

Kimberly Muth

From: PUBCOMMENT-OCC
Sent: Monday, December 16, 2024 11:11 AM
To: PUBCOMMENT-APD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 178130
Attachments: Bradley J Adair Request a contested hearing.docx

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From: Bradleyjadair@gmail.com <Bradleyjadair@gmail.com>
Sent: Sunday, December 15, 2024 1:51 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 178130

REGULATED ENTY NAME COMFORT CONCRETE BATCH PLANT

RN NUMBER: RN112076161

PERMIT NUMBER: 178130

DOCKET NUMBER:

COUNTY: KENDALL

PRINCIPAL NAME: AUSTIN READY-MIX LLC

CN NUMBER: CN604487488

NAME: Bradley J Adair

EMAIL: Bradleyjadair@gmail.com

COMPANY:

ADDRESS: 23 Old Comfort rd
Comfort, TX 78013

PHONE: 2107060222

FAX:

COMMENTS: Bradley J Adair 23 Old Comfort Rd Comfort, Texas, 78013 (210) 706-0222 15 December 2024 Texas Commission on Environmental Quality Office of the Chief Clerk P.O. Box 13087 Austin, TX 78711-3087 Subject: Request for a Contested Case Hearing on Permit Application for Austin Ready Mix LLC, Registration No. 178130 Dear Chief Clerk, I am submitting this letter to formally request a contested case hearing regarding the air permit application submitted by [Austin Ready Mix LLC for a proposed

concrete batch plant under Registration No. 178130. (1) Request Statement: I request a contested case hearing. (2) Description of Adverse Effects: As a resident of a permanent residence located within 440 yards of the proposed facility, I believe my family and I will be adversely affected by air emissions from this facility in ways not common to the general public. Specifically: Air Quality Impacts: Particulate matter and other air contaminants emitted from the facility are likely to affect the respiratory health of myself, my wife and most importantly my four young children as well as overall air quality in my neighborhood. Noise and Light Pollution: Increased noise and lights from plant operations and truck traffic will disturb the peaceful enjoyment of my property. Traffic and Safety Concerns: The additional truck traffic generated by the facility poses risks to pedestrian safety and increases congestion in our residential area. (3) Location and Distance of My Property: My property is located at 23 Old Comfort rd, Comfort, Texas, 78013, which is approximately 415 yards from the proposed facility. (4) Use of My Property: I use my property for residential living, including outdoor activities such as gardening, family gatherings, and recreational use of my yard. As a disabled veteran, I moved to the countryside specifically to alleviate symptoms related to my conditions, seeking a peaceful and clean environment to support my health and well-being. Additionally, I have four very young children who also rely on this property for a safe and healthy environment to play, learn, and grow. These uses and benefits will be negatively impacted by the emissions, noise, and traffic associated with the facility. Specifically: Health Concerns for My Children: Dust and particulate matter emissions pose a serious risk to my children's health, particularly their developing lungs, increasing the potential for respiratory issues. Safety Risks: Increased truck traffic near our property creates significant safety concerns for my children, who play outdoors and may walk along nearby roads. Loss of Outdoor Recreation: Noise pollution and dust will limit my children's ability to safely and comfortably play outdoors, negatively affecting their quality of life and physical development. Impact on Family Well-being: The disruption of our peaceful environment will undermine the sense of security and tranquility that our family relies on for our overall well-being. (5) Disputed Issues of Fact: During the comment period, I raised the following issues that I believe require resolution in a contested case hearing: Whether the air quality modeling provided in the application adequately accounts for cumulative emissions impacts in the area. Whether the proposed dust and particulate control measures are sufficient to prevent significant impacts to nearby residents. Whether the traffic plan for the facility ensures safety and minimizes disruption to the surrounding residential community. (6) Proposed Adjustments to the Application: To address my concerns, I propose the following adjustments to the application: Denial of the Permit: I request that the permit be denied due to the significant adverse impacts the proposed facility would have on my family's health, safety, and quality of life, as well as the surrounding community's environment. Air Quality Monitoring Device: If the permit is not denied, I request that the applicant be required to fund and install an air quality monitoring device on my property. This device must be capable of measuring particulate matter (PM2.5 and PM10) emissions specifically related to the facility's operations. The data collected should be accessible to me and shared with regulatory authorities to ensure compliance with air quality standards and permit conditions. Enhanced Dust Control Measures: Require mandatory use of paved roads for internal traffic and frequent watering or chemical stabilization of stockpiles to minimize dust emissions. Restriction of Operating Hours: Restrict plant operations to prevent noise disturbances during early morning and late evening hours to preserve the community's quality of life. Traffic Management Plan: Implement a comprehensive traffic management plan to minimize the impact of truck operations on residential streets, including prohibiting idling trucks near residential properties and posting clear signage for drivers. Barrier or Buffer Zone: Install a barrier or buffer zone, such as a noise-reducing wall or densely planted vegetation, to mitigate the impact of noise and dust on nearby residences. These proposed adjustments aim to protect the health and well-being of my family and the surrounding community while ensuring compliance with environmental standards. I appreciate your attention to this matter and look

forward to your response. Should you require any additional information, please do not hesitate to contact me at 210-706-0222 or via email at bradleyjadair@gmail.com. Sincerely, Bradley J. Adair

Bradley J Adair
23 Old Comfort Rd
Comfort, Texas, 78013
(210) 706-0222

15 December 2024

Texas Commission on Environmental Quality
Office of the Chief Clerk
P.O. Box 13087
Austin, TX 78711-3087

Subject: Request for a Contested Case Hearing on Permit Application for Austin Ready Mix LLC, Registration No. 178130

Dear Chief Clerk,

I am submitting this letter to formally request a contested case hearing regarding the air permit application submitted by [Austin Ready Mix LLC for a proposed concrete batch plant under Registration No. 178130.

(1) Request Statement:

I request a contested case hearing.

(2) Description of Adverse Effects:

As a resident of a permanent residence located within 440 yards of the proposed facility, I believe my family and I will be adversely affected by air emissions from this facility in ways not common to the general public. Specifically:

- **Air Quality Impacts:** Particulate matter and other air contaminants emitted from the facility are likely to affect the respiratory health of myself, my wife and most importantly my four young children as well as overall air quality in my neighborhood.
- **Noise and Light Pollution:** Increased noise and lights from plant operations and truck traffic will disturb the peaceful enjoyment of my property.
- **Traffic and Safety Concerns:** The additional truck traffic generated by the facility poses risks to pedestrian safety and increases congestion in our residential area.

(3) Location and Distance of My Property:

My property is located at 23 Old Comfort rd, Comfort, Texas, 78013, which is approximately 415 yards from the proposed facility.

(4) Use of My Property:

I use my property for residential living, including outdoor activities such as gardening, family gatherings, and recreational use of my yard. As a disabled veteran, I moved to the countryside specifically to alleviate symptoms related to my conditions, seeking a peaceful and clean

environment to support my health and well-being. Additionally, I have four very young children who also rely on this property for a safe and healthy environment to play, learn, and grow. These uses and benefits will be negatively impacted by the emissions, noise, and traffic associated with the facility. Specifically:

- **Health Concerns for My Children:** Dust and particulate matter emissions pose a serious risk to my children's health, particularly their developing lungs, increasing the potential for respiratory issues.
- **Safety Risks:** Increased truck traffic near our property creates significant safety concerns for my children, who play outdoors and may walk along nearby roads.
- **Loss of Outdoor Recreation:** Noise pollution and dust will limit my children's ability to safely and comfortably play outdoors, negatively affecting their quality of life and physical development.
- **Impact on Family Well-being:** The disruption of our peaceful environment will undermine the sense of security and tranquility that our family relies on for our overall well-being.

(5) Disputed Issues of Fact:

During the comment period, I raised the following issues that I believe require resolution in a contested case hearing:

1. Whether the air quality modeling provided in the application adequately accounts for cumulative emissions impacts in the area.
2. Whether the proposed dust and particulate control measures are sufficient to prevent significant impacts to nearby residents.
3. Whether the traffic plan for the facility ensures safety and minimizes disruption to the surrounding residential community.

(6) Proposed Adjustments to the Application:

To address my concerns, I propose the following adjustments to the application:

1. **Denial of the Permit:**
I request that the permit be denied due to the significant adverse impacts the proposed facility would have on my family's health, safety, and quality of life, as well as the surrounding community's environment.
2. **Air Quality Monitoring Device:**
If the permit is not denied, I request that the applicant be required to fund and install an air quality monitoring device on my property. This device must be capable of measuring particulate matter (PM2.5 and PM10) emissions specifically related to the facility's operations. The data collected should be accessible to me and shared with regulatory authorities to ensure compliance with air quality standards and permit conditions.

3. **Enhanced Dust Control Measures:**

Require mandatory use of paved roads for internal traffic and frequent watering or chemical stabilization of stockpiles to minimize dust emissions.

4. **Restriction of Operating Hours:**

Restrict plant operations to prevent noise disturbances during early morning and late evening hours to preserve the community's quality of life.

5. **Traffic Management Plan:**

Implement a comprehensive traffic management plan to minimize the impact of truck operations on residential streets, including prohibiting idling trucks near residential properties and posting clear signage for drivers.

6. **Barrier or Buffer Zone:**

Install a barrier or buffer zone, such as a noise-reducing wall or densely planted vegetation, to mitigate the impact of noise and dust on nearby residences.

These proposed adjustments aim to protect the health and well-being of my family and the surrounding community while ensuring compliance with environmental standards.

I appreciate your attention to this matter and look forward to your response. Should you require any additional information, please do not hesitate to contact me at 210-706-0222 or via email at bradleyjadair@gmail.com.

Sincerely,
Bradley J. Adair

Kimberly Muth

From: PUBCOMMENT-OCC
Sent: Friday, December 20, 2024 9:21 AM
To: PUBCOMMENT-APD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 178130
Attachments: Bergmann Cement Plant Contest.docx

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From: kendallbergmann1027@gmail.com <kendallbergmann1027@gmail.com>
Sent: Friday, December 20, 2024 9:03 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 178130

REGULATED ENTY NAME COMFORT CONCRETE BATCH PLANT

RN NUMBER: RN112076161

PERMIT NUMBER: 178130

DOCKET NUMBER:

COUNTY: KENDALL

PRINCIPAL NAME: AUSTIN READY-MIX LLC

CN NUMBER: CN604487488

NAME: MR Kendall A Bergmann

EMAIL: kendallbergmann1027@gmail.com

COMPANY:

ADDRESS: 48 Old Comfort Road
Comfort, TX 78013

PHONE: 8179926987

FAX:

COMMENTS: See Attached File.

Kendall A. Bergmann
48 Old Comfort Road
Comfort, Texas 78013
817-992-6987

20 December 2024

Texas Commission on Environmental Quality
Office of the Chief Clerk
P.O. Box 13087
Austin, TX 78711-3087

Subject: Request for a Contested Case Hearing on Permit Application for Austin Ready Mix Concrete, LLC, Registration No. 178130

Dear Chief Clerk,

I am submitting this letter to formally request a contested case hearing regarding the air permit application submitted by Austin Ready Mix Concrete, LLC for a proposed concrete batch plant under Registration No. 178130.

(1) Request Statement:

I request a contested case hearing.

(2) Description of Adverse Effects:

As a resident of a permanent residence located within 440 yards of the proposed facility, I believe I will be adversely affected by air emissions from this facility in ways not common to the general public. Specifically:

- **Air Quality Impacts:** Particulate matter and other air contaminants emitted from the facility are likely to affect my respiratory health and overall air quality in my neighborhood.
- **Noise Pollution:** Increased noise from plant operations and truck traffic will disturb the peaceful enjoyment of my property.
- **Water Usage:** Increased water use by the cement plant will continue to keep the Cow Creek Aquifer in Stage 4 water use. All properties around this site are on wells and will adversely effect the property owners availability of water and financial hardships to drill deeper wells or purchase water that is trucked in.
- **Traffic and Safety Concerns:** The additional truck traffic generated by the facility poses risks to pedestrian safety and increases congestion in our residential area.

(3) Location and Distance of My Property:

My property is located at 48 Old Comfort Road, Comfort, Texas 78013, which is approximately 750 feet from the proposed facility.

(4) Use of My Property:

I use my property for agriculture lease, my primary residence/homestead and wildlife management. These uses will be negatively impacted by the emissions, noise, and traffic associated with the facility. Specifically:

(5) Disputed Issues of Fact:

During the comment period, I raised the following issues that I believe require resolution in a contested case hearing:

- Whether the air quality modeling provided in the application adequately accounts for cumulative emissions impacts in the area.
- Whether the proposed dust and particulate control measures are sufficient to prevent significant impacts to nearby residents.
- Amount of water the cement batch plant can pump daily.
- Whether the traffic plan for the facility ensures safety and minimizes disruption to the surrounding residential community.

(6) Proposed Adjustments to the Application:

To address my concerns, I propose the following adjustments to the application:

- Denial of the permit due to the significant adverse impacts the proposed facility would have on nearby residents and the environment.
- Installation of an air quality monitoring device to measure particulate matter (PM2.5 and PM10) emissions and ensure compliance, with real-time access to the data for affected residents.
- Enhanced dust control measures, including mandatory use of paved roads for internal traffic and frequent watering or stabilization of stockpiles.
- Restriction of operating hours to prevent noise disturbances during early mornings and late evenings.
- Implementation of a traffic management plan to reduce truck-related disturbances in residential areas.
- Installation of noise and dust barriers or buffer zones to protect nearby neighborhoods.

These proposed adjustments are intended to mitigate the potential harm to me and my neighbors and to ensure the facility operates in compliance with environmental standards.

Sincerely,

Kendall A. Bergmann