

September 16, 2024

Via eFile: <https://www14.tceq.texas.gov/epic/eFiling/>

Texas Commission on Environmental Quality

Ms. Laurie Gharis, Chief Clerk

Office of the Chief Clerk, MC-105

P.O. Box 13087

Austin, TX 78711-3087

**RE: Application by FHN Construction, LLC, Air Quality Permit NO 173515
TCEQ Docket No. 2024-0679-AIR
Reply to Executive Director's Response to Hearing Requests and Requests
for Reconsideration and Office of Public Interest Council's Response to
Requests for Hearing and Request for Reconsideration**

Dear Ms. Gharis:

On behalf of its client, Ms. Detra Newhouse, Legal Aid of NorthWest Texas ("LANWT") submits in the above named and numbered matter the following Reply to Executive Director's Response to Hearing Requests and Requests for Reconsideration and Office of Public Interest Council's Response to Requests for Hearing and Request for Reconsideration.

All contact to Ms. Newhouse on this matter should be directed to her counsel at LANWT, listed below.

Respectfully submitted,



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cc: Certificate of Service

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**With offices in Abilene, Amarillo, Brownwood, Dallas, Denton, Fort Worth, Lubbock, McKinney, Midland,
Odessa, Plainview, San Angelo, Waxahachie, Weatherford, and Wichita Falls**

DOCKET NO. 2024-0679-AIR

APPLICATION BY	§	BEFORE THE
FHN CONSTRUCTION, LLC	§	TEXAS COMMISSION
CONCRETE BATCH PLANT	§	ON
SEAGOVILLE, DALLAS COUNTY	§	ENVIRONMENTAL QUALITY

**REPLY TO EXECUTIVE DIRECTOR’S RESPONSE TO HEARING REQUESTS AND
REQUESTS FOR RECONSIDERATION AND
OFFICE OF PUBLIC INTEREST COUNSEL’S RESPONSE TO REQUEST FOR
HEARING AND REQUESTS FOR RECONSIDERATION**

I. APPLICABLE LAW

In addition to the laws outlined by both the Executive Director (ED) and the Office of Public Interest Counsel (OPIC), the Texas Commission on Environmental Quality’s (TCEQ) standard permitting process applicable to this concrete batch plant is federally enforceable as adopted within the Texas State Implementation Plan (SIP).¹ Furthermore, TCEQ receives federal funding and is therefore also subject to the federally mandated obligations under Executive Order 12898, which directs recipients of federal funds to address environmental justice issues and provide minority and low-income communities access to public information and public participation. Therefore, both TCEQ and Applicant must comply with not only the Texas statutes and regulations identified by both the ED and OPIC, but also the applicable federal statutes and regulations.

II. ARGUMENTS

The ED argues that “in Response 11, the Executive Director explains that the newspaper *La Presnsa Comunidad* was reviewed and correctly published in accordance

¹ See *e.g.*, 30 Tx Admin Code, Chapters 106 and 116, Subchapter F, as approved by the Environmental Protection Agency in 40 C.F.R. § 52.2270.

with all requirements.” The ED’s full response contained in its Response to Comments is as follows:

COMMENT 11: Public Notice - Newspaper Publication

Commenters state that La Prensa Comunidad, the newspaper selected for the Spanish public notice, was not a newspaper of general circulation. (Michael Bates (Legal Aid of NorthWest Texas), Wendi Hammond (Legal Aid of NorthWest Texas), and Haley Varnadoe (Legal Aid of NorthWest Texas))

RESPONSE 11: The TCAA § 382.056 requires that the applicant for this Standard Permit publish notice. Notice must be published in a newspaper of general circulation in the municipality in which the proposed facility is located or proposed to be located.

The notice must include a description of the facility, information on how an affected person may request a public hearing, pollutants the facility will emit, and any other information TCEQ requires by rule. The commission also requires that notice be published in an alternative language if the elementary or middle school nearest the proposed facility offers a bilingual education program as required by Texas Education Code Chapter 29, Subchapter B. TCEQ adopted rules for these public notice requirements in 30 TAC § 39.603, Public Notice of Air Quality Applications, Newspaper Notice.

To demonstrate compliance with public notice requirements, applicants are required to provide the Office of the Chief Clerk with copies of the published notice and a publisher’s affidavit verifying facts related to the publication, including that the newspaper is a paper of general circulation **in the municipality in which the proposed facility is** located or **proposed to be located**. The Applicant has represented notice published in La Prensa Comunidad is in accordance with the applicable requirements and provided corresponding signed affidavits and verification forms to the commission. The Executive Director reviewed the newspaper tear-sheets and verified the information was correctly published. (emphasis added).

The ED correctly identifies 30 TAC § 39.603 subsection (e) that states:

General newspaper notice. Unless otherwise specified, when this chapter requires published notice of an air quality permit application or registration, the applicant or registrant shall publish notice in a newspaper of general circulation **in the municipality in which the facility** is located or **is proposed to be located** or **in the municipality nearest to** the location or **proposed location of the facility**....²

² 30 Tx Admin. Code § 39.603(e).

Since the ED's Response to Comments also claims that it "reviewed the newspaper tear-sheets and verified the information was correctly published," a Public Information Act (PIA) request was submitted to TCEQ for these documents. TCEQ initially failed to include the tear sheets in its PIA response; however, after additional prodding TCEQ eventually provided the documents, which are attached as Exhibit 1 and should automatically be considered as part of the administrative record.³

Notably, the Applicant's filed verification for the English language published notice states that "said newspaper is generally circulated in Seagoville, Texas," which could arguably be the nearest municipality to the proposed location of the facility.

In stark contrast however, Applicant's verification for the Spanish language notice published in La Prensa merely states generally that "said newspaper is generally circulated in Dallas County, Texas." (emphasis added).

There is absolutely no evidence provided to TCEQ by the Applicant that the Executive Director could have reviewed that proves the La Prensa Comunidad (La Prensa) is a newspaper of general circulation in the municipality in which the facility is proposed to be located or in the municipality nearest to the proposed location of the facility. Dallas County has over 49 cities over a span of 908 square miles.

³ OPIC's response stated that "a record establishing the evidentiary basis for reconsidering the ED's decision based on these issues would be needed to recommend that the request for reconsideration be granted." It's noteworthy to point out that OPIC (being located at TCEQ's Austin headquarters) has knowledge of as well as immediate and direct access to Applicant's verifications and tear sheet, unlike Ms. Newhouse. Therefore, if it is overly burdensome for OPIC to timely obtain these documents for review on the public's behalf, and if the Executive Director refuses to automatically include these documents into the administrative record when relying upon this evidence to make its determinations—and likewise fail to make them immediately available to the public in response to a PIA request—then TCEQ should acknowledge the extra burdensome and time-consuming hurdles required of the public to submit a PIA request simply to obtain access to relevant and material evidence for the permitting process's administrative record.

Moreover upon further investigation, it was discovered that Le Prensa's own website states that it is available in cities in Texas but is not listed as being available in any Dallas area location. Rather the closest location listed on the website is Longview, Texas,⁴ which is located **over 116 miles away** from Seagoville.

When the Texas statute requires an affected person to be located within 440 yards of a proposed concrete batch facility, it is ultimately arbitrary, capricious, and an abuse of discretion to allow Applicant to publish the required second language public notice in a newspaper with general circulation located at some unknown long-distance from the specifically targeted, second-language population.

Until the Executive Director and/or Applicant provides information that proves compliance with all public notice requirements, the Commissioners should deny this Applicant's permit application, or at the very least, remand this matter back to the ED to provide further evidence establishing La Prensa Comunidad newspaper actually complies with 30 TAC § 39.603(e).

⁴ See, attached Exhibit 2, Affidavit of Marina Luna.

III. CONCLUSION AND PRAYER FOR RELIEF

For the foregoing reasons, Ms. Newhouse respectfully requests that the Commission grant this Request for Reconsideration and deny the Executive Director's preliminary decision to issue Permit No. 173515.

Respectfully submitted,

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CONFIRMATION OF SERVICE
For FNH Construction, LLC
Air Quality Standard Permit No. 173515

FOR THE APPLICANT

via electronic mail:

Candace Gillespie, President
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Josh Butler, Principal Consultant
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FOR THE EXECUTIVE DIRECTOR

via electronic mail:

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FOR PUBLIC INTEREST COUNSEL

via electronic mail:

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FOR THE CHIEF CLERK

via eFiling:

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

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

INTERESTED PERSONS

via US Mail

Yolanda Newhouse
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via electronic mail

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I certify on this day, September 16, 2024, this document was filed with the Chief Clerk and a copy served to all above listed persons via electronic mail or by deposit in the U.S. Mail.



Wendi Hammond
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Legal Aid of NorthWest Texas
400 South Zang Boulevard, Suite 1420
Dallas, Texas 75208-6600

State Bar No. 24029598

TCEQ-Office of the Chief Clerk
MC-105 Attn: Notice Team
P.O. Box 13087
Austin, Texas 78711-3087

Applicant Name: FNH Construction, LLC
Permit No.: 173515
Application Received Date: July 31, 2023
Consolidated Notice of Application and Intent to Obtain
Permit and Notice of Application and Preliminary Decision

AFFIDAVIT OF PUBLICATION FOR AIR PERMITTING

STATE OF TEXAS §
COUNTY OF Dallas §

BEFORE ME, the undersigned authority, on this day personally appeared

E. Noel Cates, who being by me duly sworn, deposes and says that (s)he is (Name
of Person Representing Newspaper)

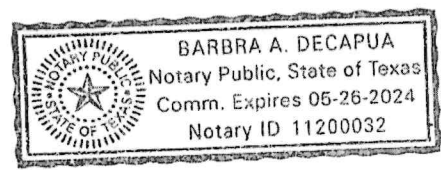
the Publisher of the _____
(Title of Person Representing Newspaper) (Name of the Newspaper)

that said newspaper is generally circulated in Seagrville, Texas;
(The municipality or nearest municipality to the location of the facility or the proposed facility)

that the enclosed notice was published in said newspaper on the following date(s):
September 19, 2023
(Newspaper Representative's Signature)

Subscribed and sworn to before me this the 19 day of September, 2023
to certify which witness my hand and seal of office.

[Affix Seal]



Barbra DeCapua
Notary Public in and for the State of Texas

Barbra DeCapua
Print or Type Name of Notary Public

May 26, 2024
My Commission Expires

**LEGAL NOTICES
CONTINUED**

verity normal business hours) and may obtain electronic copies of the Bidding Documents from the Issuing Office as described below. Partial or printed sets of Bidding Documents will not be available from the Issuing Office. Neither Owner nor Engineer will be responsible for full or partial sets of Bidding Documents, including addenda, if any, obtained from sources other than the designated website or Issuing Office.

Electronic copies of the bidding documents may be obtained in person from the Issuing Office by paying a nonrefundable deposit of \$50.00 for each set. Prospective Bidders must provide their own flash drive. Make deposit checks for Bidding Documents payable to Dallas County Park Cities Municipal Utility District.

Bidding Documents may be purchased from the Issuing Office during the hours indicated above.

PRE-BID CONFERENCE

A pre-bid conference for the Project will be held on **Wednesday, September 20th at 10:00 A.M. at DCP-CMUD WTP, 1811 Regal Row, Dallas, Texas, 75235.** Attendance at the pre-bid conference is encouraged but not required.

INSTRUCTIONS TO BIDDERS

For all further requirements regarding Bid submittal, qualifications, procedures, and Contract award, refer to the Instructions to Bidders that are included in the Bidding Documents.

9/12, 9/19

**CITY OF
GARLAND**

The City of Garland is accepting bids for **Bid 1141-23 Architectural Services for Various Projects.** Bid documents are available at garlandtx.ionwave.net or by calling 972-205-2415. Public bid opening: 10/03/23 3:00 pm CST at 200 North Fifth St. Garland, TX 75040.

9/12, 9/19



**REQUEST FOR
PROPOSAL**
**RFP 510-23-01 Security
Equipment, Parts, and
Services (100549)**

The Garland Independent School District will be receiving RFPs for the purchase of 2023 Bond Security Equipment, Parts, and Services until 10:30 a.m., October 3, 2023 at 501 S Jupiter Rd. Garland TX 75042, Purchasing Department, (972-487-3009), at which time they will be opened.

The proposals will be evaluated and ranked as stated in the solicitation based on the best value to the Garland ISD based on the criteria shown below.

(Purchase Price-40 points, the reputation of the vendor and the vendor's goods or services - 11 points, the quality of the vendor's goods or services - 11 points, the extent to which the goods or services meet the District's needs -35 points, the vendor's past relationship with the District or a District similar in size - 3 points)

Beginning September 11, 2023, the RFP information will be available at: <https://oraprodmdz.garlandisd.net:4443>

Preferred Method of Payment is EFT with the option of a check.

9/15, 9/19

**REQUEST FOR
PROPOSAL****RFP 510-23-03 Wide Area
Network Equipment and
Services**

The Garland Independent School District will be receiving RFPs for the purchase of Wide Area Network Equipment and Services until 10:30 a.m., October 17, 2023, at 501 S. Jupiter Rd. Garland TX 75042, Purchasing Department, (972-487-3009), at which time they will be opened.

The proposals will be evaluated and ranked as stated in the solicitation based on the best value to the Garland ISD based on the criteria shown below.

(Purchase Price - 37 points, reputation of the vendor's goods or services - 10 points, the quality of the vendor's goods or services - 18 points, the extent to which the goods or services meet the District's needs -27 points, the vendors past relationship with the district or a district similar in size -3 points, VPAT -5 points)

Beginning September 15, 2023, the RFP information will be available at: <https://garlandisd.net/con->

nec/how-do-business-us/current-bid-rfp-opportunities

The preferred Method of Payment is EFT with the option of a check.

9/15, 9/19

**Parkland**

9/19/2023

**PURCHASING
DEPARTMENT****NOTICE TO VENDORS**

Responses to Request for Proposal (RFP) for the following items will be received by the Dallas County Hospital District Purchasing Department's Tracy Hayford at Tracy.Hayford@phhs.org until 3:00 p.m. CDT on the date listed below. For details, specifications, and copies of the RFP, please register at the new Supplier Portal: <https://sms-phhs-prd.inforcloudsuite.com/fsm/SupplyManagementSupplier/land/99-27?csk.SupplierGroup=PHHS>

Please note: You must be registered in order to submit questions and to submit bids.

Any bids or RFPs received after the closing day and time or received by mail without the bid number and opening date printed on the outside of the envelope may be returned and/or rejected for consideration.

CONTACT AGENT: Tracy Hayford

Title of RFP-1449826 Multi Modal Comm Platform, Event #511

Proposal Due Date: October 5, 2023, @3:00 PM CDT

Technical Questions: Please submit all questions to: <https://sms-phhs-prd.inforcloudsuite.com/fsm/SupplyManagementSupplier/land/99-27?csk.SupplierGroup=PHHS> until September 22, 2023, 12:00 PM CDT. Questions will be answered.

9/19

**CITY OF
GARLAND**

The City of Garland is accepting bids for **Bid 1237-23 Professional Services for Transportation.** Bid documents are available at garlandtx.ionwave.net or by calling 972-205-2415. Public bid opening: 10/19/23 3:00 pm CST at 200 North Fifth St. Garland, TX 75040.

9/19, 9/26

**CITY OF
GARLAND**

The City of Garland is accepting bids for **Bid 1262-23 GP&L Girvin Switch Station - Material List.** Bid documents are available at garlandtx.ionwave.net or by calling 972-205-2415. Public bid opening: 10/05/23 3:00 pm CST at 200 North Fifth St. Garland, TX 75040.

9/19, 9/26

RICHARDSON INDEPENDENT SCHOOL DISTRICT will receive **RFP # 23-269 Vent Hood Cleaning Services for RISD Child Nutrition Department** until 10:00 AM CT, October 3, 2023.

Each proposal may be submitted using the electronic bid system found at <https://risd.bonfirehub.com/portal/?tab=openOpportunities>

Proposal documents, plans and specifications may be obtained through the RISD website at <https://web.risd.org/purchasing/advertised-bids/>.

9/19, 9/26

**TOWN OF
HIGHLAND PARK****TOWN OF HIGHLAND
PARK****REQUEST FOR BIDS**

Notice is hereby given that the Town of Highland Park will accept sealed bids from all qualified bidders for the **Lake-side Park Hardscape Improvements** project. Sealed bids will be accepted by electronic bidding through Civcast, until 10:00 a.m., Thursday, October 5, 2023. More information on an optional pre-bid meeting is available on www.civcast.com.

All interested bidders may download contract documents from www.civcast.com.

9/19, 9/26

**TOWN OF
HIGHLAND PARK****TOWN OF HIGHLAND
PARK****REQUEST FOR BIDS**

Notice is hereby given that the Town of Highland Park will accept sealed bids from all qualified bidders for the **Lake-side Park Landscape Improvements** project. Sealed bids will be accepted by electronic bidding through Civcast, until 10:00 a.m., Thursday,

October 5, 2023. More information on an optional pre-bid meeting is available on www.civcast.com.

All interested bidders may download contract documents from www.civcast.com.

9/19, 9/26

**PUBLIC
NOTICES****TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY****EXAMPLE A**

Consolidated Notice of Receipt of Application and Intent to Obtain

Permit and Notice of Application and Preliminary Decision

Air Quality Standard Permit for Concrete Batch Plants Proposed Registration No. 173515

Application. FNH Construction, LLC, has applied to the Texas Commission on Environmental Quality (TCEQ) for an Air Quality Standard Permit, Registration No. 173515, which would authorize construction of a permanent concrete batch plant to be located at the following driving directions: from the intersection of Cloverhill Road and West Simonds Road, head south on West Simonds Road for approximately 0.48 miles. The site entrance will be on the right, Seagoville, Dallas County, Texas 75159. This application is being processed in an expedited manner, as allowed by the commission's rules in 30 Texas Administrative Code, Chapter 101, Subchapter J. **AVISO DE IDIOMA ALTERNATIVO.** El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/air/newsources-view/airpermits-pendingpermit-apps>. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <https://gisweb.tceq.texas.gov/LocationMapper/?marker=-96.58979,32.646127&level=13>. The proposed facility will emit the following air contaminants: particulate matter in-

**LEGAL NOTICES
CONTINUED ON NEXT PAGE**

**LEGAL NOTICES
CONTINUED**

cluding (but not limited to) aggregate, cement, road dust, and particulate matter with diameters of 10 microns or less and 2.5 microns or less.

This application was submitted to the TCEQ on July 31, 2023. The executive director has completed the administrative and technical reviews of the application and determined that the application meets all of the requirements of a standard permit authorized by 30 TAC § 116.611, which would establish the conditions under which the plant must operate. The executive director has made a preliminary decision to issue the registration because it meets all applicable rules. The application, executive director's preliminary decision, and standard permit will be available for viewing and copying at the TCEQ central office, the TCEQ Dallas/Fort Worth regional office, and at Kleberg-Rylie Branch Library, 1301 Edd Road, Dallas, Dallas County, Texas, 75253, beginning the first day of publication of this notice. The facility's compliance file, if any exists, is available for public review at the TCEQ Dallas/Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas. Visit www.tceq.texas.gov/goto/cbp to review the standard permit.

Public Comment/Public Meeting. You may submit public comments or request a public meeting. See Contacts section. The TCEQ will consider all public comments in developing a final decision on the application. **The deadline to submit public comments or meeting requests is 30 days after newspaper notice is published.** Issues such as property values, noise, traffic safety, and zoning are outside of the TCEQ's jurisdiction to consider in the permit process.

The purpose of a public meeting is to provide the opportunity to submit comments or ask questions about the application. A public meeting about the application will be held if the executive director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing. If a public meeting is held, the deadline to submit public comments is extended to the end of the public meeting.

Contested Case Hearing. You may request a contested case hearing. A contested case hearing is a legal

proceeding similar to a civil trial in state district court. **Unless a written request for a contested case hearing is filed within 30 days from this notice, the executive director may approve the application.**

A person who may be affected by emissions of air contaminants from the facility is entitled to request a hearing. To request a hearing, a person must actually reside in a permanent residence within 440 yards of the proposed plant. If requesting a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number; (2) applicant's name and registration number; (3) the statement "[I/we] request a contested case hearing;" (4) a specific description of how you would be adversely affected by the application and air emissions from the facility in a way not common to the general public; (5) the location and distance of your property relative to the facility; (6) a description of how you use the property which may be impacted by the facility; and (7) a list of all disputed issues of fact that you submit during the comment period. If the request is made by a group or association, one or more members who have standing to request a hearing must be identified by name and physical address. The interests which the group or association seeks to protect must be identified. You may submit your proposed adjustments to the application which would satisfy your concerns. See Contacts section.

TCEQ Action. After the deadline for public comments, the executive director will consider the comments and prepare a response to all relevant and material, or significant public comments. The executive director's decision on the application, and any response to comments, will be mailed to all persons on the mailing list. If no timely contested case hearing requests are received, or if all hearing requests are withdrawn, the executive director may issue final approval of the application. If all timely hearing requests are not withdrawn, the executive director will not issue final approval of the permit and will forward the application and requests to the Commissioners for their con-

sideration at a scheduled commission meeting. The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material air quality concerns submitted during the comment period. Issues such as property values, noise, traffic safety, and zoning are outside of the Commission's jurisdiction to address in this proceeding.

Mailing List. You may ask to be placed on a mailing list to receive additional information on this specific application. See Contacts section.

Information Available Online. For details about the status of the application, visit the Commissioners' Integrated Database (CID) at www.tceq.texas.gov/goto/cid. Once you have access to the CID using the link, enter the registration number at the top of this notice.

Contacts. Public comments and requests must be submitted either electronically at www14.tceq.texas.gov/epic/cf Comment/, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record. For more information about this application or the permitting process, please call the TCEQ Public Education Program toll free at 1 800 687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from FNH Construction, LLC, 500 North Central Expressway, Suite 105, Plano, Texas 75074-6810 or by calling Mr. Josh Butler, Principal Consultant, Elm Creek Environmental, LLC at (469) 946-8195. Notice Issuance Date: September 13, 2023

9/19



**TEXAS ALCOHOL
& BEVERAGE
COMMISSION
LICENSES &
RENEWALS**

Application has been made with the Texas Alcoholic Beverage Commission for a Wine-Only Package Store Permit (Q) for 3 Star Dreams LLC dba Quick Check Grocery at 3034 E. Illinois Ave., Dallas, Dallas County, TX 75216..

Naveed Zulfiqar - Managing Member
Rahim Lalani - Managing Member
Neupane Laya - Managing Member

9/18,9/19

Legal Notice

AN APPLICATION IS BEING MADE WITH THE TEXAS ALCOHOLIC BEVERAGE COMMISSION FOR A MIXED BEVERAGE PERMIT WITH A FOOD AND BEVERAGE CERTIFICATE BY FRC DO-MAIN BEVERAGES LLC D/B/A NORTH ITALIA LOCATED 13270 DALLAS PKWY, SUITE 1155, DALLAS, DALLAS COUNTY, TX 75240. MANAGERS AND OFFICERS OF SAID LIMITED LIABILITY COMPANY ARE DAVID OVERTON, PRESIDENT/CEO/MGR, MATTHEW CLARK, CFO/MGR, SCARLETT MAY, VP/SEC/MGR AND CHERYL SLOMANN, ASST. TREASURER.

9/18,9/19

Application has been made with the Texas Alcoholic Beverage Commission for a

Food and Beverage Certificate (FB) and Wine and Malt Beverage Retailer's Permit (BG) for Overland Elixirs, Inc. dba Velarde Pizza at 13505 Montfort Place Suite 104 Dallas, Dallas County, TX 75240. Eliot Lopez-Velarde Sec./Dir. Jesus Lopez-Velarde Pres./Dir.

9/19,9/20

**NOTICE TO
CREDITORS**

Notice to Creditors For THE ESTATE OF KENNETH PRESTON PIKE, Deceased

Notice is hereby given that Letters Testamentary upon the Estate of KENNETH PRESTON PIKE, Deceased were granted to the undersigned on the 28th of August, 2023 by Probate Court No. 3 of Dallas County, Texas. All persons having claims against said estate are hereby required to present the same to Carla Darlene Pike within the time prescribed by law.

My address is 4011 Walnut Park Circle
Garland, Texas 75042
Independent Executor of the Estate of KENNETH PRESTON PIKE Deceased.
CAUSE NO. PR-23-01278-3

9/19

Notice to Creditors For THE ESTATE OF OLA B. BANKS, Deceased

Notice is hereby given that Letters Testamentary upon the Estate of OLA B. BANKS, Deceased were granted to the undersigned on the 6th of September, 2023 by The Probate Court of Dallas County, Texas. All persons having claims against said estate are hereby required to present the same to Eric A. Banks within the time prescribed by law.

My address is C/O The Law Office of L. D. Thomas
2626 Cole Ave. Suite 300
Dallas, TX 75204
Administrator of the Estate of OLA B. BANKS Deceased.
CAUSE NO. PR-23-01959-2

9/19

**LEGAL NOTICES
CONTINUED ON NEXT PAGE**

TCEQ-Office of the Chief Clerk
MC-105 Attn: Notice Team
P.O. Box 13087
Austin, Texas 78711-3087

Applicant Name: FNH Construction, LLC
Permit No.: 173515
Application Received Date: July 31, 2023
Consolidated Notice of Application and Intent to Obtain Permit
and Notice of Application and Preliminary Decision

ALTERNATIVE LANGUAGE AFFIDAVIT OF PUBLICATION FOR AIR PERMITTING

STATE OF TEXAS §
COUNTY OF Dallas §

BEFORE ME, the undersigned authority, on this day personally appeared

Kytrina Soto, who being by me duly sworn, deposes and says that (s)he is (Name
of Person Representing Newspaper)

the Dwain of the Laborers Committee;
(Title of Person Representing Newspaper) (Name of the Newspaper)

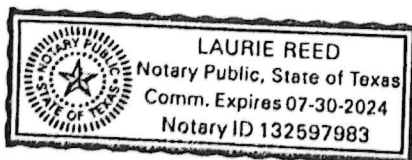
that said newspaper is generally circulated in Dallas County, Texas;
(The municipality or county in which the facility or proposed facility is located)

that the enclosed notice was published in said newspaper on the following date(s):

19 Sept 2023
[Signature]
(Newspaper Representative's Signature)

Subscribe and sworn to before me this the 19 day of Sept, 20 23
to certify which witness my hand and seal of office.

[Affix Seal]



[Signature]
Notary Public in and for the State of Texas

Laurie Reed
Print or Type Name of Notary Public

7/30/24
My Commission Expires

Brad Patterson

From: Hillary Champion <hillary@elmcreekenv.com>
Sent: Friday, September 29, 2023 9:36 PM
To: PROOFS; R6AirPermitsTX@epa.gov; TCEQR4; Kristyn Jacher
Cc: Josh Butler
Subject: Pending Air Quality Registration No. 173515 - Affidavits and Tearsheets
Attachments: Alternative Language Affidavit.pdf; Alternative Language Tearsheet.pdf; English-Affidavit-The Daily Commercial.pdf; Tearsheet-The Daily Commercial.pdf

Good afternoon,

Attached are the affidavits and tearsheets associated with pending Air Quality Standard Permit Registration No. 173515.

Please let me know if you have any questions.

Best Regards,

Hillary Ren

Elm Creek Environmental. LLC
611 S. Hwy. 78, Suite 132
Wylie, TX 75098
469-946-8195 - Office



AFFIDAVIT

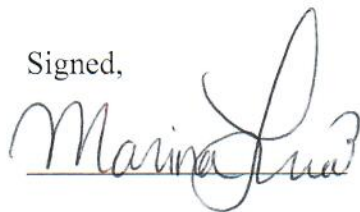
STATE OF TEXAS §

COUNTY OF TARRANT §

Before me, the undersigned authority, on this day personally appeared MARINA LUNA, who swore or affirmed to tell the truth, and stated as follows:

1. My name is MARINA LUNA. I am of sound mind and capable of making this sworn statement. I have personal knowledge of the facts written in this statement. I am over the age of twenty-one years old and am competent to testify to the matters set forth in this Affidavit. I swear that the testimony and evidence as follows is true and correct to the best of my knowledge.
2. I am a legal secretary for Legal Aid of NorthWest Texas at the address 2001 Beach Street, Suite 510, Fort Worth, Texas 76103.
3. I am bilingual in both Spanish and English languages.
4. On this day, September 12, 2024, I researched and viewed La Prensa Comunidad's website at laprensacomunidad.com. This website states it is available in cities in Texas, but it is not listed as available in any Dallas area location. The closest location on the website listed is Longview, Texas.
5. This affidavit may be used in any hearing or court proceeding.

Signed,

A handwritten signature in cursive script, appearing to read "Marina Luna", written over a horizontal line.

MARINA LUNA

State of Texas

County of Tarrant

SWORN and SUBSCRIBED before me, the undersigned authority, on the 16th day of
September, 2024, by MARINA LUNA.

Diana Marie Chavez

Notary Public,
State of Texas



My commission expires: January 20, 2026