

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Billie Jean Case is not an affected person.

Billie Jean Case was named in a comment letter submitted by Ms. Barbara Hoffman as a contested case hearing requestor. Ms. Case also submitted individual comments. The hearing request was in writing and provided the required contact information. Her hearing request stated she was concerned about the health effects of the facility on people, particularly for sensitive populations. Additionally, she raised concerns about the effect of windy conditions and dust control. Finally, Ms. Case raised concerns about missing and incorrect information in the application, road and traffic concerns, and stated the area is in a floodplain.

Ms. Case did not indicate the distance between her residence and the proposed plant. Based on the two addresses provided, the Executive Director determined that Ms. Case's residence is more than 440 yards from the proposed location of the plant. 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 map, Ms. Case does not reside within 440 yards of the proposed plant and therefore cannot be considered an affected person. The Executive Director recommends that the commission find that Billie Jean Case is not an affected person based on the criteria set out in 30 TAC § 55.203 and that her hearing request be denied.

In their hearing requests, Billie Jean Case raised the following issues:

- Issue 1: Whether the Applicant provided proper notice.
- Issue 2: Whether the facility will have an adverse effect on her health.
- Issue 3: Whether wind and nuisance conditions will create an adverse health effect.
- Issue 6: Whether the Applicant proposed sufficient controls for dust emissions.
- Issue 8: Whether the application is complete.

Additionally, Billie Jean Case raised the following issues that are outside the scope of the air permit or are not issues subject to TCEQ's jurisdiction, and therefore should not be referred to SOAH:

- Issue 10: Whether the proposed location of the facility is appropriate.
- Issue 12: Whether the proposed facility will have a negative effect on flooding or water quality.
- Issue 13: Whether the proposed facility will negatively impact road conditions and increase truck traffic.
- Issue 15: Whether the permit should be denied based on the wishes of the community.

## **5. Donald Cutcher**

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Donald Cutcher is not an affected person.

Donald Cutcher was named in a comment letter submitted by Ms. Barbara Hoffman as a contested case hearing requestor. Mr. Cutcher also submitted individual comments. The hearing request was in writing and provided the required contact information. His hearing request stated he was concerned about the health effects of the facility on people, particularly for sensitive populations. Additionally, he raised concerns about the effect of windy conditions and dust control. Finally, Mr. Cutcher raised concerns about missing or incorrect information in the application and road and traffic concerns.

Mr. Cutcher did not indicate the distance between his residence and the proposed plant. Based on the address provided, the Executive Director determined that Mr. Cutcher's residence is more than 440 yards from the proposed location of the plant. 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 map, Mr. Cutcher does not reside within 440 yards of the proposed plant and therefore cannot be considered an affected person. Because Mr. Cutcher resides greater than 440 yards from the proposed plant, the Executive Director recommends that the commission find that Donald Cutcher is not an affected person based on the criteria set out in 30 TAC § 55.203 and that his hearing request be denied.

In his hearing request, Donald Cutcher raised the following issues:

- Issue 1: Whether the Applicant provided proper notice.
- Issue 2: Whether the facility will have an adverse effect on his health.
- Issue 3: Whether wind and nuisance conditions will create an adverse health effect.
- Issue 6: Whether the Applicant proposed sufficient controls for dust emissions.
- Issue 8: Whether the application is complete.

Additionally, Donald Cutcher raised the following issues that are outside the scope of the air permit or are not issues subject to TCEQ's jurisdiction, and therefore should not be referred to SOAH:

- Issue 10: Whether the proposed location of the facility is appropriate.
- Issue 13: Whether the proposed facility will negatively impact road conditions and increase truck traffic.
- Issue 15: Whether the permit should be denied based on the wishes of the community.

## **6. Wesley and Janet Duncan**

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Wesley and Janet Duncan are not affected persons.

Wesley and Janet Duncan were named in a comment letter submitted by Ms. Barbara Hoffman as a contested case hearing requestor. They also submitted individual comments. The hearing request was in writing and provided the required contact information. Their hearing request stated they were concerned about the health effects of the facility on people, particularly for sensitive populations. Additionally, they raised concerns about the effect of windy conditions and dust control. Finally, Wesley and Janet Duncan raised concerns about missing or incorrect information in the application, and road and traffic concerns.

Wesley and Janet Duncan did not indicate the distance between their residence and the proposed plant. Based on the address provided, the Executive Director determined that Wesley and Janet Duncan's residence is more than 440 yards from the proposed location of the plant. 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 map, Wesley and Janet Duncan do not reside within 440 yards of the proposed plant and therefore cannot be considered affected persons. The Executive Director recommends that the commission find that Wesley and Janet Duncan are not affected persons based on the criteria set out in 30 TAC § 55.203 and that their hearing request be denied.

In their hearing requests, Wesley & Janet Duncan raised the following issues:

- Issue 1: Whether the Applicant provided proper notice.
- Issue 2: Whether the facility will have an adverse effect on their health.
- Issue 3: Whether wind and nuisance conditions will create an adverse health effect.
- Issue 6: Whether the Applicant proposed sufficient controls for dust emissions.
- Issue 8: Whether the application is complete.

Additionally, Wesley and Janet Duncan raised the following issues that are outside the scope of the air permit or are not issues subject to TCEQ's jurisdiction, and therefore should not be referred to SOAH:

- Issue 10: Whether the proposed location of the facility is appropriate.
- Issue 13: Whether the proposed facility will negatively impact road conditions and increase truck traffic.
- Issue 15: Whether the permit should be denied based on the wishes of the community.

## **7. Belita Hoffman**

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Belita Hoffman is not an affected person.

Belita Hoffman was named in a comment letter submitted by Ms. Barbara Hoffman as a contested case hearing requestor. Ms. Hoffman also submitted individual comments. The hearing request was in writing and provided the required contact information. Her hearing request stated she was concerned about the health effects of the facility on people, particularly for sensitive populations. Additionally, she raised concerns about the effect of windy conditions and dust control. Finally, Belita Hoffman raised concerns about missing or incorrect information in the application, and road and traffic concerns.

Belita Hoffman did not indicate the distance between her residence and the proposed plant. Based on the address provided, the Executive Director determined that Belita Hoffman's residence is more than 440 yards from the proposed location of the plant. 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 map, Belita Hoffman does not reside within 440 yards of the proposed plant and therefore cannot be considered an affected person. The Executive Director

recommends that the commission find that Belita Hoffman is not an affected person based on the criteria set out in 30 TAC § 55.203 and that her hearing request be denied.

In their hearing requests, Belita Hoffman raised the following issues:

- Issue 1: Whether the Applicant provided proper notice.
- Issue 2: Whether the facility will have an adverse effect on her health.
- Issue 3: Whether wind and nuisance conditions will create an adverse health effect.
- Issue 6: Whether the Applicant proposed sufficient controls for dust emissions.
- Issue 8: Whether the application is complete.

Additionally, the Requestors raised the following issues that are outside the scope of the air permit or are not issues subject to TCEQ's jurisdiction, and therefore should not be referred to SOAH:

- Issue 10: Whether the proposed location of the facility is appropriate.
- Issue 13: Whether the proposed facility will negatively impact road conditions and increase truck traffic.
- Issue 15: Whether the permit should be denied based on the wishes of the community.

## **8. James and Barbara Hoffman**

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that James and Barbara Hoffman are not affected persons.

James and Barbara Hoffman submitted a hearing request during the comment period. The hearing request was in writing and provided the required contact information. Their hearing request stated they were concerned about the health effects of the facility on people, particularly for sensitive populations. Additionally, they raised concerns about the effect of windy conditions and dust control. Finally, James and Barbara Hoffman raised concerns about missing or incorrect information in the application, and road and traffic concerns.

James and Barbara Hoffman did not indicate the distance between their residence and the proposed plant. Based on the address provided, the Executive Director determined that James and Barbara Hoffman's residence is more than 440 yards from the proposed location of the plant. 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 map, James and Barbara Hoffman do not reside within 440 yards of the proposed plant and therefore cannot be considered affected persons. The Executive Director recommends that the commission find that James and Barbara Hoffman are not affected persons based on the criteria set out in 30 TAC § 55.203 and that their hearing request be denied.

In their hearing requests, James and Barbara Hoffman raised the following issue:

- Issue 1: Whether the Applicant provided proper notice.
- Issue 2: Whether the facility will have an adverse effect on their health.
- Issue 3: Whether wind and nuisance conditions will create an adverse health effect.
- Issue 6: Whether the Applicant proposed sufficient controls for dust emissions.
- Issue 8: Whether the application is complete.

Additionally, James and Barbara Hoffman raised the following issues that are outside the scope of the air permit or are not issues subject to TCEQ's jurisdiction, and therefore should not be referred to SOAH:

- Issue 10: Whether the proposed location of the facility is appropriate.
- Issue 13: Whether the proposed facility will negatively impact road conditions and increase truck traffic.
- Issue 15: Whether the permit should be denied based on the wishes of the community.

## **9. Jeffery Queen**

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Jeffery Queen is not an affected person.

Jeffery Queen was named in a comment letter submitted by Ms. Barbara Hoffman as a contested case hearing requestor. Mr. Queen also submitted individual comments. The hearing request was in writing and provided the required contact information. His hearing request stated he was concerned about the health effects of the facility on people, particularly for sensitive populations. Additionally, he raised concerns about the effect of windy conditions and dust control. Finally, Mr. Queen raised concerns about missing or incorrect information in the application, and road and traffic concerns.

Jeffery Queen did not indicate the distance between his residence and the proposed plant. Based on the address provided, the Executive Director determined that Mr. Queen's residence is more than 440 yards from the proposed location of the plant. 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 map, Mr. Queen does not reside within 440 yards of the proposed plant and therefore cannot be considered an affected person. The Executive Director recommends that the commission find that Jeffery Queen is not an affected person based on the criteria set out in 30 TAC § 55.203 and that his hearing request be denied.

In his hearing request Jeffery Queen raised the following issues:

- Issue 1: Whether the Applicant provided proper notice.
- Issue 2: Whether the facility will have an adverse effect on his health.



- Issue 3: Whether wind and nuisance conditions will create an adverse health effect.
- Issue 5: Whether the proposed facility will have an adverse effect on livestock, exotic animals, native wildlife, farms, soil, and habitat loss.
- Issue 6: Whether the Applicant proposed sufficient controls for dust emissions.
- Issue 8: Whether the application is complete.

Additionally, Jeffery Queen raised the following issues that are outside the scope of the air permit or are not issues subject to TCEQ's jurisdiction, and therefore should not be referred to SOAH:

- Issue 9: Whether the proposed facility will impact quality of life.
- Issue 10: Whether the proposed location of the facility is appropriate.
- Issue 13: Whether the proposed facility will negatively impact road conditions and increase truck traffic.
- Issue 15: Whether the permit should be denied based on the wishes of the community.

#### **10. Mary & Janice Aull**

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Mary & Janice Aull are not affected persons.

Mary & Janice Aull were listed as requesting a contested case hearing in the timely comment letter submitted by Ms. Barbara Hoffman. The comment letter included concerns about wind, dust, health effects, and traffic and road safety. However, Mary & Janice Aull did not submit individual comments to state how they may be affected in a manner different from the general public. Therefore, Mary & Janice Aull did not raise a personal justiciable interest.

Additionally, based on the address provided in the letter, the Executive Director determined that Mary & Janice Aull's residence is more than 440 yards from the proposed location of the plant. 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 map, Mary & Janice Aull do not reside within 440 yards of the proposed plant and therefore cannot be considered affected persons. The Executive Director recommends that the commission find that Mary & Janice Aull are not affected persons based on the criteria set out in 30 TAC § 55.203 and that their hearing request be denied.

In the comment letter, the following issues were raised:

- Issue 1: Whether the Applicant provided proper notice.
- Issue 2: Whether the facility will have an adverse effect on their health.
- Issue 3: Whether wind and nuisance conditions will create an adverse health effect.

- Issue 6: Whether the Applicant proposed sufficient controls for dust emissions.

Additionally, the comment letter raised the following issues that are outside the scope of the air permit or are not issues subject to TCEQ's jurisdiction, and therefore should not be referred to SOAH:

- Issue 13: Whether the proposed facility will negatively impact road conditions and increase truck traffic.

## **11. H.L. Austin**

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that H.L. Austin is not an affected person.

H.L. Austin was listed as requesting a contested case hearing in the timely comment letter submitted by Ms. Barbara Hoffman. The comment letter included concerns about wind, dust, health effects, and traffic and road safety. However, H.L. Austin did not submit individual comments to state how he may be affected in a manner different from the general public. Therefore, H.L. Austin did not raise a personal justiciable interest.

Additionally, based on the address provided in the letter, the Executive Director determined that H.L. Austin's residence is more than 440 yards from the proposed location of the plant. 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 map, H.L. Austin does not reside within 440 yards of the proposed plant and therefore cannot be considered an affected person. The Executive Director recommends that the commission find that H.L. Austin is not an affected person based on the criteria set out in 30 TAC § 55.203 and that his hearing request be denied.

In the comment letter, the following issues were raised:

- Issue 1: Whether the Applicant provided proper notice.
- Issue 2: Whether the facility will have an adverse effect on their health.
- Issue 3: Whether wind and nuisance conditions will create an adverse health effect.
- Issue 6: Whether the Applicant proposed sufficient controls for dust emissions.

Additionally, the comment letter raised the following issues that are outside the scope of the air permit or are not issues subject to TCEQ's jurisdiction, and therefore should not be referred to SOAH:

- Issue 13: Whether the proposed facility will negatively impact road conditions and increase truck traffic.

## **12. Gary Barnes**

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Gary Barnes is not an affected person.

Gary Barnes was listed as requesting a contested case hearing in the timely comment letter submitted by Ms. Barbara Hoffman. The comment letter included concerns about wind, dust, health effects, and traffic and road safety. However, Gary Barnes did not submit individual comments to state how he may be affected in a manner different from the general public. Therefore, Gary Barnes did not raise a personal justiciable interest.

Additionally, based on the address provided in the letter, the Executive Director determined that Gary Barnes' residence is more than 440 yards from the proposed location of the plant. 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 map, Gary Barnes does not reside within 440 yards of the proposed plant and therefore cannot be considered an affected person. The Executive Director recommends that the commission find that Gary Barnes is not an affected person based on the criteria set out in 30 TAC § 55.203 and that his hearing request be denied.

In the comment letter, the following issues were raised:

- Issue 1: Whether the Applicant provided proper notice.
- Issue 2: Whether the facility will have an adverse effect on their health.
- Issue 3: Whether wind and nuisance conditions will create an adverse health effect.
- Issue 6: Whether the Applicant proposed sufficient controls for dust emissions.

Additionally, the comment letter raised the following issues that are outside the scope of the air permit or are not issues subject to TCEQ's jurisdiction, and therefore should not be referred to SOAH:

- Issue 13: Whether the proposed facility will negatively impact road conditions and increase truck traffic.

### **13. Elizabeth Battles**

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Elizabeth Battles is not an affected person.

Elizabeth Battles was listed as requesting a contested case hearing in the timely comment letter submitted by Ms. Barbara Hoffman. The comment letter included concerns about wind, dust, health effects, and traffic and road safety. However, Elizabeth Battles did not submit individual comments to state how she may be affected in a manner different from the general public. Therefore, Elizabeth Battles did not raise a personal justiciable interest.

Additionally, based on the address provided in the letter, the Executive Director determined that Elizabeth Battles' residence is more than 440 yards from the proposed location of the plant. 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 map, Elizabeth Battles does not reside within

440 yards of the proposed plant and therefore cannot be considered an affected person. The Executive Director recommends that the commission find that Elizabeth Battles is not an affected person based on the criteria set out in 30 TAC § 55.203 and that her hearing request be denied.

In the comment letter, the following issues were raised:

- Issue 1: Whether the Applicant provided proper notice.
- Issue 2: Whether the facility will have an adverse effect on their health.
- Issue 3: Whether wind and nuisance conditions will create an adverse health effect.
- Issue 6: Whether the Applicant proposed sufficient controls for dust emissions.

Additionally, the comment letter raised the following issues that are outside the scope of the air permit or are not issues subject to TCEQ's jurisdiction, and therefore should not be referred to SOAH:

- Issue 13: Whether the proposed facility will negatively impact road conditions and increase truck traffic.

#### **14. John Blaschke & Catherine Blaschke**

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that John Blaschke and Catherine Blaschke are not affected persons.

John Blaschke and Catherine Blaschke was listed as requesting a contested case hearing in the timely comment letter submitted by Ms. Barbara Hoffman. The comment letter included concerns about wind, dust, health effects, and traffic and road safety. However, John Blaschke and Catherine Blaschke did not submit individual comments to state how they may be affected in a manner different from the general public. Therefore, John Blaschke and Catherine Blaschke did not raise a personal justiciable interest.

Additionally, based on the address provided in the letter, the Executive Director determined that John Blaschke and Catherine Blaschke's residence is more than 440 yards from the proposed location of the plant. 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 map, John Blaschke and Catherine Blaschke do not reside within 440 yards of the proposed plant and therefore cannot be considered affected persons. The Executive Director recommends that the commission find that John Blaschke & Catherine Blaschke are not affected persons based on the criteria set out in 30 TAC § 55.203 and that their hearing request be denied.

In the comment letter, the following issues were raised:

- Issue 1: Whether the Applicant provided proper notice.
- Issue 2: Whether the facility will have an adverse effect on their health.
- Issue 3: Whether wind and nuisance conditions will create an adverse health effect.
- Issue 6: Whether the Applicant proposed sufficient controls for dust emissions.

Additionally, the comment letter raised the following issues that are outside the scope of the air permit or are not issues subject to TCEQ's jurisdiction, and therefore should not be referred to SOAH:

- Issue 13: Whether the proposed facility will negatively impact road conditions and increase truck traffic.

### **15. Mike, James, and Regina Gay Coble**

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Mike, James, and Regina Gay Coble are not affected persons.

Mike, James, and Regina Gay Coble were listed as requesting a contested case hearing in the timely comment letter submitted by Ms. Barbara Hoffman. The comment letter included concerns about wind, dust, health effects, and traffic and road safety.

However, Mike, James, and Regina Gay Coble did not submit individual comments to state how they may be affected in a manner different from the general public. Therefore, Mike, James, and Regina Gay Coble did not raise a personal justiciable interest.

Additionally, based on the address provided in the letter, the Executive Director determined that Mike, James, and Regina Gay Coble's residence is more than 440 yards from the proposed location of the plant. 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 map, Mike, James, and Regina Gay Coble do not reside within 440 yards of the proposed plant and therefore cannot be considered affected persons. The Executive Director recommends that the commission find that Mike, James, and Regina Gay Coble are not affected persons based on the criteria set out in 30 TAC § 55.203 and that their hearing request be denied.

In the comment letter, the following issues were raised:

- Issue 1: Whether the Applicant provided proper notice.
- Issue 2: Whether the facility will have an adverse effect on their health.
- Issue 3: Whether wind and nuisance conditions will create an adverse health effect.
- Issue 6: Whether the Applicant proposed sufficient controls for dust emissions.

Additionally, the comment letter raised the following issues that are outside the scope of the air permit or are not issues subject to TCEQ's jurisdiction, and therefore should not be referred to SOAH:

- Issue 13: Whether the proposed facility will negatively impact road conditions and increase truck traffic.

## **16. Greg Crain**

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Greg Crain is not an affected person.

Greg Crain was listed as requesting a contested case hearing in the timely comment letter submitted by Ms. Barbara Hoffman. The comment letter included concerns about wind, dust, health effects, and traffic and road safety. However, Greg Crain did not submit individual comments to state how he may be affected in a manner different from the general public. Therefore, Greg Crain did not raise a personal justiciable interest.

In the comment letter, Greg Crain provided a Post Office Box mailing address, but he did not indicate the distance of his residence to the proposed plant or provide his residential address. Therefore, the Executive Director was unable to determine whether Greg Crain resides within 440 yards of the proposed location of the plant.

In the comment letter, the following issues were raised:

- Issue 1: Whether the Applicant provided proper notice.
- Issue 2: Whether the facility will have an adverse effect on their health.
- Issue 3: Whether wind and nuisance conditions will create an adverse health effect.
- Issue 6: Whether the Applicant proposed sufficient controls for dust emissions.

Additionally, the comment letter raised the following issues that are outside the scope of the air permit or are not issues subject to TCEQ's jurisdiction, and therefore should not be referred to SOAH:

- Issue 13: Whether the proposed facility will negatively impact road conditions and increase truck traffic.

## **17. Sharon Cutcher**

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Sharon Cutcher is not an affected person.

Sharon Cutcher was listed as requesting a contested case hearing in the timely comment letter submitted by Ms. Barbara Hoffman. The comment letter included concerns about wind, dust, health effects, and traffic and road safety. However, Sharon Cutcher did not submit individual comments to state how she may be affected in a manner different from the general public. Therefore, Sharon Cutcher did not raise a personal justiciable interest.

Additionally, based on the address provided in the letter, the Executive Director determined that Sharon Cutcher's residence is more than 440 yards from the proposed location of the plant. 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 map, Sharon Cutcher does not reside within 440 yards of the proposed plant and therefore cannot be considered an affected person. The Executive Director recommends that the commission find that Sharon Cutcher is not an affected person based on the criteria set out in 30 TAC § 55.203 and that her hearing request be denied.

In the comment letter, the following issues were raised:

- Issue 1: Whether the Applicant provided proper notice.
- Issue 2: Whether the facility will have an adverse effect on their health.
- Issue 3: Whether wind and nuisance conditions will create an adverse health effect.
- Issue 6: Whether the Applicant proposed sufficient controls for dust emissions.

Additionally, the comment letter raised the following issues that are outside the scope of the air permit or are not issues subject to TCEQ's jurisdiction, and therefore should not be referred to SOAH:

- Issue 13: Whether the proposed facility will negatively impact road conditions and increase truck traffic.

## **18. Betty Hoffman**

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Betty Hoffman is not an affected person.

Betty Hoffman was listed as requesting a contested case hearing in the timely comment letter submitted by Ms. Barbara Hoffman. The comment letter included concerns about wind, dust, health effects, and traffic and road safety. However, Betty Hoffman did not submit individual comments to state how she may be affected in a manner different from the general public. Therefore, Betty Hoffman did not raise a personal justiciable interest.

Additionally, based on the address provided in the letter, the Executive Director determined that Betty Hoffman's residence is more than 440 yards from the proposed location of the plant. 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 map, Betty Hoffman does not reside within

440 yards of the proposed plant and therefore cannot be considered affected persons. The Executive Director recommends that the commission find that Betty Hoffman is not an affected person based on the criteria set out in 30 TAC § 55.203 and that her hearing request be denied.

In the comment letter, the following issues were raised:

- Issue 1: Whether the Applicant provided proper notice.
- Issue 2: Whether the facility will have an adverse effect on their health.
- Issue 3: Whether wind and nuisance conditions will create an adverse health effect.
- Issue 6: Whether the Applicant proposed sufficient controls for dust emissions.

Additionally, the comment letter raised the following issues that are outside the scope of the air permit or are not issues subject to TCEQ's jurisdiction, and therefore should not be referred to SOAH:

- Issue 13: Whether the proposed facility will negatively impact road conditions and increase truck traffic.

## **19. Shane and Sheila McKinnon**

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Shane and Sheila McKinnon are not affected persons.

Shane and Sheila McKinnon were listed as requesting a contested case hearing in the timely comment letter submitted by Ms. Barbara Hoffman. The comment letter included concerns about wind, dust, health effects, and traffic and road safety. However, Shane and Sheila McKinnon did not submit individual comments to state how they may be affected in a manner different from the general public. Therefore, Shane and Sheila McKinnon did not raise a personal justiciable interest.

Additionally, based on the address provided in the letter, the Executive Director determined that Shane and Sheila McKinnon's residence is more than 440 yards from the proposed location of the plant. 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 map, Shane and Sheila McKinnon do not reside within 440 yards of the proposed plant and therefore cannot be considered affected persons. The Executive Director recommends that the commission find that Shane and Sheila McKinnon are not affected persons based on the criteria set out in 30 TAC § 55.203 and that their hearing request be denied.

In the comment letter, the following issues were raised:

- Issue 1: Whether the Applicant provided proper notice.
- Issue 2: Whether the facility will have an adverse effect on their health.
- Issue 3: Whether wind and nuisance conditions will create an adverse health effect.
- Issue 6: Whether the Applicant proposed sufficient controls for dust emissions.



Additionally, the comment letter raised the following issues that are outside the scope of the air permit or are not issues subject to TCEQ's jurisdiction, and therefore should not be referred to SOAH:

- Issue 13: Whether the proposed facility will negatively impact road conditions and increase truck traffic.

## **20. Toni McKinnon**

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Toni McKinnon is not an affected person.

Toni McKinnon was listed as requesting a contested case hearing in the timely comment letter submitted by Ms. Barbara Hoffman. The comment letter included concerns about wind, dust, health effects, and traffic and road safety. However, Toni McKinnon did not submit individual comments to state how she may be affected in a manner different from the general public. Therefore, Toni McKinnon did not raise a personal justiciable interest.

Additionally, based on the address provided in the letter, the Executive Director determined that Toni McKinnon's residence is more than 440 yards from the proposed location of the plant. 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 map, Toni McKinnon does not reside within 440 yards of the proposed plant and therefore cannot be considered an affected person. The Executive Director recommends that the commission find that Toni McKinnon is not an affected person based on the criteria set out in 30 TAC § 55.203 and that her hearing request be denied.

In the comment letter, the following issues were raised:

- Issue 1: Whether the Applicant provided proper notice.
- Issue 2: Whether the facility will have an adverse effect on their health.
- Issue 3: Whether wind and nuisance conditions will create an adverse health effect.
- Issue 6: Whether the Applicant proposed sufficient controls for dust emissions.

Additionally, the comment letter raised the following issues that are outside the scope of the air permit or are not issues subject to TCEQ's jurisdiction, and therefore should not be referred to SOAH:

- Issue 13: Whether the proposed facility will negatively impact road conditions and increase truck traffic.

## **21. Edward and Ann Pavliska**

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Edward and Ann Pavliska are not affected persons.

Edward and Ann Pavliska were listed as requesting a contested case hearing in the timely comment letter submitted by Ms. Barbara Hoffman. The comment letter included concerns about wind, dust, health effects, and traffic and road safety. However, Edward and Ann Pavliska did not submit individual comments to state how they may be affected in a manner different from the general public. Therefore, Edward and Ann Pavliska did not raise a personal justiciable interest.

Additionally, based on the address provided in the letter, the Executive Director determined that Edward and Ann Pavliska's residence is more than 440 yards from the proposed location of the plant. 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 map, Edward and Ann Pavliska do not reside within 440 yards of the proposed plant and therefore cannot be considered affected persons. The Executive Director recommends that the commission find that Edward and Ann Pavliska are not affected persons based on the criteria set out in 30 TAC § 55.203 and that their hearing request be denied.

In the comment letter, the following issues were raised:

- Issue 1: Whether the Applicant provided proper notice.
- Issue 2: Whether the facility will have an adverse effect on their health.
- Issue 3: Whether wind and nuisance conditions will create an adverse health effect.
- Issue 6: Whether the Applicant proposed sufficient controls for dust emissions.

Additionally, the comment letter raised the following issues that are outside the scope of the air permit or are not issues subject to TCEQ's jurisdiction, and therefore should not be referred to SOAH:

- Issue 13: Whether the proposed facility will negatively impact road conditions and increase truck traffic.

## **22. Jessica Queen**

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Jessica Queen is not an affected person.

Jessica Queen was listed as requesting a contested case hearing in the timely comment letter submitted by Ms. Barbara Hoffman. The comment letter included concerns about wind, dust, health effects, and traffic and road safety. However, Jessica Queen did not submit individual comments to state how she may be affected in a manner different from the general public. Therefore, Jessica Queen did not raise a personal justiciable interest.

Additionally, based on the address provided in the letter, the Executive Director determined that Jessica Queen's residence is more than 440 yards from the proposed location of the plant. 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 map, Jessica Queen does not reside within 440

yards of the proposed plant and therefore cannot be considered an affected person. The Executive Director recommends that the commission find that Jessica Queen is not an affected person based on the criteria set out in 30 TAC § 55.203 and that her hearing request be denied.

In the comment letter, the following issues were raised:

- Issue 1: Whether the Applicant provided proper notice.
- Issue 2: Whether the facility will have an adverse effect on their health.
- Issue 3: Whether wind and nuisance conditions will create an adverse health effect.
- Issue 6: Whether the Applicant proposed sufficient controls for dust emissions.

Additionally, the comment letter raised the following issues that are outside the scope of the air permit or are not issues subject to TCEQ's jurisdiction, and therefore should not be referred to SOAH:

- Issue 13: Whether the proposed facility will negatively impact road conditions and increase truck traffic.

### **23. Curtis and Sally Tate**

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Curtis and Sally Tate are not affected persons.

Curtis and Sally Tate were listed as requesting a contested case hearing in the timely comment letter submitted by Ms. Barbara Hoffman. The comment letter included concerns about wind, dust, health effects, and traffic and road safety. However, Curtis and Sally Tate did not submit individual comments to state how they may be affected in a manner different from the general public. Therefore, Curtis and Sally Tate did not raise a personal justiciable interest.

Additionally, based on the address provided in the letter, the Executive Director determined that Curtis and Sally Tate's residence is more than 440 yards from the proposed location of the plant. 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 map, Curtis and Sally Tate do not reside within 440 yards of the proposed plant and therefore cannot be considered affected persons. The Executive Director recommends that the commission find that Curtis and Sally Tate are not affected persons based on the criteria set out in 30 TAC § 55.203 and that their hearing request be denied.

In the comment letter, the following issues were raised:

- Issue 1: Whether the Applicant provided proper notice.
- Issue 2: Whether the facility will have an adverse effect on their health.

- Issue 3: Whether wind and nuisance conditions will create an adverse health effect.
- Issue 6: Whether the Applicant proposed sufficient controls for dust emissions.

Additionally, the comment letter raised the following issues that are outside the scope of the air permit or are not issues subject to TCEQ's jurisdiction, and therefore should not be referred to SOAH:

- Issue 13: Whether the proposed facility will negatively impact road conditions and increase truck traffic.

#### **24. Darryl and Renee Tice**

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Darryl and Renee Tice are not affected persons.

Darryl and Renee Tice were listed as requesting a contested case hearing in the timely comment letter submitted by Ms. Barbara Hoffman. The comment letter included concerns about wind, dust, health effects, and traffic and road safety. However, Darryl and Renee Tice did not submit individual comments to state how they may be affected in a manner different from the general public. Therefore, Darryl and Renee Tice did not raise a personal justiciable interest.

Additionally, based on the address provided in the letter, the Executive Director determined that Darryl and Renee Tice's residence is more than 440 yards from the proposed location of the plant. 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 map, Darryl and Renee Tice do not reside within 440 yards of the proposed plant and therefore cannot be considered affected persons. The Executive Director recommends that the commission find that Darryl and Renee Tice are not affected persons based on the criteria set out in 30 TAC § 55.203 and that their hearing request be denied.

In the comment letter, the following issues were raised:

- Issue 1: Whether the Applicant provided proper notice.
- Issue 2: Whether the facility will have an adverse effect on their health.
- Issue 3: Whether wind and nuisance conditions will create an adverse health effect.
- Issue 6: Whether the Applicant proposed sufficient controls for dust emissions.

Additionally, the comment letter raised the following issues that are outside the scope of the air permit or are not issues subject to TCEQ's jurisdiction, and therefore should not be referred to SOAH:

- Issue 13: Whether the proposed facility will negatively impact road conditions and increase truck traffic.

## **25. Max and Elyce Vesmeroski**

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Max and Elyce Vesmeroski are not affected persons.

Max and Elyce Vesmeroski were listed as requesting a contested case hearing in the timely comment letter submitted by Ms. Barbara Hoffman. The comment letter included concerns about wind, dust, health effects, and traffic and road safety. However, Max and Elyce Vesmeroski did not submit individual comments to state how they may be affected in a manner different from the general public. Therefore, Max and Elyce Vesmeroski did not raise a personal justiciable interest.

Additionally, based on the address provided in the letter, the Executive Director determined that Max and Elyce Vesmeroski's residence is more than 440 yards from the proposed location of the plant. 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 map, Max and Elyce Vesmeroski do not reside within 440 yards of the proposed plant and therefore cannot be considered affected persons. The Executive Director recommends that the commission find that Max and Elyce Vesmeroski are not affected persons based on the criteria set out in 30 TAC § 55.203 and that their hearing request be denied.

In the comment letter, the following issues were raised:

- Issue 1: Whether the Applicant provided proper notice.
- Issue 2: Whether the facility will have an adverse effect on their health.
- Issue 3: Whether wind and nuisance conditions will create an adverse health effect.
- Issue 6: Whether the Applicant proposed sufficient controls for dust emissions.

Additionally, the comment letter raised the following issues that are outside the scope of the air permit or are not issues subject to TCEQ's jurisdiction, and therefore should not be referred to SOAH:

- Issue 13: Whether the proposed facility will negatively impact road conditions and increase truck traffic.

## **26. Brian Wells**

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Brian Wells is not an affected person.

Brian Wells was listed as requesting a contested case hearing in the timely comment letter submitted by Ms. Barbara Hoffman. The comment letter included concerns about wind, dust, health effects, and traffic and road safety. However, Brian Wells did not submit individual comments to state how he may be affected in a manner different from the general public. Therefore, Brian Wells did not raise a personal justiciable interest.

Additionally, based on the address provided in the letter, the Executive Director determined that Brian Wells' residence is more than 440 yards from the proposed location of the plant. 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 map, Brian Wells does not reside within 440 yards of the proposed plant and therefore cannot be considered affected persons. The Executive Director recommends that the commission find that Brian Wells is not an affected person based on the criteria set out in 30 TAC § 55.203 and that his hearing request be denied.

In the comment letter, the following issues were raised:

- Issue 1: Whether the Applicant provided proper notice.
- Issue 2: Whether the facility will have an adverse effect on their health.
- Issue 3: Whether wind and nuisance conditions will create an adverse health effect.
- Issue 6: Whether the Applicant proposed sufficient controls for dust emissions.

Additionally, the comment letter raised the following issues that are outside the scope of the air permit or are not issues subject to TCEQ's jurisdiction, and therefore should not be referred to SOAH:

- Issue 13: Whether the proposed facility will negatively impact road conditions and increase truck traffic.

## **E. Groups and Associations**

In addition to the requirements in 30 TAC § 55.201 and 30 TAC § 55.203, requests for a contested case hearing by a group or association, on an application filed on or after September 1, 2015, must meet the requirements in 30 TAC § 55.205(b). Specifically: (1) the group or association must have submitted timely comments on the application; (2) the request must identify, by name and physical address, one or more members of the group or association that would otherwise have standing to request a hearing in their own right; (3) the interests the group or association seeks to protect must be germane to the organization's purpose; and (4) the claim asserted or the relief requested may not require the participation of the individual members in the case.

### **1. Mt Carmel Missionary Baptist Church**

- (1) Whether the group or association submitted timely comments on the application.*

Barbara Hoffman requested a contested case hearing on behalf of Mt Carmel Missionary Baptist Church in her timely comment letter. Many of the commenters and contested case hearing requestors are members of this church. However, no comments were submitted on the Church's behalf or name the church as a group or organization. Therefore, The Executive Director recommends that the Commission find that Mt. Carmel Missionary Baptist Church has not met this requirement for associational standing.

*(2) Whether one or more members of the group or association would otherwise have standing to request a hearing in their own right.*

Mt Carmel Missionary Baptist Church did not submit individual comments, it only requested a contested case hearing on its own behalf. The Executive Director recommends that Barbara Hoffman, who submitted the hearing request on behalf of Mt Carmel Missionary Baptist Church, is not an affected person in her own right. Accordingly, the Executive Director recommends that the Commission find that Mt Carmel Missionary Baptist Church has not met this requirement for associational standing.

*(3) Whether the interests the group or association seeks to protect are germane to the organization's purpose.*

Mt Carmel Missionary Baptist Church did not submit information on its interests or organization purpose. Accordingly, the Executive Director recommends that the Commission find that Mt Carmel Missionary Baptist Church has not met this requirement for associational standing.

*(4) Whether the claim asserted or the relief requested requires the participation of the individual members in the case.*

The relief requested by Mt Carmel Missionary Baptist Church does not require the participation of any individual member of Mt Carmel Missionary Baptist Church. Thus, the Executive Director has determined that Mt Carmel Missionary Baptist Church has met this requirement for associational standing.

Because Mt Carmel Missionary Baptist Church did not meet all four requirements for associational standing, the Executive Director recommends the Commission find that Mt Carmel Missionary Baptist Church is not an affected person.

In the comment letter, the following issues were raised:

- Issue 1: Whether the Applicant provided proper notice.
- Issue 2: Whether the facility will have an adverse effect on their health.
- Issue 3: Whether wind and nuisance conditions will create an adverse health effect.
- Issue 6: Whether the Applicant proposed sufficient controls for dust emissions.

Additionally, the comment letter raised the following issues that are outside the scope of the air permit or are not issues subject to TCEQ's jurisdiction, and therefore should not be referred to SOAH:

- Issue 13: Whether the proposed facility will negatively impact road conditions and increase truck traffic.

## **F. Whether Issues Raised Are Referable to SOAH for a Contested Case Hearing**

The Executive Director has analyzed issues raised in accordance with the regulatory criteria. The issues discussed were raised during the public comment period and addressed in the RTC. None of the issues were withdrawn. For applications submitted on or after September 1, 2015, only those issues raised in a timely comment by a requester whose request is granted may be referred.<sup>2</sup> The issues raised for this application and the ED's analysis and recommendations follow.

If the Commissioner's find affected party status, the followings issue involves a disputed question of fact, were not withdrawn, and is relevant and material to the issuance of the permit:

- Issue 1: Whether the Applicant provided proper notice.
- Issue 2: Whether the facility will have an adverse effect on their health.
- Issue 3: Whether wind and nuisance conditions will create an adverse health effect.
- Issue 4: Whether the chemicals in cement will create an adverse health effect.
- Issue 5: Whether the proposed facility will have an adverse effect on livestock, exotic animals, native wildlife, farms, soil, and habitat loss.
- Issue 6: Whether the Applicant proposed sufficient controls for dust emissions.
- Issue 7: Whether cumulative effects were properly reviewed for this project.
- Issue 8: Whether the application is complete.

Additionally, the Requestors raised the following issues that involve a disputed questions of fact and were not withdrawn; however, they are not relevant and material to the issuance of the permit. The TCEQ's jurisdiction is limited to the issues set forth in statute:

- Issue 9: Whether the proposed facility will impact quality of life.
- Issue 10: Whether the proposed location of the facility is appropriate.
- Issue 11: Whether the Applicant complied with zoning ordinances.
- Issue 12: Whether the proposed facility will have a negative effect on flooding or water quality.
- Issue 13: Whether the proposed facility will negatively impact road conditions and increase truck traffic.
- Issues 14: Whether the facility has appropriate fire protection.
- Issue 15: Whether the permit should be denied based on the wishes of the community.

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<sup>2</sup> TX. GOVT. CODE § 2003.047(e-1); 30 TAC § 55.211 (c)(2)(A)(ii).



#### **VIII. CONTESTED CASE HEARING DURATION**

If there is a contested case hearing on this application, the ED recommends that the duration of the hearing be no less than six months from the preliminary hearing to the presentation of a proposal for decision to the Commission.

## IX. CONCLUSION

The ED recommends the following actions by the Commission:

1. The Executive Director recommends that the Commission find that the hearing requestors are not affected persons as a matter of law and deny their hearing requests.
2. The Executive Director recommends that the Commission deny the requests for reconsideration filed by Charles L. Rogers.

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel, Interim Executive Director

Erin E. Chancellor, Director  
Office of Legal Services

Charmaine Backens, Deputy Director  
Environmental Law Division



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Amanda Kraynok, Staff Attorney  
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REPRESENTING THE  
EXECUTIVE DIRECTOR OF THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**SERVICE LIST**  
**FOR**  
**MANDO CONCRETE PARTNERS LLC**  
**STANDARD PERMIT REGISTRATION NO. 168180**

**FOR THE CHIEF CLERK:**

*via e-filing*

Laurie Gharis, Chief Clerk  
Texas Commission on Environmental  
Quality  
Office of Chief Clerk MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087

**FOR THE APPLICANT:**

*via electronic mail*

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**FOR THE EXTERNAL RELATIONS  
DIVISION:**

*via electronic mail*

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External Relations Division  
Public Education Program, MC-108  
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**FOR PUBLIC INTEREST COUNSEL:**

*via electronic mail:*

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**FOR THE HEARING REQUESTORS:**

*via first-class or electronic mail*

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Gary & Kathy Barnes  
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Michael & Elizabeth Battles  
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Alleyton, Texas 78935-2080

Catherine & John Blaschke  
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Edward & Ann Pavliska  
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Jeffrey & Jessica Queen  
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Alleyton, Texas 78935-2125

Darryl & Renee Tice  
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Alleyton, Texas 78935-2079

Max & Elyce Vesmeroski  
1381 Ramsey Rd  
Alleyton, Texas 78935-2079

Brian Wells  
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Cibolo, Texas 78108-3554

Mt Carmel Missionary Baptist Church  
1220 Pecan Valley Rd  
Alleyton, Texas 78935 -2068

# Mando Concrete Partners - 168180

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



*Protecting Texas by  
Reducing and  
Preventing Pollution*

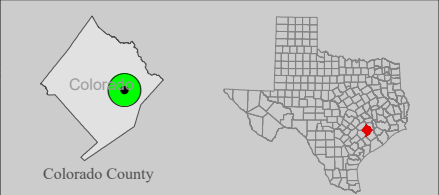
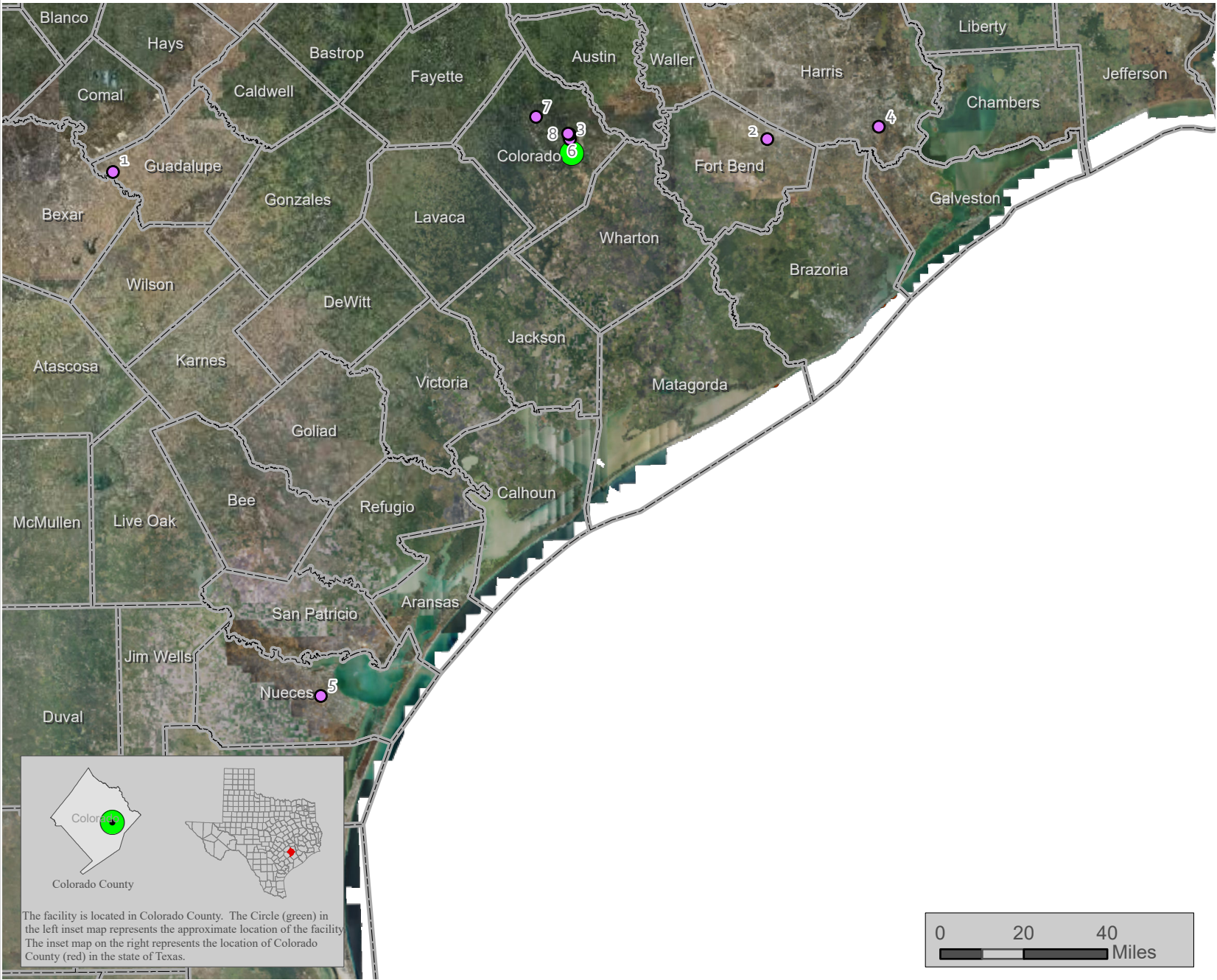
Texas Commission on Environmental Quality  
GIS Team (Mail Code 197)  
P.O. Box 13087  
Austin, Texas 78711-3087  
Date: 8/14/2023  
CRF 0091417  
Cartographer: jbartlin



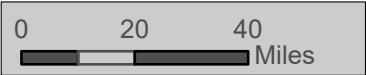
- Requestors
- Facility
- Counties

## Distance from Facility

No	Name	Miles
1	Brian Wells	110.26
2	Mary & Janice Aull	47.01
3	Curtis & Sally Tate	3.38
4	Mike, James, & Regina Gay Coble	73.94
5	Donald & Sharon Cutcher	143.27
6	Edward & Ann Pavliska	4.56
7	John Blaschke, Catherine Blaschke	12.25
8	Charles L. Rogers	4.79



The facility is located in Colorado 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 Colorado 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.



# Mando Concrete Partners - 168180

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: 8/10/2023  
CRF 0091417  
Cartographer: jbartlin



Requestors

Facility

Air Sites

440 Yard Radius

0.5 Mile Radius

1.0 Mile Radius

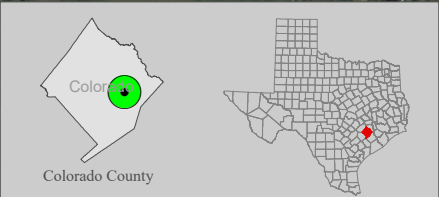
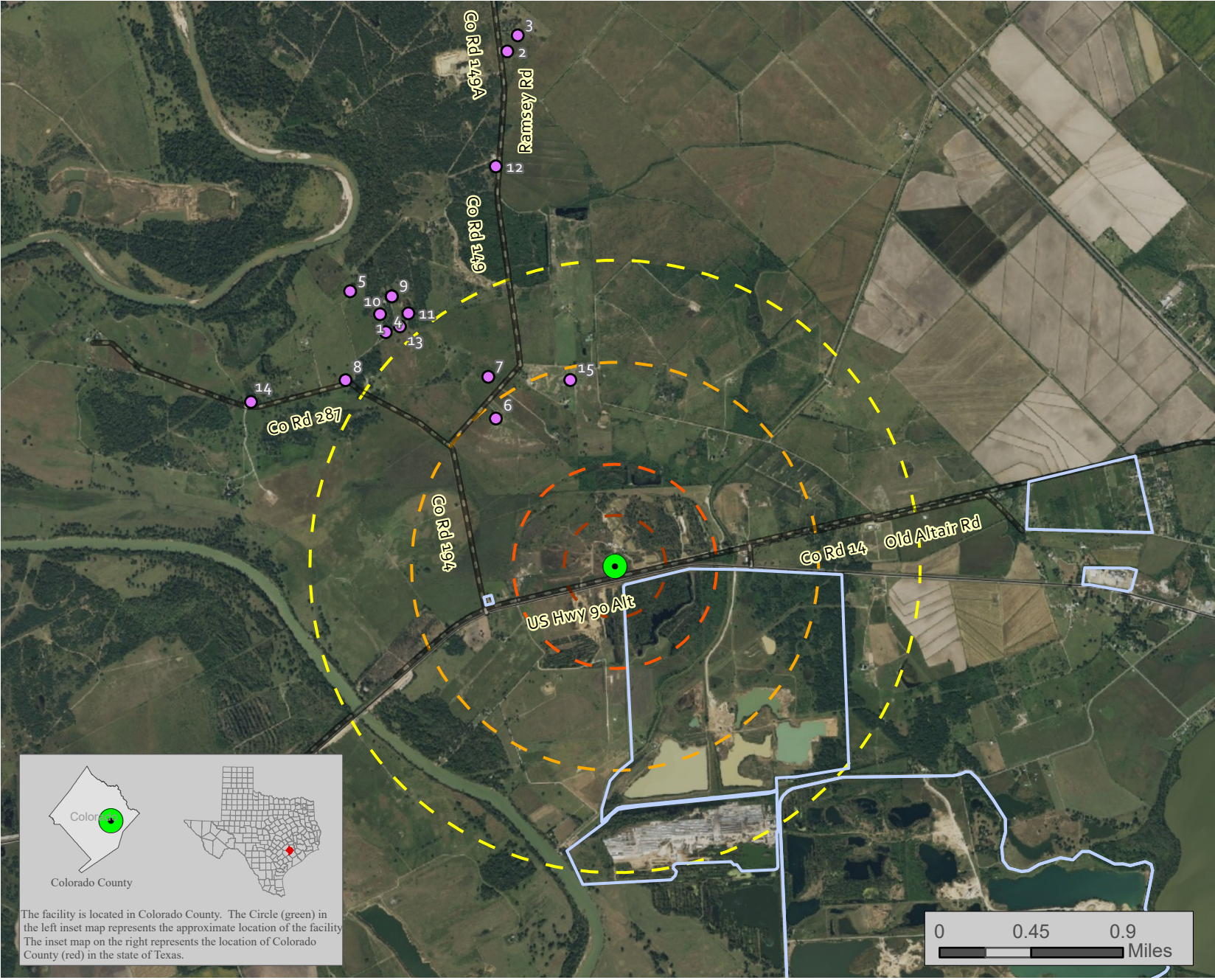
1.5 Mile Radius

Distance from Facility

No	Name	Miles
1	James & Barbara Hoffman	1.69
2	Darryl & Renee Tice	2.58
3	Max & Elyce Vesmeroski	2.64
4	Jeffrey & Jessica Queen	1.61
5	Betty Hoffman	1.87
6	Michael & Elizabeth Battles	0.93
7	Billie Jean Case	1.12
8	Belita Hoffman	1.61
9	H.L. & Susan Austin	1.72
10	Shane & Sheila McKinnon	1.72
11	Gary & Kathy Barnes	1.6
12	Wesley & Janet Duncan	2.05
13	Toni McKinnon	1.58
14	Mt Carmel Missionary Baptist Church	1.96
15	Billie Jean Case	0.94

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The facility is located in Colorado 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 Colorado County (red) in the state of Texas.

