

**TCEQ AIR QUALITY STANDARD PERMIT FOR CONCRETE BATCH PLANTS
REGISTRATION NO. 172856
TCEQ DOCKET NUMBER 2025-0905-AIR**

APPLICATION BY	§	BEFORE THE
J7 READY MIX, LLC	§	TEXAS COMMISSION ON
CONCRETE BATCH PLANT	§	ENVIRONMENTAL QUALITY
BURLESON, TARRANT COUNTY	§	

**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 hearing requests and requests for reconsideration 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) § 5.556.¹ 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 requestors listed on the mailing list for this application. In addition, the technical review summary, which includes a compliance 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

J7 Ready Mix, LLC (Applicant) has applied to 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. The facility is proposed to be located at 5428 East FM 1187, Burleson, Tarrant County. Contaminants authorized under this permit include particulate matter, including particulate matter with diameters of 10 microns or less and 2.5 microns or less (PM₁₀ and PM_{2.5}, respectively), road dust, aggregate, and cement.

III. PROCEDURAL BACKGROUND

This permit application is for an initial issuance of Air Quality Permit Registration No. 172856. The permit application was received on May 22, 2023, and declared administratively complete on July 26, 2023. Consolidated Notice of Receipt of Application and Intent to Obtain Permit and Notice of Application and Preliminary

¹ Statutes cited in this response may be viewed online at www.statutes.legis.state.tx.us. Relevant statutes are found primarily in the TCAA and the TWC. The rules in the TAC may be viewed online at www.sos.state.tx.us/tac/index.shtml or follow the "Rules" link on the TCEQ website at www.tceq.texas.gov.

Decision (Consolidated Public Notice) for this permit application was published on August 9, 2023, in English in the *Fort Worth Weekly*, and in Spanish on August 15, 2023, in *La Prensa Comunidad*. An amended Consolidated Public Notice and Notice of Public Meeting was published in English on December 4, 2023, in the *Fort Worth Star-Telegram*, and in Spanish on December 5, 2023, in *La Prensa Comunidad*. Republishing was required to meet notice requirements of publication in newspaper of general circulation in the municipality in which the proposed facility is located. Additionally, the public viewing place was updated from the Burleson Public Library located at 248 Southwest Johnson Avenue, Burleson, Tarrant County, Texas 76028 to the Crowley Public Library located at 409 South Oak Street, Crowley, Tarrant County, Texas 76036. A public meeting was held on December 11, 2023, at the Anchora Event Center, LLC on 403 E Broad Street Mansfield, Texas 76063.

Due to large public interest and the January 2024 amendment to the Standard Permit, the public comment period was reopened to allow the public to comment on the updated representations of the permit. The updated permit application was placed in the Crowley Public Library located at 409 South Oak Street, Crowley, Tarrant County, Texas 76036 on March 6, 2024, and the comment period ended on April 5, 2024.

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 amended the Concrete Batch Plant Standard Permit and adopted the rule changes on January 24, 2024. The Executive Director determined that pending permit applications with permit representations unaffected by this change could update their applications using the new version of the application workbook and extend the public viewing and comment periods without republishing notice.

The Executive Director's Response to Comments (RTC) was filed with the Chief Clerk's Office on March 13, 2025, and mailed to all interested parties on March 24, 2025. The cover letter attached to the RTC included information about making hearing requests and requests for reconsideration of the Executive Director's decision. The time for hearing requests and requests for reconsideration ended on April 23, 2025.

TCEQ received timely hearing requests that were not withdrawn from the following persons: Shaun Ashman, Krystina Baldwin, Heath Barber, Chance Barnett, Nicole Barnett, Gina Bell, Vikki K. Blauvelt, Chad Brewer, Jessica Brewer, Justin Brewer, D. Michael Brewster, Mary Elizabeth Brewster, Chelsea Anne Collier, Representative David L. Cook, Joanna Cook, Gary Corwin, Linda Corwin, Judi Ann Daniel, Mitch L. Daniel, Chris Davis, Kortney Davis, John Downing, Carla Draper, Donna W. Driver, Bryan Edgar, Laurie Edgar, Jeri Lynn Emmens, Jennifer C. Evans, Mike Finlay, Tonya Finlay, Julia Galindo, Laura Phyllis Glasser, Sarah Goza, Carrie Amanda Grant, Pamela Griffin, Sergio Haynes, Leanne Hazard, Larry Wayne Hendon, Lindsay Lee Hendon, Lacy Hensley, Norma Hernandez, Ronald Hicks, Bradley Justin Iglehart, Pamela Johnson, Rose Jones, Carl Lemaster, Shelbie Linton, James Logan, Kari Logan, Betsy Loveless, Susan Luecke-Schnuck, Revonda Luttrell, David Gil Maffei, Kimberly Malone, Dwight Dee Martin, Austin Sayle Matthews, Marty Mayfield, Brandon McElroy, McElroy, Sullivan, Miller & Webber (MSMW) on behalf of Brandon McElroy, Barry McFadin, Maxie McFadin, Rita E. McKnight, Thomas McKnight, Terry D. McWhirter, Tricia Mikal, Donna Montgomery, Harold D. Montgomery, Ali Moses, Madison Mouw, David Offutt, Sondra Pendergras, Tommy Wayne Pendergras, Steven Penninck, Janice Penwarden, Donna Kay Phillips, Bandi Potter, Payton Potter, Paige

Ratterree, Paul Ratterree, Angela Bennett Redman, Robert Reichardt, William R. Ribinskas, Kenna Sheckels, Nathan Sheckels, Rose Ann Sherman, Brenton Wayne Sides, Stevie Sides, Alex Sims, Melissa Sims, Theron Sims, Tyler Blake Sims, David Stowman Smith, Judy M. Smith, Michelle Stuart, Donna Trammell, Haley Trammell, David Wells, J.W. Whitmarsh, Carol Wilson, Mitchell Wilson, Selena C. Wilson, Ronnie Glen Woolbright, Kendale Wyatt, Karen Van Zandt, and Ronald Ziotkowski.

TCEQ received requests for reconsideration from Representative David L. Cook, Shaun Ashman, Laura Hernandez, Rose A. Jones, Gloria Lim, Sung Lim, Charlene Michele Lindsey, Treyce McWhirter, Fred R. Porta, Kathryna Porta, Jessica Marie Ratterree, Lauren Ratterree, Paige Ratterree, Rosa Ratterree, Angela Bennett Redman, Mary B. Reichardt, Robert E. Reichardt, Rose Ann Sherman, Kellie Underwood, Selena C. Wilson, and Daniel P. Zumwalt.

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

TCEQ received requests for reconsideration from Rep. David L. Cook, Shaun Ashman, Laura Hernandez, Rose A. Jones, Gloria Lim, Sung Lim, Charlene Michele Lindsey, Treyce McWhirter, Fred R. Porta, Kathryna Porta, Jessica Marie Ratterree, Lauren Ratterree, Paige Ratterree, Rosa Ratterree, Angela Bennett Redman, Mary B. Reichardt, Robert E. Reichardt, Rose Ann Sherman, Kellie Underwood, Selena C. Wilson, and Daniel P. Zumwalt. 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 TCEQ at a regularly scheduled public meeting before any final action can be taken on the application.

The requests for reconsideration did not state any of the Executive Director's responses in the RTC that they are specifically requesting to be reconsidered. Several of the requests for reconsideration raise concerns about several RTC responses, where possible, the Executive Director is interpreting statements in the requests for reconsideration as they correspond to the appropriate response in the RTC. The Executive Director provides the following responses to the requests for reconsideration:

REQUESTS FOR RECONSIDERATION OF RESPONSE 1 – HEALTH EFFECTS

Shaun Ashman, Rose A. Jones, Gloria Lim, Sung Lim, Charlene Michele Lindsey, Treyce McWhirter, Fred R. Porta, Kathryna Porta, Jessica Marie Ratterree, Lauren Ratterree, Paige Ratterree, Rosa Ratterree, Angela Bennett Redman, Mary B. Reichardt, Robert E. Reichardt, and Rose Ann Sherman request reconsideration due to health concerns, including exacerbation of respiratory issues, such as asthma and walking pneumonia, and cardiovascular diseases. Requestors are specifically concerned about potential

impacts to sensitive populations, such as the elderly, children, and those with preexisting conditions.

EXECUTIVE DIRECTOR'S RESPONSE: In Response 1, the Executive Director explains that during the development of the Standard Permit, the Executive Director conducted an extensive protectiveness review to ensure protection of human health and the environment. The protectiveness review determined potential impacts to human health and welfare or the environment by comparing emissions allowed by the standard permit to appropriate state and federal standards and guidelines. These standards and guidelines include the National Ambient Air Quality Standards (NAAQS) and TCEQ rules.

The results of the protectiveness review for all pollutants authorized by the Air Quality Standard Permit for Concrete Batch Plants demonstrated that emissions will not exceed any state or federal standards, including the NAAQS. The Executive Director determined that the emissions authorized by the standard permit are protective of both human health and welfare, and the environment. Updates to the Air Quality Standard Permit for Concrete Batch Plants (standard permit) were adopted on January 24, 2024, during the pendency of this permit application. The Applicant updated their representations to coincide with the amendments to the standard permit. When a company operates in compliance with the Standard Permit, they should not cause or contribute to a violation of the NAAQS and are protective of human health and the environment.

REQUESTS FOR RECONSIDERATION OF RESPONSE 2 – DUST CONTROL

Shaun Ashman, Rose A. Jones, Charlene Michele Lindsey, Treyce McWhirter, Fred R. Porta, Kathryn Porta, Mary B. Reichardt, Robert E. Reichardt, Rose Ann Sherman, and Kellie Underwood request reconsideration due to concerns about dust generated from industrial traffic and operation of the proposed plant.

EXECUTIVE DIRECTOR'S RESPONSE: The primary activities that have the potential to emit particulate matter (i.e., dust) resulting from this project are vehicle traffic and material handling. The Standard Permit requires control processes to minimize dust. When a company operates in compliance with the Standard Permit requirements, there should be no deterioration of air quality or the generation of dust such that it impacts visibility or accumulates on water.

While nuisance conditions are not expected if the facility operates in compliance with the terms of the permit, operators must also comply with 30 TAC § 101.4, which prohibits a person from creating or maintaining a condition of nuisance that interferes with a landowner's use and enjoyment of a property. Specifically, the rule states that "no person shall discharge from any source" air contaminants which "are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property."

REQUESTS FOR RECONSIDERATION OF RESPONSE 5 – MONITORS

Jessica Marie Ratterree, Lauren Ratterree, Paige Ratterree, Rosa Ratterree, and Daniel P. Zumwalt request reconsideration due to the lack of monitoring for specific industrial sites and lack of site-specific monitoring requirements in the standard permit.

EXECUTIVE DIRECTOR'S RESPONSE: In Response 5, the Executive Director explained that

since stationary air monitors are sited to measure air quality that is representative of a broader area or region, monitors are not typically placed to measure the impacts from specific industrial facilities. Consistent with federal air monitoring requirements, TCEQ evaluates the placement of air quality monitors within the air monitoring network using trends in population, reported emissions inventory data, and existing air monitoring data for a given area.

Additionally, during the protectiveness review for the 2024 amendment to the Standard Permit for Concrete Batch Plants, TCEQ performed an Air Quality Analysis (AQA), which included air dispersion modeling that was inherently conservative and tended to over-predict ground-level concentrations of emissions. TCEQ calculated emission rates using conservative emission factors and methodology from the United States Environmental Protection Agency (EPA) in the Compilation of Air Pollution emission Factors, AP-42 manual. TCEQ ensures the conservative nature of these calculations by evaluating each emission point at the maximum material throughput on both an hourly and an annual basis. The maximum modeled concentration typically occurs at a relatively short distance from the source, so that the peak modeled concentrations represent the source's impact at a few receptors within the modeled area. Therefore, Applicants seeking to obtain authorization to operate under the Standard Permit for Concrete Batch plants are not required to submit site-specific emission calculations or air dispersion modeling to obtain an authorization.

REQUESTS FOR RECONSIDERATION OF REPSONSE 6 – LOCATION

Laura Hernandez, Rose A. Jones, Treyce McWhirter, Fred R. Porta, Kathryn Porta, Angela Bennett Redman, Mary B. Reichardt, and Robert E. Reichardt request reconsideration due to concerns about the location of the proposed plant. Requestors are concerned about the school near the plant. Requestors are also concerned that the location is zoned as residential.

EXECUTIVE DIRECTOR'S RESPONSE: TCEQ does not have jurisdiction to consider plant location choices 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 TCEQ. Zoning and land use are beyond the authority of TCEQ for consideration when reviewing air quality permit applications.

REQUESTS FOR RECONSIDERATION OF RESPONSE 7 – TRAFFIC

Shaun Ashman, Rose A. Jones, Charlene Michele Lindsey, Treyce McWhirter, Fred R. Porta, Kathryn Porta, Mary Reichardt, Robert Reichardt, Rose Ann Sherman, Kellie Underwood, and Selena C. Wilson request reconsideration due to concerns about increased truck traffic, impacts to roads, and road safety concerns.

EXECUTIVE DIRECTOR'S RESPONSE: As explained in Response 7, 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 TCEQ. TCEQ is also prohibited from regulating roads per 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.

REQUESTS FOR RECONSIDERATION OF RESPONSE 8 – AESTHETICS/PROPERTY VALUES

Charlene Michele Lindsey, Treyce McWhirter, Fred R. Porta, Kathryn Porta, Mary Reichardt, Robert E. Reichardt, and Rose Ann Sherman request reconsideration because of potential negative impacts to property values and aesthetics of the area.

EXECUTIVE DIRECTOR'S RESPONSE: As explained in Response 8, TCEQ does not have the authority to consider potential effects from the proposed plant on quality of life, aesthetics, or effects on property values when determining whether to approve or deny an air permit.

REQUESTS FOR RECONSIDERATION OF RESPONSE 9 – NOISE

Shaun Ashman, Rose A. Jones, Charlene Michele Lindsey, Treyce McWhirter, Robert Reichardt, and Kellie Underwood request reconsideration due to noise from operation of the proposed plant.

EXECUTIVE DIRECTOR'S RESPONSE: As explained in Response 9, TCEQ does not have the authority to require or enforce any noise abatement measures.

REQUESTS FOR RECONSIDERATION OF RESPONSE 12 – COMPLIANCE HISTORY

Fred R. Porta, Kathryn Porta, Mary B. Reichardt, and Rose Ann Sherman request reconsideration due to concerns about the Applicant demonstrating compliance with the conditions of the Standard Permit.

EXECUTIVE DIRECTOR'S RESPONSE: As explained in Response 12, monitoring requirements are included in the Standard Permit. Emissions will be monitored by maintaining records for quarterly observations for visible emissions, monthly warning devices and/or shut-off system tests, emissions event reporting, scheduled maintenance, startup, and shutdown reporting, production rates for hourly and annual operations, repairs and maintenance of abatement systems and other dust suppression concerns, material safety data sheets for all additives and other chemicals used at the site, stockpile dust suppression, demonstration of compliance with subsection 6(B) of this standard permit, type of fuel used for power engines, and demonstration of compliance with subsection 5(L) of this standard permit. The permit holder is required to maintain records to demonstrate compliance with the emission rates and terms of the permit, including the monitoring requirements. Records must be made available upon request to representatives of TCEQ, EPA, or any local air pollution control program having jurisdiction. The Dallas/Fort Worth Regional Office may perform investigations of the plant as required. The investigation may include an inspection of the site including all equipment, control devices, monitors, and a review of all required recordkeeping.

REQUESTS FOR RECONSIDERATION OF RESPONSE 13 and 14 – COMPLAINTS/ENFORCEMENT

Fred R. Porta, Kathryn Porta, Jessica Marie Ratterree, Lauren Ratterree, Paige Ratterree, and Rosa Ratterree request reconsideration due to concerns about enforcement of the standard permit as operation of the facility commences.

EXECUTIVE DIRECTOR'S RESPONSE: As explained in Response 14, violations are usually

addressed through a notice of violation letter that allows the operator a specified period of time to correct the problem. The violation is considered resolved upon timely corrective action. A formal enforcement referral will be made if the cited problem is not timely corrected, if the violation is repeated, or if a violation is causing substantial impact to the environment or neighbors. In most cases, formal enforcement results in an agreed enforcement order including penalties and technical requirements for corrective action. Penalties are based upon the severity and duration of the violation(s).

Additionally, as explained in response 13, TCEQ reviews all complaints received. If a facility is found to be out of compliance with the terms and conditions of its permit, it may be subject to investigation and possible enforcement action.

REQUESTS FOR RECONSIDERATION OF RESPONSE 15 – OTHER REQUIRED AUTHORIZATIONS

Shaun Ashman, Charlene Michele Lindsey, Treyce McWhirter, Kathryn Porta, Mary Reichardt, and Selena C. Wilson request reconsideration due to concerns that operation of the facility will adversely impact water quality and water availability of the surrounding area.

EXECUTIVE DIRECTOR'S RESPONSE: Although TCEQ is responsible for the environmental protection of air and water as well as the safe management of waste, this registration will regulate the control and abatement of air emissions only. Therefore, issues regarding water quality or discharge and the handling of waste are not within the scope of this review. However, the Applicant may be required to apply for separate authorizations for water quality, water usage, or the handling of waste.

REQUESTS FOR RECONSIDERATION OF RESPONSE 17 – PUBLIC NOTICE – NEWSPAPER PUBLICATION / SIGN POSTING

Fred R. Porta, Mary B. Reichardt, Robert E. Reichardt, Rose Ann Sherman, and Daniel P. Zumwalt request reconsideration due to the improper notice and apparent lack of community input, noting that many people in the area were not aware of the pending application. Kellie Underwood requested reconsideration because there was a lack of proper signage at the proposed plant.

EXECUTIVE DIRECTOR'S RESPONSE: As explained in Response 17, 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 that the republishing of the amended notice occurred in a paper of general circulation.

Consolidated Notice of Receipt of Application and Intent to Obtain Permit and Notice of Application and Preliminary Decision (Consolidated Public Notice) for this permit application was published on August 9, 2023, in English in the *Fort Worth Weekly*, and in Spanish on August 15, 2023, in *La Prensa Comunidad*. An amended Consolidated Public Notice and Notice of Public Meeting was published in English on December 4, 2023, in the *Fort Worth Star-Telegram* and in Spanish on December 5, 2023, in *La Prensa Comunidad*. Republishing was required to meet notice requirements of publication in newspaper of general circulation in the municipality in which the proposed facility is

located. These newspapers are in compliance with the public notice requirements.

Additionally, the public viewing place was updated from the Burleson Public Library located at 248 Southwest Johnson Avenue, Burleson, Tarrant County, Texas 76028 to the Crowley Public Library located at 409 South Oak Street, Crowley, Tarrant County, Texas 76036. A public meeting was held on December 11, 2023, at the Anchora Event Center, LLC on 403 E Broad Street Mansfield, Texas 76063.

Due to large public interest and the January 2024 amendment to the Standard Permit, the public comment period was reopened to allow the public to comment on the updated representations of the permit. The updated permit application was placed in the Crowley Public Library located at 409 South Oak Street, Crowley, Tarrant County, Texas 76036 on March 6, 2024, and the comment period ended on April 5, 2024.

The Applicant provided verification to the Office of the Chief Clerk in accordance with 30 TAC § 39.605 that signs were posted at the proposed site in accordance with 30 TAC § 39.604. TCEQ Region 4 Dallas/Fort Worth Regional Office noted that signage was not present as of October 13, 2023. A notice of deficiency was delivered to the Applicant on the same day to rectify this. The Applicant provided proof of signage on October 26, 2023, and that remained present on the site until the end of the comment period, thus the sign posting requirements were met.

REQUESTS FOR RECONSIDERATION OF RESPONSE 21 – ENVIRONMENTAL JUSTICE

Fred R. Porta and Kathrynna Porta request reconsideration because of environmental justice concerns, as multiple industries are located in the area.

EXECUTIVE DIRECTOR'S RESPONSE: The Executive Director Explained in Response 21 that air permits evaluated by TCEQ are reviewed without reference to the socioeconomic or racial status of the surrounding community. TCEQ is committed to protecting the health of the people of Texas and the environment regardless of location. A health effects review was conducted during the standard permit development and found to be protective of human health and the environment

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 Executive Director'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 Executive Director'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:
 - a) whether the interest claimed is one protected by the law under which the application will be considered;
 - b) distance restrictions or other limitations imposed by law on the affected interest;
 - c) whether a reasonable relationship exists between the interest claimed and the activity regulated;
 - d) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;
 - e) likely impact of the regulated activity on use of the impacted natural resource by the person;
 - f) 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
 - g) 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 Executive Director; and
3. any other expert reports, affidavits, opinions, or data submitted by the Executive Director, 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 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.

The following persons submitted timely hearing requests that were not withdrawn: Shaun Ashman, Krystina Baldwin, Heath Barber, Chance Barnett, Nicole Barnett, Gina Bell, Vikki K. Blauvelt, Chad Brewer, Jessica Brewer, Justin Brewer, D. Michael Brewster, Mary Elizabeth Brewster, Chelsea Anne Collier, Representative David L. Cook, Joanna Cook, Gary Corwin, Linda Corwin, Judi Ann Daniel, Mitch L. Daniel, Chris Davis, Kortney Davis, John Downing, Carla Draper, Donna W. Driver, Bryan Edgar, Laurie Edgar, Jeri Lynn Emmens, Jennifer C. Evans, Mike Finlay, Tonya Finlay, Julia Galindo, Laura Phyllis Glasser, Sarah Goza, Carrie Amanda Grant, Pamela Griffin, Sergio Haynes, Leanne Hazard, Larry Wayne Hendon, Lindsay Lee Hendon, Lacy Hensley, Norma Hernandez, Ronald Hicks, Bradley Justin Iglehart, Pamela Johnson, Rose Jones, Carl Lemaster, Shelbie Linton, James Logan, Kari Logan, Betsy Loveless, Susan Luecke-Schnuck, Revonda Luttrell, David Gil Maffei, Kimberly Malone, Dwight Dee Martin, Austin Sayle Matthews, Marty Mayfield, Brandon McElroy, McElroy, Sullivan, Miller & Webber (MSMW) on behalf of Brandon McElroy, Barry McFadin, Maxie McFadin, Rita E. McKnight, Thomas McKnight,

Terry D. McWhirter, Tricia Mikal, Donna Montgomery, Harold D. Montgomery, Ali Moses, Madison Mouw, David Offutt, Sondra Pendergras, Tommy Wayne Pendergras, Steven Penninck, Janice Penwarden, Donna Kay Phillips, Bandi Potter, Payton Potter, Paige Ratterree, Paul Ratterree, Angela Bennett Redman, Robert Reichardt, William R. Ribinskas, Kenna Sheckels, Nathan Sheckels, Rose Ann Sherman, Brenton Wayne Sides, Stevie Sides, Alex Sims, Melissa Sims, Theron Sims, Tyler Blake Sims, David Stowman Smith, Judy M. Smith, Michelle Stuart, Donna Trammell, Haley Trammell, David Wells, J.W. Whitmarsh, Carol Wilson, Mitchell Wilson, Selena C. Wilson, Ronnie Glen Woolbright, Kendale Wyatt, Karen Van Zandt, and Ronald Ziotkowski. Furthermore, the Executive Director has determined the hearing requests substantially complied with all of the requirements for form in 30 TAC § 55.201(d).

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. The addresses provided by the hearing requestors are shown on the attached appendix.

VIII. PERSONS THE EXECUTIVE DIRECTOR RECOMMENDS THE COMMISSION FIND ARE AFFECTED PERSONS

Chance Barnett

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 Chance Barnett is an affected person.

Chance Barnett submitted one hearing request during the comment period that was in writing and provided the required contact information. In his hearing request, Mr. Barnett indicated he was within 151 yards of the proposed plant. Mr. Barnett raised concerns about adverse impacts to his health due to operation of the proposed plant, as he states that he suffers from Bronchitis, Sinusitis, Chronic Rhinitis, and Long Covid. He is particularly concerned that operation of the proposed plant will result in exacerbation of his symptoms associated with the above illnesses.

Using the address provided by Mr. Barnett, the Executive Director determined that Mr. Barnett's residence is 134.9 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). Based on Mr. Barnett's location and issues raised and affected by the application, Mr. Barnett has identified personal justiciable interests not common to the general public. Therefore, the Executive Director recommends that the Commission find that Chance Barnett is an affected person, and that his hearing request be granted.

In his hearing request Chance Barnett raised the following issues that were also raised in his timely comments:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Nicole Barnett

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 Nicole Barnett is an affected person.

Nicole Barnett submitted one hearing request during the public comment period that was in writing and provided the necessary contact information. Ms. Barnett indicated her residence was within 200 yards of the proposed plant location and expressed concerns about the potential impact to her husband and grandchildren's health due to operation of the proposed plant. Ms. Barnett states that her husband suffers from severe allergies, sinus, and respiratory problems, and she is particularly concerned that the operation of the proposed plant will exacerbate the symptoms of her partner.

Using the address provided by Ms. Barnett, the Executive Director determined that Nicole Barnett's residence is 134.9 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). Based on Ms. Barnett's location and issues raised and affected by the application, Ms. Barnett has identified personal justiciable interests not common to the general public. Therefore, the Executive Director recommends that the Commission find that Nicole Barnett is an affected person, and that her hearing request be granted.

In her hearing request, Ms. Barnett raised the following issues that were also raised in her timely comments:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 3: Whether the proposed plant will contribute to increased traffic.

Chad Brewer

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 Chad Brewer is an affected person.

Chad Brewer submitted two hearing requests during the comment period that were in writing and provided the required contact information. Some of the issues raised in his hearing request were also raised in his timely comments. In his hearing requests, Mr. Brewer raised concerns about negative impacts to his and his family's health, as they spend a lot of time outside participating in garage sales and neighborhood block parties.

Using the address provided by Mr. Brewer, the Executive Director determined that Mr. Brewer's residence is 220.5 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). Based on Mr. Brewer's location and issues raised and affected by the application, Mr. Brewer has identified personal justiciable interests not common to the general public. Therefore, the Executive Director recommends that the Commission find that Chad Brewer is an affected person and that his hearing request be granted.

In his hearing request, Chad Brewer raised the following issues that were also raised in his timely comments:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 3: Whether the proposed plant will contribute to increased traffic.

Issue 4: Whether the proposed permit met all public notice requirements with respect to signage.

Issue 5: Whether the permit will be protective of general welfare, including plants, animals, and the environment.

Jessica Brewer

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 Brewer is an affected person.

Jessica Brewer submitted one hearing request during the comment period that was in writing and provided the required contact information. Some of the issues raised in her hearing request were also raised in her timely comments. In her hearing request, Ms. Brewer raised concerns about negative impacts to her and her family's health, as well as adverse impacts to air quality. Ms. Brewer stated that she and her family spend a lot of time in their backyard, doing outdoor activities such as swimming and gardening.

Using the address provided by Ms. Brewer, the Executive Director determined that Ms. Brewer's residence is 220.5 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). Based on Ms. Brewer's location and issues raised and affected by the application, Ms. Brewer has identified personal justiciable interests not common to the general public. Therefore, the Executive Director recommends that the Commission find that Jessica Brewer is an affected person and that her hearing request be granted.

In her hearing request, Jessica Brewer raised the following issues that were also raised in her timely comments:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 3: Whether the proposed plant will contribute to increased traffic.

Issue 4: Whether the proposed permit met all public notice requirements with respect to signage.

Justin Brewer

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 Justin Brewer is an affected person.

Justin Brewer submitted one hearing request during the comment period that was in writing and provided the required contact information. In his hearing request, Mr. Brewer raised concerns about negative impacts to his and his family's health, as they spend a lot of time outside in their backyard.

Using the address provided by Mr. Brewer, the Executive Director determined that Mr. Brewer's residence is 220.5 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). Based on Mr. Brewer's location and issues raised and affected by the application, Mr. Brewer has identified personal justiciable interests not common to the general public. Therefore, the Executive Director recommends that the Commission find that Justin Brewer is an affected person and that his hearing request be granted.

In his hearing request, Mr. Brewer raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 3: Whether the proposed plant will contribute to increased traffic.

Issue 4: Whether the proposed permit met all public notice requirements with respect to signage.

Issue 6: Whether the proposed plant will contribute to water availability issues.

Mary Elizabeth Brewster

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 Elizabeth Brewster is an affected person.

Ms. Brewster submitted one hearing request during the comment period and one hearing request during the hearing request period. Her requests were in writing and provided the required contact information. In her hearing request, Ms. Brewster raised concerns about adverse impacts to her health from the operation of the proposed plant, as she struggles with allergies. She also raised concerns about adverse impacts to air quality that may affect her children when they are outside. Ms. Brewster is also concerned about visible dust leaving the facility, traffic and diesel fumes from the proposed plant, and the impact to surrounding property values.

Using the address provided by Ms. Brewster, the Executive Director determined that her residence is 153.3 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). Based on Ms. Brewster's location and issues raised and affected by the application, Ms. Brewster has identified personal justiciable interests not common to the general public. Therefore, the Executive Director recommends that the Commission find that Mary Elizabeth Brewster is an affected person and that her hearing request be granted.

In her hearing requests, Ms. Brewster raised the following concerns:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 3: Whether the proposed plant will contribute to increased traffic.

Issue 5: Whether the permit will be protective of general welfare, including plants, animals, and the environment.

Issue 7: Whether the permit will be protective against dust emissions generated from the proposed plant, including nuisance dust emissions.

Issue 8: Whether the proposed plant will adversely affect property values.

Judi Ann Daniel

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 Judi Ann Daniel is an affected person.

Ms. Daniel submitted three hearing requests during the comment period and one hearing request during the hearing request period. Her requests were in writing and provided the required contact information. In her hearing requests, Ms. Daniel expressed concerns about adverse impacts to air quality and impacts to her health, as she is a 60-year-old woman with asthma and a heart condition. She also raised concerns about dust and traffic from the proposed plant, and impacts to her property value.

Using the address provided by Ms. Daniel, the Executive Director determined that her residence is 258.0 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). Based on Ms. Daniel's location and issues raised and affected by the application, Ms. Daniel has identified personal justiciable interests not common to the general public. Therefore, the Executive Director recommends that the Commission find that Judi Ann Daniel is an affected person and that her hearing request be granted.

In her hearing requests, Ms. Daniel raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 3: Whether the proposed plant will contribute to increased traffic.

Issue 7: Whether the permit will be protective against dust emissions generated from the proposed plant, including nuisance dust emissions.

Issue 8: Whether the proposed plant will adversely affect property values.

Mitch L. Daniel

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 Mitch L. Daniel is an affected person.

Mr. Daniel submitted three hearing requests during the comment period and one hearing request during the hearing request period. His requests were in writing and provided the required contact information. Mr. Daniel referenced his formal oral comments from the public meeting in his hearing request. In his hearing request that relied on his oral comments, Mr. Daniel expressed concerns about adverse impacts to air quality due to operation of the proposed plant. He stated that him, his wife, and his grandchildren spend time in their backyard, and that his wife has a blockage in her heart and that operation of the plant may adversely affect her health.

Using the address provided by Mr. Daniel, the Executive Director determined that his residence is 259.4 yards from the proposed plant, satisfying the 440-yard requirement

of TCAA § 382.058(c). Based on Mr. Daniel's location and issues raised and affected by the application, Mr. Daniel has identified personal justiciable interests not common to the general public. Therefore, the Executive Director recommends that the Commission find that Mitch L. Daniel is an affected person and that his hearing request be granted.

In his hearing request, Mr. Daniel raised the following issues that were also raised in his timely comments:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Chris Davis

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 Chris Davis is an affected person.

Mr. Davis submitted one hearing request during the comment period and one hearing request during the hearing request period. His requests were in writing and provided the required contact information. In his hearing request, Mr. Davis raised concerns that operation of the proposed plant would adversely impact his health, particularly because he is a firefighter and is susceptible to respiratory illnesses and different types of cancer. Mr. Davis is concerned that operation of the proposed plant will also negatively impact his children's health, as they are ages four and one years old, and are particularly susceptible to infection at their young age. Mr. Davis also raised concerns about air quality, traffic from the facility, and public notice issues.

Using the address provided by Mr. Davis, the Executive Director determined that his residence is 327.5 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). Based on Mr. Davis's location and issues raised and affected by the application, Mr. Davis has identified personal justiciable interests not common to the general public. Therefore, the Executive Director recommends that the Commission find that Chris Davis is an affected person and that his hearing request be granted.

In his hearing requests, Mr. Davis raised the following issues that were also raised in his previous comments:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 3: Whether the proposed plant will contribute to increased traffic.

Issue 9: Whether the proposed plant will contribute to damage to roads.

Issue 10: Whether the proposed permit met all public notice requirements with respect to newspaper notices.

Julia Galindo

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 Julia Galindo is an affected person.

Ms. Galindo submitted three hearing requests during the comment period. Her hearing requests were in writing and provided the required contact information. In her hearing requests, Ms. Galindo raised concerns that operation of the proposed plant would adversely impact the use and enjoyment of her property. She states that she gardens, hosts family gatherings, and participates in outdoor activities in her backyard for her mental health. Ms. Galindo also raised concerns about potential health impacts as she lives with asthma and COPD.

Using the address provided by Ms. Galindo, the Executive Director determined that her residence is 306.4 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). Based on Galindo's location and issues raised and affected by the application, Ms. Galindo has identified personal justiciable interests not common to the general public. Therefore, the Executive Director recommends that the Commission find that Julia Galindo is an affected person and that her hearing request be granted.

In her hearing requests, Ms. Galino raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 5: Whether the permit will be protective of general welfare, including plants, animals, and the environment.

Issue 11: Whether the proposed plant will contribute to nuisance noise.

Laura Phyllis Glasser

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 Laura Phyllis Glasser is an affected person.

Ms. Glasser submitted one hearing request during the hearing request period. Her hearing request was in writing, provided the required contact information, and raised several issues that were also raised in her previous timely comments. In her hearing request and comments, Ms. Glasser indicated that her residence is within 440 yards of the proposed plant and raises concerns about health effects and air quality. Ms. Glasser states that her partner has COPD and is on oxygen and may be adversely affected by the operation of the proposed plant. Ms. Glasser also states that her plant nursery is adjacent to the proposed plant and emissions from the plant will impact her business by harming the plants and may cause her business to close.

Using the address provided by Ms. Glasser, the Executive Director determined that her residence is 308.8 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). Based on Ms. Glasser's location and issues raised and affected by the application, Ms. Glasser has identified personal justiciable interests not common to the general public. Therefore, the Executive Director recommends that the Commission

find that Laura Phyllis Glasser is an affected person and that her hearing request be granted.

In her hearing request, Ms. Glasser raises the following issues that are also raised in her timely comments:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Carrie Amanda Grant

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 Carrie Amanda Grant is an affected person.

Ms. Grant submitted one hearing request during the comment period that was in writing and provided the required contact information. In her hearing request, Ms. Grant raised concerns about impacts to air quality from the operation of the proposed plant. She states that she is concerned about her garden and vegetation, as well as animals. She also raised general concerns about health impacts, increased traffic, and decreased property values.

Using the address provided by Ms. Grant, the Executive Director determined that her residence is 217.8 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). Based on Ms. Grant's location and issues raised and affected by the application, Ms. Grant has identified personal justiciable interests not common to the general public. Therefore, the Executive Director recommends that the Commission find that Carrie Amanda Grant is an affected person and that her hearing request be granted.

In her hearing request, Ms. Grant raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 3: Whether the proposed plant will contribute to increased traffic.

Issue 5: Whether the permit will be protective of general welfare, including plants, animals, and the environment.

Issue 8: Whether the proposed plant will adversely affect property values.

Lindsay Lee Hendon

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 Lindsay Lee Hendon is an affected person.

Ms. Hendon submitted one hearing request during the comment period that was in writing and provided the required contact information. In her hearing request, Ms. Hendon stated that she and her family spend a considerable amount of time outside in the backyard. The outdoor activities her and her children participate in include practicing sports, swimming, and grilling in their backyard. Ms. Hendon also expressed

concern about adverse impacts to air quality and potential strain on the water supply due to operation of the proposed plant.

Using the address provided by Ms. Hendon, the Executive Director determined that her residence is 384.1 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). Based on Ms. Hendon's location and issues raised and affected by the application, Ms. Hendon has identified personal justiciable interests not common to the general public. Therefore, the Executive Director recommends that the Commission find that Lindsay Lee Hendon is an affected person and that her hearing request be granted.

In her hearing request, Ms. Hendon raised the following issues:

Issue 2: Whether the permit will negatively affect air quality.

Issue 6: Whether the proposed plant will contribute to water availability issues.

Brandon McElroy

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 Brandon McElroy is an affected person.

Mr. McElroy submitted three hearing requests during the comment period that were in writing and provided the required contact information. McElroy, Sullivan, Miller & Webber LLP (MSMW) submitted an additional two hearing requests on behalf of Brandon McElroy. In the hearing requests, Mr. McElroy indicated that he lives within 440 yards of the proposed plant and raised concerns about adverse health effects and adverse impacts to air quality. He stated that his two children have asthma and blocked nasal passages, which may be exacerbated by operation of the proposed plant. Mr. McElroy also raised concerns that the plant may adversely impact the air quality of the area and the shrubs and trees on his property.

MSMW and Mr. McElroy raised general concerns about the proposed plant's location relative to public school property and residences, accuracy of emission rates, improper notice and signage, and compliance history of the applicant. MSMW also raised concerns about the accuracy of the application representations as it relates to the equipment used at the site.

Using the address provided by Mr. McElroy, the Executive Director determined that his residence is 232.0 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). Based on Mr. McElroy's location and issues raised and affected by the application, Mr. McElroy has identified personal justiciable interests not common to the general public. Therefore, the Executive Director recommends that the Commission find that Brandon McElroy is an affected person and that his hearing requests be granted.

In his hearing requests, Mr. McElroy raised the following issues that were also raised in his timely comments:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 4: Whether the proposed permit met all public notice requirements with respect to signage.

Issue 5: Whether the permit will be protective of general welfare, including plants, animals, and the environment.

Issue 13: Whether the proposed emission rates are accurately calculated.

Issue 14: Whether the applicant's representations with respect to the equipment being used on the site is accurate.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Donna Montgomery

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 Donna Montgomery is an affected person.

Ms. Montgomery submitted two hearing requests during the comment period. Her hearing requests were in writing, provided the required contact information, and raised issues that were raised in her previous timely comments. Ms. Montgomery indicated her residence was within 440 yards of the proposed plant and raised issues such as improper public notice, potential health effects, and impacts to air quality. Ms. Montgomery is concerned about her health as she is a senior citizen. Ms. Montgomery also raised concerns about her son's health. She stated that she is the caretaker of her son who is diagnosed with Mitochondrial Encephalomyopathy, Lactic Acidosis, and Stroke Like Episodes (MELAS) and Wolfe Parkinson White Syndrome. His symptoms include a severely compromised airway and a compromised immune system. Ms. Montgomery stated that operation of the plant would be detrimental to her son's health, as he is wheelchair bound, sleeps with a ventilator, and has a tracheostomy. Ms. Montgomery also raised concerns about increased traffic and adverse impacts to roads.

Using the address provided by Ms. Montgomery, the Executive Director determined that her residence is 260.3 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). Based on Ms. Montgomery's location and issues raised and affected by the application, Ms. Montgomery has identified personal justiciable interests not common to the general public. Therefore, the Executive Director recommends that the Commission find that Donna Montgomery is an affected person and that her hearing request be granted.

In her hearing request, Ms. Montgomery raised the following issues that were also raised in her timely comments:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 3: Whether the proposed plant will contribute to increased traffic.

Issue 4: Whether the proposed permit met all public notice requirements with respect to signage.

Issue 9: Whether the proposed plant will contribute to damage to roads.

Issue 10: Whether the proposed permit met all public notice requirements with respect to newspaper notices.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Harold D. Montgomery

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 Harold D. Montgomery is an affected person.

Mr. Montgomery submitted three hearing requests during the comment period. His hearing requests were in writing and provided the required contact information. Mr. Montgomery indicated his residence was within 440 yards of the proposed plant and raised concerns about adverse health impacts to his son. In his hearing requests, Mr. Montgomery stated that his son has respiratory issues, is on a ventilator at night, is wheelchair bound, and has a tracheostomy. Mr. Montgomery also raised concerns about noise, traffic, water usage, and impacts to property values.

Using the address provided by Mr. Montgomery, the Executive Director determined that his residence is 260.3 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). Based on Mr. Montgomery's location and issues raised and affected by the application, Mr. Montgomery has identified personal justiciable interests not common to the general public. Therefore, the Executive Director recommends that the Commission find that Harold D. Montgomery is an affected person and that his hearing requests be granted.

In his hearing requests, Mr. Montgomery raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 3: Whether the proposed plant will contribute to increased traffic.

Issue 6: Whether the proposed plant will contribute to water availability issues.

Issue 8: Whether the proposed plant will adversely affect property values.

Issue 11: Whether the proposed plant will contribute to nuisance noise.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Sondra L. Pendergras

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 Sondra L. Pendergras is an affected person.

Ms. Pendergras submitted one hearing request during the comment period and another hearing request during the hearing request period. Her hearing requests were in writing and provided the required contact information. Ms. Pendergras indicated her residence

was within 440 yards of the proposed plant and raised issues such as impacts to her and her children's health, adverse impacts to the plants and animals, and increased traffic and road damage. Ms. Pendergras stated that she and her children suffer from asthma and bronchitis. Ms. Pendergras is also concerned that the operation of the proposed plant may adversely impact her garden, which she uses for food.

Using the address provided by Ms. Pendergras, the Executive Director determined that her residence is 211.6 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). Based on Ms. Pendergras' location and issues raised and affected by the application, Ms. Pendergras has identified personal justiciable interests not common to the general public. Therefore, the Executive Director recommends that the Commission find that Sondra L. Pendergras is an affected person and that her hearing requests be granted.

In her hearing request, Ms. Pendergras raised the following issues that were also raised in her timely comments:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 3: Whether the proposed plant will contribute to increased traffic.

Issue 4: Whether the proposed permit met all public notice requirements with respect to signage.

Issue 5: Whether the permit will be protective of general welfare, including plants, animals, and the environment.

Issue 9: Whether the proposed plant will contribute to damage to roads.

Tommy Wayne Pendergras

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 Tommy Wayne Pendergras is an affected person.

Mr. Pendergras submitted one hearing request during the comment period and another hearing request during the hearing request period. His hearing requests were in writing and provided the required contact information. In his hearing requests, Mr. Pendergras raised concerns about the impacts to air quality and adverse impacts to the health of his wife and children, as they have asthma and frequent bronchitis. Mr. Pendergras is also concerned that the operation of the proposed plant may adversely impact his animals and garden, which he uses for food.

Using the address provided by Mr. Pendergras, the Executive Director determined that his residence is 211.6 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). Based on Mr. Pendergras' location and issues raised and affected by the application, Mr. Pendergras has identified personal justiciable interests not common to the general public. Therefore, the Executive Director recommends that the Commission find that Tommy Wayne Pendergras is an affected person and that his hearing requests be granted.

In his hearing request, Mr. Pendergras raised the following issues that were also raised in his timely comments:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 4: Whether the proposed permit met all public notice requirements with respect to signage.

Issue 5: Whether the permit will be protective of general welfare, including plants, animals, and the environment.

Janice Penwarden

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 Janice Penwarden is an affected person.

Ms. Penwarden submitted two hearing requests during the comment period. Her hearing requests were in writing and provided the required contact information. Ms. Penwarden indicated her residence was within 300 yards of the proposed plant and raised concerns about adverse impacts to her health and air quality. Ms. Penwarden stated that she is 71 years old and has a diagnosed chronic lung disease that makes it difficult for her to breathe, as well as several autoimmune issues with symptoms that may be exacerbated by operation of the plant. Ms. Penwarden also raised concerns about the animals, wildlife, and vegetation in the surrounding area, and concerns about improper notice and compliance of the applicant.

Using the address provided by Ms. Penwarden, the Executive Director determined that her residence is 245.8 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). Based on Ms. Penwarden's location and issues raised and affected by the application, Ms. Penwarden has identified personal justiciable interests not common to the general public. Therefore, the Executive Director recommends that the Commission find that Janice Penwarden is an affected person and that her hearing requests be granted.

In her hearing requests, Ms. Penwarden raised the following issues that were also raised in her timely comments:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 5: Whether the permit will be protective of general welfare, including plants, animals, and the environment.

Issue 10: Whether the proposed permit met all public notice requirements with respect to newspaper notices.

Donna Kay Phillips

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 Donna Kay Phillips is an affected person.

Ms. Phillips submitted one hearing request during the hearing request period that was in writing and provided the required contact information. In her hearing request, Ms. Phillips referenced her previous timely comment made during the comment period. In her hearing request and previous timely comment, Ms. Phillips indicated that her residence is within 440 yards of the proposed plant, and she is concerned about impacts to her health and air quality. She stated that she was diagnosed with a chronic liver issue and spends time outside working, gardening, and walking.

Using the address provided by Ms. Phillips, the Executive Director determined that her residence is 219.9 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). Based on Ms. Phillips' location and issues raised and affected by the application, Ms. Phillips has identified personal justiciable interests not common to the general public. Therefore, the Executive Director recommends that the Commission find that Donna Kay Phillips is an affected person and that her hearing request be granted.

In her hearing request, Ms. Phillips raised the following issues that were also raised in her timely comments:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

William R. Ribinskas

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 William R. Ribinskas is an affected person.

Mr. Ribinskas submitted one hearing request during the comment period. His hearing request was in writing and provided the required contact information. Mr. Ribinskas indicated his residence was within 440 yards of the proposed plant and raised concerns about potential health effects and improper notice. Mr. Ribinskas is concerned that the operation of the plant may exacerbate his asthma and stated that his wife cares for their grandchildren at their residence. Mr. Ribinskas also stated that he and his community did not receive proper notice of the application.

Using the address provided by Mr. Ribinskas, the Executive Director determined that his residence is 221.8 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). Based on Mr. Ribinskas' location and issues raised and affected by the application, Mr. Ribinskas has identified personal justiciable interests not common to the general public. Therefore, the Executive Director recommends that the Commission find that William R. Ribinskas is an affected person and that his hearing requests be granted.

In his hearing request, Mr. Ribinskas raised the following issues that were also raised in his timely comments:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 10: Whether the proposed permit met all public notice requirements with respect to newspaper notices.

David Stowman Smith

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 David Stowman Smith is an affected person.

Mr. Smith submitted two hearing requests during the comment period and two hearing requests during the hearing request period. His requests were in writing, provided the required contact information, and raised issues that were also raised in his timely comments. Mr. Smith indicated his residence was within 250 yards of the proposed plant and raised concerns about impacts to air quality and property values. Mr. Smith also raised concerns about potential health issues from the operation of the proposed plant, as he and his wife are senior citizens. Mr. Smith also stated he is particularly concerned about the health of his wife as she has diabetes and a compromised immune system.

Using the address provided by Mr. Smith, the Executive Director determined that his residence is 234.5 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). Based on Mr. Smith's location and issues raised and affected by the application, Mr. Smith has identified personal justiciable interests not common to the general public. Therefore, the Executive Director recommends that the Commission find that David Stowman Smith is an affected person and that his hearing requests be granted.

In his hearing requests, Mr. Smith raised the following issues that were also raised in his timely comments:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 8: Whether the proposed plant will adversely affect property values.

Judy Smith

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 Judy Smith is an affected person.

Ms. Smith submitted two hearing requests during the comment period and two hearing requests during the hearing request period. Her hearing requests were in writing and provided the required contact information. In her hearing request, Ms. Smith indicated she resides within 250 yards of the proposed plant, and raised concerns about air quality, water usage, increased traffic and road damage, and adverse health effects due to operation of the proposed plant. Ms. Smith stated that she is a type II diabetic and has a compromised immune system.

Using the address provided by Ms. Smith, the Executive Director determined that her residence is 234.5 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). Based on Ms. Smith's location and issues raised and affected by the application, Ms. Smith has identified personal justiciable interests not common to the general public. Therefore, the Executive Director recommends that the Commission find that Judy Smith is an affected person and that her hearing requests be granted.

In her hearing requests, Ms. Smith raised the following issues that were also raised in her timely comments:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 6: Whether the proposed plant will contribute to water availability issues.

Issue 9: Whether the proposed plant will contribute to damage to roads.

Haley Trammell

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 Haley Trammell is an affected person.

Ms. Trammell submitted one hearing request during the comment period and one hearing request during the hearing request period. Her hearing requests were in writing and provided the required contact information. Ms. Trammell indicated her residence was within 440 yards of the proposed plant and raised concerns about health effects and air quality, location of the plant as it relates to schools and churches, traffic and road maintenance, and water usage. In her hearing request, Ms. Trammell states she has two children who are ages 4 and 1.5 years old, and she is concerned about their health being impacted by the operation of the proposed plant, as they play outside every day. She also raised concerns about improper signage and improper notice to the community.

Using the address provided by Ms. Trammell, the Executive Director determined that her residence is 329.5 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). Based on Ms. Trammell's location and issues raised and affected by the application, Ms. Trammell has identified personal justiciable interests not common to the general public. Therefore, the Executive Director recommends that the Commission find that Haley Trammell is an affected person and that her hearing requests be granted.

In her hearing requests, Ms. Trammell raised the following issues that were also raised in her timely comments:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 3: Whether the proposed plant will contribute to increased traffic.

Issue 4: Whether the proposed permit met all public notice requirements with respect to signage.

Issue 6: Whether the proposed plant will contribute to water availability issues.

Issue 9: Whether the proposed plant will contribute to damage to roads.

Issue 10: Whether the proposed permit met all public notice requirements with respect to newspaper notices.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Kendale Wyatt

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 Kendale Wyatt is an affected person.

Ms. Wyatt submitted one hearing request during the comment period that was in writing and provided the required contact information. In her hearing request, Ms. Wyatt indicated that her residence was within 440 yards of the proposed plant, and she raised concerns about air quality, adverse health effects, and the location of the plant as it relates to residences. She states that she has asthma and her grandmother that lives with her has COPD, and they spend many hours outside.

Using the address provided by Ms. Wyatt, the Executive Director determined that her residence is 306.4 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). Based on Ms. Wyatt's location and issues raised and affected by the application, Ms. Wyatt has identified personal justiciable interests not common to the general public. Therefore, the Executive Director recommends that the Commission find that Kendale Wyatt is an affected person and that her hearing requests be granted.

In her hearing request, Ms. Wyatt raises the following issues that were also raised in her timely comments:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

IX. PERSONS THE EXECUTIVE DIRECTOR RECOMMENDS THE COMMISSION FIND ARE NOT AFFECTED PERSONS

A. Hearing requestors that did not substantially comply with the requirements of 30 TAC § 55.201.

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d) for determining whether a requestor is an affected person, and recommends that the Commission find that Shaun Ashman, Chelsea Anne Collier, Donna W. Driver, Jennifer C. Evans, Austin Sayle Matthews, Barry McFadin, Maxie McFadin, Ali Moses, Rose Ann Sherman, J.W. Whitmarsh, and Mitchell Willson are not affected persons. These individuals submitted timely hearing requests during the hearing request period; however, they did not substantially comply with 30 TAC § 55.201(c) because they did not submit timely comments during the public comment period. Therefore, the Executive Director recommends that the Commission find that the requestors listed above are not affected persons.

B. Hearing requestors that are not affected persons because they do not reside within 440 yards of the proposed 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." Based on

the addresses provided by the hearing requestors, the Executive Director determined that the hearing requestors listed below reside more than 440 yards from the proposed plant. Therefore, the Executive Director recommends that the Commission find that the following hearing requestors are not affected persons and deny their hearing requests:

Krystina Baldwin

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 Krystin Baldwin is not an affected person.

Krystina Baldwin left one comment and one hearing request during the public comment period. The hearing request was in writing and provided the required contact information. Ms. Baldwin indicated her property was roughly one mile from the proposed plant. Based on the address provided, the Executive Director determined that Ms. Baldwin's residence is approximately 1839.3 yards from the proposed location of the plant. Therefore, the Executive Director requests that the Commission find that Krystina Baldwin is not an affected person and that her hearing request be denied.

In her hearing request and comment, Kristyna Baldwin raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 3: Whether the proposed plant will contribute to increased traffic.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Heath Barber

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 Heath Barber is not an affected person.

Heath Barber submitted two public hearing requests during the public comment period. The hearing requests were in writing and provided the required contact information. Mr. Barber indicated his property was less than five miles from the proposed plant. Based on the address provided, the Executive Director determined that Mr. Barber's residence is 6191 yards from the proposed location of the plant. As shown on the map, Mr. Barber does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Mr. Barber is not an affected person and that his hearing request be denied.

In his public hearing requests, Heath Barber raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 10: Whether the proposed permit met all public notice requirements with respect to newspaper notices.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Gina Bell

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 Gina Bell is not an affected person.

Gina Bell submitted one public hearing request during the public comment period. Her hearing request was in writing and provided the required contact information. Ms. Bell indicated her property was less than three miles from the proposed plant. Based on the address provided, the Executive Director determined that Ms. Bell's residence is 4420.1 yards from the proposed location of the plant. As shown on the map, Ms. Bell does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Ms. Bell is not an affected person and that her hearing request be denied.

In her public hearing request, Gina Bell raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 10: Whether the proposed permit met all public notice requirements with respect to newspaper notices.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Vikki K. Blauvelt

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 Vikki K. Blauvelt is not an affected person.

Ms. Blauvelt submitted one public hearing request during the public comment period. Her hearing request was in writing and provided the required contact information. Ms. Blauvelt did not indicate her distance from the proposed plant in her request. Based on the address provided, the Executive Director determined that Ms. Blauvelt's residence is 2763.9 yards from the proposed location of the plant. As shown on the map, Ms. Blauvelt does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Vikki K. Blauvelt is not an affected person and that her hearing request be denied.

In her public hearing request, Vikki K. Blauvelt raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 3: Whether the proposed plant will contribute to increased traffic.

Issue 4: Whether the proposed permit met all public notice requirements with respect to signage.

Issue 10: Whether the proposed permit met all public notice requirements with respect to newspaper notices.

Representative David L. Cook

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 Rep. David L. Cook is not an affected person.

Rep. Cook submitted one hearing request during the hearing request period. His hearing request was in writing and provided the required contact information. Rep. Cook requested a hearing on behalf of his "constituents within the 440" and raised concerns of air quality, road infrastructure, noise pollution, health risks, and quality of life to nearby residential areas, school, and local businesses. Rep. Cook provided his residential address, which the Executive Director determined is approximately 11043.7 yards from the proposed plant. As shown on the map, Rep. Cook does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Rep. David Cook is not an affected person and that his hearing request be denied.

In his hearing request, Rep. Cook raised the following issues that were also raised in his timely comments:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 3: Whether the proposed plant will contribute to increased traffic.

Issue 9: Whether the proposed plant will contribute to damage to roads.

Issue 11: Whether the proposed plant will contribute to nuisance noise.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Issue 16: Whether the proposed plant will adversely affect the local economy.

Joanna Cook

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 Joanna Cook is not an affected person.

Ms. Cook submitted one public hearing request during the hearing request period and two comments during the comment period. Her hearing request was in writing and provided the required contact information. Ms. Cook did not indicate her distance from the proposed plant in her request. Based on the address provided, the Executive Director determined that Ms. Cook's residence is 1351 yards from the proposed location of the plant. As shown on the map, Ms. Cook does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Joanna Cook is not an affected person and that her hearing request be denied.

In her public hearing request and comments, Joanna Cook raised the following concerns:

Issue 2: Whether the permit will negatively affect air quality.

Issue 8: Whether the proposed plant will adversely affect property values.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Issue 16: Whether the proposed plant will adversely affect the local economy.

Gary Corwin

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 Corwin is not an affected person.

Mr. Corwin submitted one public hearing request during the comment period. His hearing request was in writing and provided the required contact information. Mr. Corwin did not indicate his distance from the proposed plant in his request. Based on the address provided, the Executive Director determined that Mr. Corwin's residence is 6034.1 yards from the proposed location of the plant. As shown on the map, Mr. Corwin does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Gary Corwin is not an affected person and that his hearing request be denied.

In his public hearing request, Mr. Corwin raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 10: Whether the proposed permit met all public notice requirements with respect to newspaper notices.

Linda Corwin

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 Linda Corwin is not an affected person.

Ms. Corwin submitted one public hearing request during the comment period. Her hearing request was in writing and provided the required contact information. Ms. Corwin did not indicate her distance from the proposed plant in her request. Based on the address provided, the Executive Director determined that Ms. Corwin's residence is 6034.1 yards from the proposed location of the plant. As shown on the map, Ms. Corwin does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Linda Corwin is not an affected person and that her hearing request be denied.

In her public hearing request, Ms. Corwin raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 10: Whether the proposed permit met all public notice requirements with respect to newspaper notices.

Kortney Davis

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 Kortney Davis is not an affected person.

Ms. Davis submitted one public hearing request during the comment period. Her hearing request was in writing and provided the required contact information. Ms. Davis indicated her property was less than three and a half miles from the proposed plant. Based on the address provided, the Executive Director determined that Ms. Davis's residence is 5422.6 yards from the proposed location of the plant. As shown on the map, Ms. Davis does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Kortney Davis is not an affected person and that her hearing request be denied.

In her public hearing request, Ms. Davis raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 4: Whether the proposed permit met all public notice requirements with respect to signage.

Issue 10: Whether the proposed permit met all public notice requirements with respect to newspaper notices.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

John Downing

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 Downing is not an affected person.

Mr. Downing submitted one public hearing request during the comment period. His hearing request was in writing and provided the required contact information. Mr. Downing indicated his property was less than five miles from the proposed plant. Based on the address provided, the Executive Director determined that Mr. Downing's residence is 5956.6 yards from the proposed location of the plant. As shown on the map, Mr. Downing does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that John Downing is not an affected person and that his hearing request be denied.

In his public hearing request, Mr. Downing raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 10: Whether the proposed permit met all public notice requirements with respect to newspaper notices.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Issue 16: Whether the proposed plant will adversely affect the local economy.

Carla Draper

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 Carla Draper is not an affected person.

Ms. Draper submitted one hearing request during the comment period. Her hearing request was in writing and provided the required contact information. Ms. Davis did not indicate the distance from her property to the proposed plant location. Based on the address provided, the Executive Director determined that Ms. Draper's residence is 32818.1 yards from the proposed location of the plant. As shown on the map, Ms. Draper does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Carla Draper is not an affected person and that her hearing request be denied.

In her hearing request, Ms. Draper raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 3: Whether the proposed plant will contribute to increased traffic.

Bryan Edgar

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 Bryan Edgar is not an affected person.

Mr. Edgar submitted one hearing request during the comment period. His hearing request was in writing and provided the required contact information. Mr. Edgar indicated his property was within 440 yards of the proposed plant. Based on the address provided, the Executive Director determined that Mr. Edgar's residence is 446 yards from the proposed location of the plant. As shown on the map, Mr. Edgar does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Bryan Edgar is not an affected person and that his hearing request be denied.

In his hearing request, Mr. Edgar raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 4: Whether the proposed permit met all public notice requirements with respect to signage.

Issue 10: Whether the proposed permit met all public notice requirements with respect to newspaper notices.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Laurie Edgar

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 Laurie Edgar is not an affected person.

Ms. Edgar submitted one hearing request during the comment period. Her hearing request was in writing and provided the required contact information. Ms. Edgar indicated her property was within 440 yards of the proposed plant. Based on the address provided, the Executive Director determined that Ms. Edgar's residence is 446 yards from the proposed location of the plant. As shown on the map, Ms. Edgar does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Laurie Edgar is not an affected person and that her hearing request be denied.

In her hearing request, Ms. Edgar raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 4: Whether the proposed permit met all public notice requirements with respect to signage.

Issue 10: Whether the proposed permit met all public notice requirements with respect to newspaper notices.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Jeri Lynn Emmens

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 Jeri Lynn Emmens is not an affected person.

Ms. Emmens submitted one public hearing request during the comment period. Her hearing request was in writing and provided the required contact information. Ms. Emmens indicated her residence was within five miles of the proposed plant. Based on the address provided, the Executive Director determined that Ms. Emmens' residence is 5936.4 yards from the proposed location of the plant. As shown on the map, Ms. Emmens does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Jeri Lynn Emmens is not an affected person and that her hearing request be denied.

In her public hearing request, Ms. Emmens raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 10: Whether the proposed permit met all public notice requirements with respect to newspaper notices.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Issue 16: Whether the proposed plant will adversely affect the local economy.

Sarah Goza

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 Sarah Goza is not an affected person.

Ms. Goza submitted one public hearing request during the comment period. Her hearing request was in writing and provided the required contact information. Ms. Goza indicated her residence was within five miles of the proposed plant. Based on the address provided, the Executive Director determined that Ms. Goza's residence is 6184.3 yards from the proposed location of the plant. As shown on the map, Ms. Goza does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Sarah Goza is not an affected person and that her hearing request be denied.

In her public hearing request, Ms. Goza raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 10: Whether the proposed permit met all public notice requirements with respect to newspaper notices.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Issue 16: Whether the proposed plant will adversely affect the local economy.

Pamela Griffin

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 Pamela Griffin is not an affected person.

Ms. Griffin submitted one hearing request during the comment period. Her hearing request was in writing and provided the required contact information. Ms. Griffin indicated her residence was within half a mile of the proposed plant. Based on the address provided, the Executive Director determined that Ms. Griffin's residence is 1246 yards from the proposed location of the plant. As shown on the map, Ms. Griffin does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Pamela Griffin is not an affected person and that her hearing request be denied.

In her hearing request, Ms. Griffin raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 4: Whether the proposed permit met all public notice requirements with respect to signage.

Sergio Haynes

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 Sergio Haynes is not an affected person.

Mr. Haynes submitted one request for a public hearing during the hearing request period. His request was in writing and provided the required contact information. In his hearing request, Mr. Haynes did not indicate his distance from the proposed plant and did not refer to any issues raised in his previous comments. Based on the address provided, the Executive Director determined that Mr. Haynes' residence is 2120.6 yards from the proposed location of the plant. As shown on the map, Mr. Haynes does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Sergio Haynes is not an affected person and that his hearing request be denied. Mr. Haynes did not raise any issues in his hearing request that were also raised in his timely comments.

Leanne Hazard

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 Leanne Hazard is not an affected person.

Ms. Hazard submitted one hearing request during the comment period. Her hearing request was in writing and provided the required contact information. Ms. Hazard indicated her residence was five miles of the proposed plant. Based on the address provided, the Executive Director determined that Ms. Hazard's residence is 5654.5 yards from the proposed location of the plant. As shown on the map, Ms. Hazard does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Leanna Hazard is not an affected person and that her hearing request be denied.

In her hearing request and comments, Ms. Hazard raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 7: Whether the permit will be protective against dust emissions generated from the proposed plant, including nuisance dust emissions.

Issue 10: Whether the proposed permit met all public notice requirements with respect to newspaper notices.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Issue 16: Whether the proposed plant will adversely affect the local economy.

Lacy Hensley

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 Lacy Hensley is not an affected person.

Ms. Hensley submitted two hearing requests during the comment period. Her hearing requests were in writing and provided the required contact information. Ms. Hensley indicated her residence was within two and a half miles of the proposed plant. Based on the address provided, the Executive Director determined that Ms. Hensley's residence is 3038 yards from the proposed location of the plant. As shown on the map, Ms. Hensley does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Lacy Hensley is not an affected person and that her hearing request be denied.

In her hearing request, Ms. Hensley raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 3: Whether the proposed plant will contribute to increased traffic.

Issue 4: Whether the proposed permit met all public notice requirements with respect to signage.

Issue 6: Whether the proposed plant will contribute to water availability issues.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Norma Hernandez

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 Norma Hernandez is not an affected person.

Ms. Hernandez submitted one public hearing request during the comment period. Her hearing request was in writing and provided the required contact information. Ms. Hernandez indicated her residence was within five miles of the proposed plant. Based on the address provided, the Executive Director determined that Ms. Hernandez's residence is 5673.8 yards from the proposed location of the plant. As shown on the map, Ms. Hernandez does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Norma Hernandez is not an affected person and that her hearing request be denied.

In her public hearing request, Ms. Hernandez raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 10: Whether the proposed permit met all public notice requirements with respect to newspaper notices.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Issue 16: Whether the proposed plant will adversely affect the local economy.

Ronald Hicks

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 Ronald Hicks is not an affected person.

Mr. Hicks submitted one public hearing request during the comment period. His hearing request was in writing and provided the required contact information. Mr. Hicks indicated his property was within approximately one mile of the proposed plant. Based on the address provided, the Executive Director determined that Mr. Hicks' residence is 2469.9 yards from the proposed location of the plant. As shown on the map, Mr. Hicks does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Ronald Hicks is not an affected person and that his hearing request be denied.

In his public hearing request, Mr. Hicks raised the following issues:

Issue 2: Whether the permit will negatively affect air quality.

Issue 3: Whether the proposed plant will contribute to increased traffic.

Issue 8: Whether the proposed plant will adversely affect property values.

Issue 10: Whether the proposed permit met all public notice requirements with respect to newspaper notices.

Pamela Johnson

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 Pamela Johnson is not an affected person.

Ms. Johnson submitted one public hearing request during the comment period. Her hearing request was in writing and provided the required contact information. Ms. Johnson indicated her residence was roughly three blocks away from the proposed plant. Based on the address provided, the Executive Director determined that Ms. Johnson's residence is 563.2 yards from the proposed location of the plant. As shown on the map, Ms. Johnson does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Pamela Johnson is not an affected person and that her hearing request be denied.

In her public hearing request and comments, Ms. Johnson raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 3: Whether the proposed plant will contribute to increased traffic.

Issue 6: Whether the proposed plant will contribute to water availability issues.

Issue 7: Whether the permit will be protective against dust emissions generated from the proposed plant, including nuisance dust emissions.

Issue 11: Whether the proposed plant will contribute to nuisance noise.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Rose Jones

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 Rose Jones is not an affected person.

Ms. Jones submitted one public hearing request during the comment period. Her hearing request was in writing and provided the required contact information. Ms. Jones indicated her residence was less than a mile from the proposed plant. Based on the address provided, the Executive Director determined that Ms. Jones' residence is 702.4 yards from the proposed location of the plant. As shown on the map, Ms. Jones does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Rose Jones is not an affected person and that her hearing request be denied.

In her public hearing request and comments, Ms. Jones raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 4: Whether the proposed permit met all public notice requirements with respect to signage.

Issue 7: Whether the permit will be protective against dust emissions generated from the proposed plant, including nuisance dust emissions.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Carl Lemaster

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 Carl Lemaster is not an affected person.

Mr. Lemaster submitted one public hearing request during the comment period. His hearing request was in writing and provided the required contact information. Mr. Lemaster indicated he lives approximately 540 yards from the proposed plant. Based on the address provided, the Executive Director determined that Mr. Lemaster's residence is 592.2 yards from the proposed location of the plant. As shown on the map, Mr. Lemaster does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Carl Lemaster is not an affected person and that his hearing request be denied.

In his public hearing request, Mr. Lemaster raised the following issues:

Issue 2: Whether the permit will negatively affect air quality.

Issue 3: Whether the proposed plant will contribute to increased traffic.

Issue 4: Whether the proposed permit met all public notice requirements with respect to signage.

Issue 8: Whether the proposed plant will adversely affect property values.

Issue 9: Whether the proposed plant will contribute to damage to roads.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Shelbie Linton

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 Shelbie Linton is not an affected person.

Ms. Linton submitted one hearing request during the comment period. Her hearing request was in writing and provided the required contact information. Ms. Linton indicated her residence was within 440 yards of the proposed plant. Based on the address provided, the Executive Director determined that Ms. Linton's residence is 679.6 yards from the proposed location of the plant. As shown on the map, Ms. Linton does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Shelbie Linton is not an affected person and that her hearing request be denied.

In her hearing request Ms. Linton raised the following issues that were also raised in her timely comments:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 3: Whether the proposed plant will contribute to increased traffic.

Issue 4: Whether the proposed permit met all public notice requirements with respect to signage.

Betsy Loveless

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 Betsy Loveless is not an affected person.

Ms. Loveless submitted two hearing requests during the comment period. Her hearing requests were in writing and provided the required contact information. Ms. Loveless indicated her residence was within one mile of the proposed plant. Based on the address provided, the Executive Director determined that Ms. Loveless' residence is 1622.4 yards from the proposed location of the plant. As shown on the map, Ms. Loveless does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Betsy Loveless is not an affected person and that her hearing request be denied.

In her hearing request Ms. Loveless raised the following issues that were also raised in her timely comments:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Susan Luecke-Schnuck

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 Luecke-Schnuck is not an affected person.

Ms. Luecke-Schnuck submitted one hearing request during the comment period. Her hearing request was in writing and provided the required contact information. Ms. Luecke-Schnuck indicated her residence was within one mile of the proposed plant. Based on the address provided, the Executive Director determined that Ms. Luecke-Schnuck's residence is 1845.8 yards from the proposed location of the plant. As shown on the map, Ms. Luecke-Schnuck does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Susan Luecke-Schnuck is not an affected person and that her hearing request be denied.

In her hearing request Ms. Luecke-Schnuck raised the following issues that were also raised in her timely comments:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 3: Whether the proposed plant will contribute to increased traffic.

Issue 4: Whether the proposed permit met all public notice requirements with respect to signage.

Issue 8: Whether the proposed plant will adversely affect property values.

Issue 9: Whether the proposed plant will contribute to damage to roads.

Issue 11: Whether the proposed plant will contribute to nuisance noise.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Revonda Luttrell

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 Revonda Luttrell is not an affected person.

Ms. Luttrell submitted one hearing request during the hearing request period. Her hearing request was in writing and provided the required contact information. Ms. Luttrell did not indicate her distance from the proposed plant but based on the address provided the Executive Director determined that Ms. Luttrell's residence is 2193.9 yards from the proposed location of the plant. As shown on the map, Ms. Luttrell does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Revonda Luttrell is not an affected person and that her hearing request be denied.

In her hearing request Ms. Luttrell raised the following issues that were also raised in her timely comments:

Issue 2: Whether the permit will negatively affect air quality.

Dwight Dee Martin

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 Dwight Dee Martin is not an affected person.

Mr. Martin submitted one hearing request during the comment period. His hearing request was in writing and provided the required contact information. Mr. Martin did not indicate his distance from the proposed plant, but based on the address provided the Executive Director determined that Mr. Martin's residence is 2743 yards from the proposed location of the plant. As shown on the map, Mr. Martin does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Dwight Dee Martin is not an affected person and that his hearing request be denied.

In his hearing request, Mr. Martin raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 3: Whether the proposed plant will contribute to increased traffic.

Issue 5: Whether the permit will be protective of general welfare, including plants, animals, and the environment.

Issue 7: Whether the permit will be protective against dust emissions generated from the proposed plant, including nuisance dust emissions.

Marty Mayfield

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 Marty Mayfield is not an affected person.

Mr. Mayfield submitted one hearing request during the comment period. His hearing request was in writing and provided the required contact information. Mr. Mayfield did not indicate his distance from the proposed plant, but based on the address provided, the Executive Director determined that Mr. Mayfield's residence is 2979.4 yards from the proposed location of the plant. As shown on the map, Mr. Mayfield does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Marty Mayfield is not an affected person and that his hearing request be denied. In his hearing request, Mr. Mayfield did not raise any issues of fact or law.

Rita E. McKnight

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 Rita E. McKnight is not an affected person.

Ms. McKnight submitted three hearing requests during the comment period and hearing request period. Her hearing requests were in writing and provided the required contact information. Ms. McKnight indicated she resides within 440 yards of the proposed plant, but based on the address provided, the Executive Director determined that Ms. McKnight's residence is 483.4 yards from the proposed location of the plant. As shown on the map, Ms. McKnight does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Rita E. McKnight is not an affected person and that her hearing requests be denied.

In her hearing request, Ms. McKnight raised the following issues that were also raised in her timely comments:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 5: Whether the permit will be protective of general welfare, including plants, animals, and the environment.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Thomas McKnight

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 Thomas McKnight is not an affected person.

Mr. McKnight submitted five hearing requests during the comment period and hearing request period. His hearing requests were in writing and provided the required contact information. Mr. McKnight did not indicate the distance of his residence from the proposed plant in his hearing requests. Based on the address provided, the Executive Director determined that Mr. McKnight's residence is 483.4 yards from the proposed location of the plant. As shown on the map, Mr. McKnight does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Thomas McKnight is not an affected person and that his hearing requests be denied.

In his hearing request, Mr. McKnight raised the following issues that were also raised in his timely comments:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 3: Whether the proposed plant will contribute to increased traffic.

Issue 5: Whether the permit will be protective of general welfare, including plants, animals, and the environment.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Tricia Mikal

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 Tricia Mikal is not an affected person.

Ms. Mikal submitted one hearing request during the comment period. Her hearing request was in writing and provided the required contact information. Ms. Mikal indicated she resides within a quarter of a mile of the proposed plant, but based on the address provided the Executive Director determined that Ms. Mikal's residence is 1259.4 yards from the proposed location of the plant. As shown on the map, Ms. Mikal does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Tricia Mikal is not an affected person and that her hearing requests be denied.

In her hearing request, Ms. Mikal raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 3: Whether the proposed plant will contribute to increased traffic.

Issue 4: Whether the proposed permit met all public notice requirements with respect to signage.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Madison Mouw

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 Madison Mouw is not an affected person.

Ms. Mouw submitted one hearing request during the comment period. Her hearing request was in writing and provided the required contact information. Ms. Mouw indicated she resides within four miles of the proposed plant. Based on the address provided, the Executive Director determined that Ms. Mouw's residence is 6469.7 yards from the proposed location of the plant. As shown on the map, Ms. Mouw does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Madison Mouw is not an affected person and that her hearing request be denied.

In her hearing request, Ms. Mouw raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 3: Whether the proposed plant will contribute to increased traffic.

Issue 4: Whether the proposed permit met all public notice requirements with respect to signage.

Issue 7: Whether the permit will be protective against dust emissions generated from the proposed plant, including nuisance dust emissions.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

David Offutt

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 David Offutt is not an affected person.

Mr. Offutt submitted one hearing request during the comment period. His hearing request was in writing and provided the required contact information. Mr. Offutt did not indicate the distance of his residence from the proposed plant in his hearing request. Based on the address provided, the Executive Director determined that Mr. Offutt's residence is 23771.8 yards from the proposed location of the plant. As shown on the map, Mr. Offutt does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that David Offutt is not an affected person and that his hearing requests be denied.

In his hearing request, Mr. Offutt raised the following issues:

Issue 2: Whether the permit will negatively affect air quality.

Issue 10: Whether the proposed permit met all public notice requirements with respect to newspaper notices.

Steven Penninck

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 Steven Penninck is not an affected person.

Mr. Penninck submitted one hearing request during the comment period. His hearing request was in writing and provided the required contact information. Mr. Penninck indicated his residence is 0.75 miles from the proposed plant. Based on the address provided, the Executive Director determined that Mr. Penninck's residence is 4613.7 yards from the proposed location of the plant. As shown on the map, Mr. Penninck does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Steven Penninck is not an affected person and that his hearing requests be denied.

In his hearing request, Mr. Penninck raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 4: Whether the proposed permit met all public notice requirements with respect to signage.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Bandi Potter

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 Bandi Potter is not an affected person.

Ms. Potter submitted one hearing request during the comment period. Her request was in writing and provided the required contact information. Ms. Potter indicated her residence was within 0.5 miles of the proposed plant. The Executive Director determined that Ms. Potter's residence is 1230.0 yards from the proposed plant. As shown on the map, Ms. Potter does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Bandi Potter is not an affected person and that her hearing requests be denied.

In her hearing request, Ms. Potter raised the following issues that were also raised in her timely comments:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 3: Whether the proposed plant will contribute to increased traffic.

Issue 4: Whether the proposed permit met all public notice requirements with respect to signage.

Issue 7: Whether the permit will be protective against dust emissions generated from the proposed plant, including nuisance dust emissions.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Payton Potter

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 Payton Potter is not an affected person.

Ms. Potter submitted one hearing request during the comment period. Her request was in writing and provided the required contact information. Ms. Potter indicated her residence within two miles of the proposed plant. The Executive Director determined that Ms. Potter's residence is 5760.4 yards from the proposed plant. As shown on the map, Ms. Potter does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Payton Potter is not an affected person and that her hearing requests be denied.

In her hearing request, Ms. Potter raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 3: Whether the proposed plant will contribute to increased traffic.

Issue 4: Whether the proposed permit met all public notice requirements with respect to signage.

Issue 7: Whether the permit will be protective against dust emissions generated from the proposed plant, including nuisance dust emissions.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Paige Ratterree

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 Paige Ratterree is not an affected person.

Ms. Ratterree submitted one hearing request during the comment period. Her request was in writing and provided the required contact information. Ms. Ratterree indicated her residence is within two miles of the proposed plant. The Executive Director determined that Ms. Ratterree's residence is 2342.2 yards from the proposed plant. As shown on the map, Ms. Ratterree does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Paige Ratterree is not an affected person and that her hearing requests be denied.

In her hearing request, Ms. Ratterree raised the following:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 3: Whether the proposed plant will contribute to increased traffic.

Issue 4: Whether the proposed permit met all public notice requirements with respect to signage.

Issue 7: Whether the permit will be protective against dust emissions generated from the proposed plant, including nuisance dust emissions.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Paul Ratterree

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 Paul Ratterree is not an affected person.

Mr. Ratterree submitted one hearing request during the comment period. His request was in writing and provided the required contact information. Mr. Ratterree indicated his residence is within two miles of the proposed plant. The Executive Director determined that Mr. Ratterree's residence is 2342.2 yards from the proposed plant. As shown on the map, Mr. Ratterree does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Paul Ratterree is not an affected person and that his hearing requests be denied.

In his hearing request, Mr. Ratterree raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 3: Whether the proposed plant will contribute to increased traffic.

Issue 4: Whether the proposed permit met all public notice requirements with respect to signage.

Issue 7: Whether the permit will be protective against dust emissions generated from the proposed plant, including nuisance dust emissions.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Angela Bennett Redman

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 Angela Bennett Redman is not an affected person.

Ms. Redman submitted one hearing request during the comment period. Her request was in writing and provided the required contact information. Ms. Redman indicated her residence was within a mile of the proposed plant. The Executive Director determined that Ms. Redman's residence is 2381.6 yards from the proposed plant. As shown on the map, Ms. Redman does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Angela Bennet Redman is not an affected person and that her hearing requests be denied.

In her hearing request, Ms. Redman raised the following issues that were also raised in her timely comments:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Robert E. Reichardt

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 Robert E. Reichardt is not an affected person.

Mr. Reichardt submitted one hearing request during the comment period. His request was in writing and provided the required contact information. Mr. Reichardt did not indicate his distance from the proposed plant, but the Executive Director determined that Mr. Reichardt's residence is 2753.0 yards from the proposed plant. As shown on the map, Mr. Reichardt does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Robert E. Reichardt is not an affected person and that his hearing requests be denied.

In his timely hearing request, Mr. Reichardt raised the following issues that were also raised in his comments:

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Kenna Sheckels

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 Kenna Sheckels is not an affected person.

Ms. Sheckels submitted one hearing request during the comment period. Her request was in writing and provided the required contact information. Ms. Sheckels indicated her residence was within five miles of the proposed plant. The Executive Director determined that Ms. Sheckels' residence is 5989.2 yards from the proposed plant. As shown on the map, Ms. Sheckels does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Ms. Sheckels is not an affected person and that her hearing requests be denied.

In her hearing request, Ms. Sheckels raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 10: Whether the proposed permit met all public notice requirements with respect to newspaper notices.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Nathan Sheckels

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 Nathan Sheckels is not an affected person.

Mr. Sheckels submitted one hearing request during the comment period. His request was in writing and provided the required contact information. Mr. Sheckels indicated his residence was within five miles of the proposed plant. The Executive Director determined that Mr. Sheckels' residence is 5989.2 yards from the proposed plant. As shown on the map, Mr. Sheckels does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Nathan Sheckels is not an affected person and that his hearing requests be denied.

In his hearing request, Mr. Sheckels raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 5: Whether the permit will be protective of general welfare, including plants, animals, and the environment.

Issue 10: Whether the proposed permit met all public notice requirements with respect to newspaper notices.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Brenton Wayne Sides

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 Brenton Wayne Sides is not an affected person.

Mr. Sides submitted one hearing request during the comment period. His request was in writing and provided the required contact information. Mr. Sides indicated his residence was within five miles of the proposed plant. The Executive Director determined that Mr. Sides' residence is 6053.7 yards from the proposed plant. As shown on the map, Mr. Sides does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Brenton Wayne Sides is not an affected person and that his hearing requests be denied.

In his hearing request, Mr. Sides raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 10: Whether the proposed permit met all public notice requirements with respect to newspaper notices.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Stevie Sides

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 Stevie Sides is not an affected person.

Stevie Sides submitted one hearing request during the comment period. Their request was in writing and provided the required contact information. Stevie Sides indicated their residence was within five miles of the proposed plant. The Executive Director determined that Stevie Sides' residence is 6053.7 yards from the proposed plant. As shown on the map, Stevie Sides does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Stevie Sides is not an affected person and that their hearing requests be denied.

In their hearing request, Stevie Sides raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 10: Whether the proposed permit met all public notice requirements with respect to newspaper notices.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Tyler Blake Sims

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 Tyler Blake Sims is not an affected person.

Mr. Sims submitted two hearing requests during the comment period. His hearing requests were in writing and provided the required contact information. Mr. Sims did not indicate his distance from the proposed plant, but with the address provided the Executive Director determined that Mr. Sims' residence is 555.7 yards from the proposed plant. As shown on the map, Tyler Blake Sims does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Tyler Blake Sims is not an affected person and that his hearing requests be denied.

In his hearing requests, Mr. Sims raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 3: Whether the proposed plant will contribute to increased traffic.

Issue 5: Whether the permit will be protective of general welfare, including plants, animals, and the environment.

Issue 11: Whether the proposed plant will contribute to nuisance noise.

Alex Sims

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 Alex Sims is not an affected person.

Alex Sims submitted one hearing request during the comment period. Their hearing request was in writing and provided the required contact information. Alex Sims did not indicate their distance from the proposed plant, but with the address provided the Executive Director determined that their residence is 555.7 yards from the proposed plant. As shown on the map, Alex does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Alex Sims is not an affected person and that their hearing requests be denied.

Alex Sims raised the following issues in their hearing request:

Issue 2: Whether the permit will negatively affect air quality.

Issue 5: Whether the permit will be protective of general welfare, including plants, animals, and the environment.

Issue 7: Whether the permit will be protective against dust emissions generated from the proposed plant, including nuisance dust emissions.

Issue 11: Whether the proposed plant will contribute to nuisance noise.

Melissa Sims

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 Melissa Sims is not an affected person.

Ms. Sims submitted two hearing requests during the comment period. Her requests were in writing and provided the required contact information. Ms. Sims indicated her residence was within 440 yards of the proposed plant. With the address provided, the Executive Director determined that Ms. Sims' residence is 555.7 yards from the proposed plant. As shown on the map, Ms. Sims does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Melissa Sims is not an affected person and that her hearing requests be denied.

In her hearing request, Ms. Sims raised the following issues that were also raised in her timely comments:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 8: Whether the proposed plant will adversely affect property values.

Theron Sims

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 Theron Sims is not an affected person.

Mr. Sims submitted one hearing request during the comment period. His request was in writing and provided the required contact information. Mr. Sims did not indicate his distance from the proposed plant, but the Executive Director determined that Mr. Sims' residence is 555.7 yards from the proposed plant. As shown on the map, Mr. Sims does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Theron Sims is not an affected person and that his hearing requests be denied.

In his hearing request, Mr. Sims raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 8: Whether the proposed plant will adversely affect property values.

Issue 11: Whether the proposed plant will contribute to nuisance noise.

Michelle Stuart

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 Michelle Stuart is not an affected person.

Ms. Stuart submitted one hearing request during the comment period. Her request was in writing and provided the required contact information. Ms. Stuart indicated her residence was within 0.75 miles of the proposed plant. The Executive Director determined that Ms. Stuart's residence is 1276.8 yards from the proposed plant. As shown on the map, Ms. Stuart does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Michelle Stuart is not an affected person and that her hearing requests be denied.

In her hearing request, Ms. Stuart raised the following issues that were also raised in her timely comments:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 4: Whether the proposed permit met all public notice requirements with respect to signage.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Donna Trammell

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 Donna Trammell is not an affected person.

Ms. Trammell submitted three hearing requests during the comment period. Her requests were in writing and provided the required contact information. Ms. Trammell did not indicate her distance from the proposed plant, but with the address provided the Executive Director determined that Ms. Trammell's residence is 1028.6 yards from the proposed plant. As shown on the map, Ms. Trammell does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Donna Trammell is not an affected person and that her hearing requests be denied.

In her hearing request, Ms. Trammell raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 3: Whether the proposed plant will contribute to increased traffic.

Issue 4: Whether the proposed permit met all public notice requirements with respect to signage.

Issue 6: Whether the proposed plant will contribute to water availability issues.

Issue 7: Whether the permit will be protective against dust emissions generated from the proposed plant, including nuisance dust emissions.

Issue 16: Whether the proposed plant will adversely affect the local economy.

Karen Van Zandt

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 Karen Van Zandt is not an affected person.

Ms. Van Zandt submitted one hearing request during the comment period. Her request was in writing and provided the required contact information. Ms. Van Zandt indicated her residence was within 440 yards of the proposed plant. The Executive Director determined that Ms. Van Zandt's residence is 507 yards from the proposed plant. As

shown on the map, Ms. Van Zandt does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Karen Van Zandt is not an affected person and that her hearing request be denied.

In her hearing request, Ms. Van Zandt raised the following issues that were also raised in her timely comments:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 7: Whether the permit will be protective against dust emissions generated from the proposed plant, including nuisance dust emissions.

Issue 11: Whether the proposed plant will contribute to nuisance noise.

Carol Wilson

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 Carol Wilson is not an affected person.

Ms. Wilson submitted five hearing requests during the comment period and hearing request period. Her requests were in writing and provided the required contact information. Ms. Wilson indicated her residence was within 440 yards of the proposed plant. The Executive Director determined that Ms. Wilson's residence is 676.5 yards from the proposed plant. As shown on the map, Ms. Wilson does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Carol Wilson is not an affected person and that her hearing requests be denied.

In her hearing request, Ms. Wilson raised the following issues that were also raised in her timely comments:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 7: Whether the permit will be protective against dust emissions generated from the proposed plant, including nuisance dust emissions.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Ronnie Glen Woolbright

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 Ronnie Glen Woolbright is not an affected person.

Mr. Woolbright submitted one hearing request during the comment period. His request was in writing and provided the required contact information. Mr. Woolbright did not indicate his distance from the proposed plant, but the Executive Director determined that Mr. Woolbright's residence is 1595.3 yards from the proposed plant. As shown on the map, Mr. Woolbright does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Ronnie Glen

Woolbright is not an affected person and that his hearing request be denied.

In his hearing request, Mr. Woolbright raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 4: Whether the proposed permit met all public notice requirements with respect to signage.

Issue 7: Whether the permit will be protective against dust emissions generated from the proposed plant, including nuisance dust emissions.

Ronald Ziotkowski

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 Ronald Ziotkowski is not an affected person.

Mr. Ziotkowski submitted one hearing request during the comment period. His request was in writing and provided the required contact information. Mr. Ziotkowski indicated his residence was approximately one mile from the proposed facility. Using the address provided, the Executive Director determined that Mr. Ziotkowski residence is 2508.2 yards from the proposed plant. As shown on the map, Mr. Ziotkowski does not reside within 440 yards of the proposed plant. Therefore, the Executive Director requests that the Commission find that Ronald Ziotkowski is not an affected person and that his hearing request be denied.

In his hearing request, Mr. Ziotkowski raised the following issues that were also raised in his timely comments:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 3: Whether the proposed plant will contribute to increased traffic.

Issue 4: Whether the proposed permit met all public notice requirements with respect to signage.

Issue 7: Whether the permit will be protective against dust emissions generated from the proposed plant, including nuisance dust emissions.

Issue 8: Whether the proposed plant will adversely affect property values.

Issue 10: Whether the proposed permit met all public notice requirements with respect to newspaper notices.

Issue 11: Whether the proposed plant will contribute to nuisance noise.

C. Hearing requestors that are not affected persons because they did not articulate a personal justiciable interest

Michael Brewster

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 D. Michael Brewster is not an affected person.

Mr. Brewster submitted three hearing requests during the comment period that were in writing and provided the required contact information. Mr. Brewster indicated that his property was within 440 yards of the proposed plant. In his hearing requests, Mr. Brewster raised concerns of improper notice and signage, location of the site as it relates to residences and schools, and adverse impacts to roads and increased traffic. Mr. Brewster also raised concerns about potential dust and emissions leaving the proposed plant, and its impact to the local pecan grove and animals in the area.

Based on the address provided, the Executive Director determined that D. Michael Brewster's residence is 153.3 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). However, Mr. Brewster did not identify any personal justiciable interests not common to the general public in his hearing request. Therefore, the Executive Director recommends that the Commission find that D. Michael Brewster is not an affected person and that his hearing requests be denied.

In his hearing requests, Mr. Brewster raised the following issues that were also raised in his timely comments:

Issue 3: Whether the proposed plant will contribute to increased traffic.

Issue 4: Whether the proposed permit met all public notice requirements with respect to signage.

Issue 5: Whether the permit will be protective of general welfare, including plants, animals, and the environment.

Issue 7: Whether the permit will be protective against dust emissions generated from the proposed plant, including nuisance dust emissions.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Mike Finlay

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 Finlay is not an affected person.

Mr. Finlay submitted one hearing request during the comment period that was in writing and provided the required contact information. Mr. Finlay indicated his residence was within 440 yards of the proposed plant.

Based on the address provided, the Executive Director determined that Mike Finlay's residence is 253.4 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). However, Mr. Finlay did not identify any personal justiciable interests not common to the general public in his hearing request. Therefore, the Executive Director recommends that the Commission find that Mike Finlay is not an affected person and that his hearing request be denied. Mr. Finlay did not raise any issues of law or fact in his hearing request.

Tonya Finlay

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 Tonya Finlay is not an affected person.

Ms. Finlay submitted one hearing request during the comment period that was in writing and provided the required contact information. Based on the address provided, the Executive Director determined that Tonya Finlay's residence is 253.4 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). However, Ms. Finlay did not raise any personal justiciable interests not common to the general public in her hearing request. Therefore, the Executive Director recommends that the Commission find that Tonya Finlay is not an affected person and that her hearing request be denied. Ms. Finlay did not raise any issues of law or fact in her hearing request.

Larry Wayne Hendon

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 Larry Wayne Hendon is not an affected person.

Mr. Hendon submitted one hearing request during the comment period that was in writing and provided the required contact information. In his hearing request, Mr. Hendon indicated that he was within 300 yards of the proposed plant. Mr. Hendon raised concerns about the location of the proposed plant, stating that it would adversely affect his neighbors, however he did not raise any personal justiciable interest not common to the general public in his hearing request.

Based on the address provided, the Executive Director determined that Mr. Hendon's residence is 384.1 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). However, Mr. Hendon did not identify any personal justiciable interests not common to the general public in his hearing request. Therefore, the Executive Director recommends that the Commission find that Larry Wayne Hendon is not an affected person and that his hearing request be denied.

In his hearing request, Mr. Hendon raised the following issues that were also raised in his timely comments:

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

Bradley Justin Iglehart

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 Bradley Justin Iglehart is not an affected person.

Mr. Iglehart submitted one hearing request during the comment period that was in writing and provided the required contact information. Mr. Iglehart indicated his residence was within 100 yards of the proposed plant and expressed concerns about impacts to his health and impacts to air quality. Mr. Iglehart did not provide details about how his health would be impacted by the operation of the proposed plant.

Based on the address provided, the Executive Director determined that Mr. Iglehart's residence is 124.7 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). However, Mr. Iglehart did not identify any personal justiciable interests not common to the general public in his hearing request. Therefore, the Executive Director recommends that the Commission find that Bradley Justin Iglehart is not an affected person and that his hearing request be denied.

In his hearing request, Mr. Iglehart raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

James Logan

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 Logan is not an affected person.

Mr. Logan submitted one hearing request during the comment period that was in writing and provided the required contact information. Mr. Logan indicated that his residence was within 440 yards of the proposed plant, but he did not raise any personal justiciable interests not common to the general public. In his comments, he raised general concerns about air quality, traffic, noise, and impacts to property values.

Based on the address provided, the Executive Director determined that Mr. Logan's residence is 173.9 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). However, Mr. Logan did not identify any personal justiciable interests not common to the general public in his hearing request. Therefore, the Executive Director recommends that the Commission find that James Logan is not an affected person and that his hearing request be denied. Mr. Logan did not raise any issues of law or fact in his hearing request that were also raised in his timely comments.

Kari Logan

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 Kari Logan is not an affected person.

Ms. Logan submitted one hearing request during the comment period that was in writing and provided the required contact information. Ms. Logan indicated that her residence was within 440 yards of the proposed plant, but she did not raise any personal justiciable interests not common to the general public. In her comments, she raised concerns about health effects, air quality, traffic, noise, and light pollution.

Based on the address provided, the Executive Director determined that Ms. Logan's residence is 173.9 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). However, Ms. Logan did not identify any personal justiciable interests not common to the general public in her hearing request. Therefore, the Executive Director recommends that the Commission find that Kari Logan is not an affected person and that her hearing request be denied. Ms. Logan did not raise any issues of law or fact in her hearing request that were also raised in her timely comments.

David Gil Maffei

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 David Gil Maffei is not an affected person.

Mr. Maffei submitted one hearing request during the comment period and one hearing request during the hearing request period. His hearing requests were in writing and provided the required contact information. Mr. Maffei indicated that his residence was within 440 yards of the proposed plant and raised concerns about air quality and water pollution due to operation of the proposed plant. Mr. Maffei stated he was concerned about his health and his neighbor's health, but did not provide specific information as to how his health would be impacted in a matter different than the general public.

Based on the address provided, the Executive Director determined that Mr. Maffei's residence is 232.0 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). However, Mr. Maffei did not identify any personal justiciable interests not common to the general public in his hearing request. Therefore, the Executive Director recommends that the Commission find that David Gil Maffei is not an affected person and that his hearing requests be denied.

In his hearing requests, Mr. Maffei raised the following issues:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 6: Whether the proposed plant will contribute to water availability issues.

Kimberly Malone

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 Kimberly Malone is not an affected person.

Ms. Malone submitted two hearing requests during the comment period that were in writing and provided the required contact information. In her hearing request, Ms. Malone indicated that she was near the proposed plant, but did not raise any issues that were the basis of her hearing requests.

Based on the address provided, the Executive Director determined that Ms. Malone's residence is 371.9 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). However, Ms. Malone did not identify any personal justiciable interests not common to the general public in her hearing request. Therefore, the Executive Director recommends that the Commission find that Kimberly Malone is not an affected person and that her hearing request be denied. Ms. Malone did not raise any issues of law or fact in her hearing request.

Terry D. McWhirter

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 Terry D. McWhirter is not an affected person.

Terry McWhirter submitted one hearing request during the comment period that was in writing and provided the required contact information. Terry indicated that their residence was within 440 yards of the proposed plant. In their hearing request which relied on previous comments, Terry raised general concerns about the location of the proposed plant relative to other residences, impacts to health and air quality, noise, and traffic.

Based on the address provided, the Executive Director determined that Terry McWhirter's residence is 240.8 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). However, Terry did not identify any personal justiciable interests not common to the general public in her hearing request. Therefore, the Executive Director recommends that the Commission find that Terry D. McWhirter is not an affected person and that their hearing request be denied.

Terry McWhirter raised the following issues that were also raised in their timely comments:

Issue 1: Whether the permit would be protective of human health and safety.

Issue 2: Whether the permit will negatively affect air quality.

Issue 3: Whether the proposed plant will contribute to increased traffic.

Issue 10: Whether the proposed permit met all public notice requirements with respect to newspaper notices.

Issue 11: Whether the proposed plant will contribute to nuisance noise.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

David 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 David Wells is not an affected person.

Mr. Wells submitted two hearing requests during the comment period that were in writing and provided the required contact information. In his hearing request, Mr. Wells did not indicate his distance from the proposed plant. Based on the address provided, the Executive Director determined that David Wells' residence is 371.9 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). However, Mr. wells did not identify any personal justiciable interests not common to the general public in his hearing request. Therefore, the Executive Director recommends that the Commission find that David Wells is not an affected person and that his hearing requests be denied. Mr. Wells did not raise any issues of law or fact in his hearing request.

Selena C. Wilson

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 Selena C. Wilson is not an affected person.

Ms. Wilson submitted one hearing request during the hearing request period and one

timely comment. Ms. Wilson's timely comment states that she and her family have respiratory problems, and she is concerned that operation of the proposed plant will exacerbate her symptoms. Ms. Wilson also stated that she is concerned about air quality, traffic, and noise. In her hearing request, which was in writing and provided the required contact information, Ms. Wilson did not make any reference to her previous comment and did not raise any personal justiciable interests not common to the general public.

Based on the address provided, the Executive Director determined that Selena C. Wilson's residence is 390.7 yards from the proposed plant, satisfying the 440-yard requirement of TCAA § 382.058(c). However, Ms. Wilson did not identify any personal justiciable interests not common to the general public in her hearing request. Therefore, the Executive Director recommends that the Commission find that Selena C. Wilson is not an affected person and that her hearing requests be denied.

In her hearing request, Ms. Wilson raised the following issues that were also raised in her timely comment:

Issue 2: Whether the permit will negatively affect air quality.

Issue 3: Whether the proposed plant will contribute to increased traffic.

X. WHETHER ISSUES RAISED ARE REFERABLE TO SOAH

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 requestor whose request is granted may be referred.² The issues raised for this application and the Executive Director's analysis and recommendations follow.

Issue 1: Whether the permit would be protective of human health and safety.

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. The issue was raised by multiple requestors who the Executive Director recommends the Commission find are affected persons.

The Executive Director recommends referring this issue to SOAH.

Issue 2: Whether the permit will negatively affect air quality.

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. The issue was raised by multiple requestors who the Executive Director recommends the Commission find are affected persons.

The Executive Director recommends referring this issue to SOAH.

Issue 3: Whether the proposed plant will contribute to increased traffic.

This issue involves a disputed question of fact, and was not withdrawn; however, it is not relevant and material to the issuance of the draft permit. TCEQ does not have

² TEX. GOVT. CODE § 2003.047(e-1); 30 TAC § 55.211 (c)(2)(A)(ii).

jurisdiction to consider traffic, road safety, or road repair costs when determining whether to approve or deny a permit application. Additionally, 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.

The Executive Director recommends the Commission not refer this issue to SOAH.

Issue 4: Whether the proposed permit met all public notice requirements with respect to signage.

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. The issue was raised by multiple requestors who the Executive Director recommends the Commission find are affected persons.

The Executive Director recommends the Commission refer this issue to SOAH.

Issue 5: Whether the permit will be protective of general welfare, including plants, animals, and the environment.

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. The issue was raised by multiple requestors who the Executive Director recommends the Commission find are affected persons.

The Executive Director recommends the Commission refer this issue to SOAH.

Issue 6: Whether the proposed plant will contribute to water availability issues.

This issue involves a disputed question of fact, and was not withdrawn; however, it is not relevant and material to the issuance of the draft permit. While the TCEQ is responsible for the environmental protection of all media, including water, the Texas Clean Air Act (TCAA) specifically addresses air-related issues. This permit, if issued, would regulate the control and abatement of air emissions only, and therefore, issues regarding water quality, water use, or water availability are not within the scope of this permit review. Therefore, issues regarding water availability are outside the scope of this permit review.

The Executive Director recommends that the Commission not refer this issue to SOAH.

Issue 7: Whether the permit will be protective against dust emissions generated from the proposed plant, including nuisance dust emissions.

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. The issue was raised by multiple requestors who the Executive Director recommends the Commission find are affected persons.

The Executive Director recommends the Commission refer this issue to SOAH.

Issue 8: Whether the proposed plant will adversely affect property values.

This issue involves a disputed question of fact, and was not withdrawn; however, it is

not relevant and material to the issuance of the draft permit. TCEQ's jurisdiction is limited to the issues set forth in statute. TCEQ does not have the authority to regulate impacts to property values.

The Executive Director recommends the Commission not refer this issue to SOAH.

Issue 9: Whether the proposed plant will contribute to damage to roads.

This issue involves a disputed question of fact, and was not withdrawn; however, it is not relevant and material to the issuance of the draft permit. TCEQ does not have jurisdiction to consider traffic, road safety, or road repair costs when determining whether to approve or deny a permit application. Additionally, 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.

The Executive Director recommends the Commission not refer this issue to SOAH.

Issue 10: Whether the proposed permit met all public notice requirements with respect to newspaper notices.

This issue involves a disputed question of law and fact, was not withdrawn, and is relevant and material to the issuance of the draft permit. The Applicant was required to publish an Amended Consolidated Public Notice in a newspaper of general circulation in the municipality in which the proposed facility is located. The issue was raised by multiple requestors who the Executive Director recommends the Commission find are affected persons.

The Executive Director recommends the Commission refer this issue to SOAH.

Issue 11: Whether the proposed plant will contribute to nuisance noise.

This issue involves a disputed question of fact, and was not withdrawn; however, it is not relevant and material to the issuance of the draft permit. TCEQ's jurisdiction is limited to the issues set forth in statute. TCEQ does not have the authority to consider noise pollution or noise abatement measures.

The Executive Director recommends the Commission not refer this issue to SOAH.

Issue 12: Whether the proposed permit met all public notice requirements with respect to making the permit documents available for viewing in a public place.

This issue involves a disputed question of fact, was not withdrawn, and is relevant and material to the issuance of the draft permit. The issue was raised by Brandon McElroy, who the Executive Director recommends the Commission find is affected person.

The Executive Director recommends the Commission refer this issue to SOAH.

Issue 13: Whether the proposed emission rates are accurately calculated.

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. The issue was raised by Brandon McElroy, who the Executive Director recommends the Commission find is an affected person.

The Executive Director recommends the Commission refer this issue to SOAH.

Issue 14: Whether the applicant's representations with respect to the equipment being used on the site is accurate.

This issue involves a disputed question of fact, was not withdrawn, and is relevant and material to the issuance of the draft permit. The issue was raised by Brandon McElroy who the Executive Director recommends the Commission find is affected person.

The Executive Director recommends the Commission refer this issue to SOAH.

Issue 15: Whether the proposed plant location is appropriate for a concrete batch plant.

This issue involves a disputed question of fact, and was not withdrawn, however it is not relevant and material to the issuance of the draft permit. Except under limited circumstances, which do not exist under this particular permit application. Specifically, the issuance of a permit cannot be denied on the basis of plant location.

The Executive Director recommends not refer this issue to SOAH.

Issue 16: Whether the proposed plant will adversely affect the local economy.

This issue involves a disputed question of fact, and was not withdrawn; however, it is not relevant and material to the issuance of the draft permit. TCEQ's jurisdiction is limited to the issues set forth in statute. TCEQ does not have the authority to regulate impacts to the local economy.

The Executive Director recommends the Commission not refer this issue to SOAH.

XI. EXECUTIVE DIRECTOR'S RECOMMENDATION

The Executive Director respectfully recommends the following actions be taken by the Commission:

1. Deny the requests for reconsideration of Rep. David L. Cook, Shaun Ashman, Laura Hernandez, Rose A. Jones, Gloria Lim, Sung Lim, Charlene Michele Lindsey, Treyce McWhirter, Fred R. Porta, Kathryn Porta, Jessica Marie Ratterree, Lauren Ratterree, Paige Ratterree, Rosa Ratterree, Angela Bennett Redman, Mary B. Reichardt, Robert E. Reichardt, Rose Ann Sherman, Kellie Underwood, Selena C. Wilson, and Daniel P. Zumwalt.
2. Deny the hearing requests of Rep. David Cook, Shaun Ashman, Krystina Baldwin, Heath Barber, Gina Bell, Vikki K. Blauvelt, D. Michael Brewster, Chelsea Anne Collier, Joanna Cook, Gary Corwin, Linda Corwin, Kortney Davis, John Downing, Carla Draper, Donna W. Driver, Bryan Edgar, Laurie Edgar, Jeri Lynn Emmens, Jennifer C. Evans, Mike Finlay, Tonya Finlay, Sarah Goza, Pamela Griffin, Sergio Haynes, Leanne Hazard, Larry Wayne Hendon, Lacy Hensley, Norma Hernandez, Ronald Hicks, Bradley Justin Iglehart, Pamela Johnson, Rose Jones, Carl Lemaster, Shelbie Linton, Kari Leann Logan, James Logan, Betsy Loveless, Susan Luecke-Schnuck, Revonda Luttrell, David Gil Maffei, Kimberly Malone, Dwight Dee Martin, Austin Sayle Matthews, Marty Mayfield, Barry McFadin, Maxie McFadin, Rita E. McKnight, Thomas McKnight,

- Terry D. McWhirter, Tricia Mikal, Ali Moses, Madison Mouw, David Offutt, Steven Penninck, Bandi Potter, Payton Potter, Paige Ratterree, Paul Ratterree, Angela Bennett Redman, Robert E. Reichardt, Kenna Sheckels, Nathan Sheckels, Rose Ann Sherman, Brenton Wayne Sides, Stevie Sides, Tyler Blake Sims, Alex Sims, Melissa Sims, Theron Sims, Michelle Stuart, Donna Trammell, Karen Van Zandt, David Wells, J.W. Whitmarsh, Carol Wilson, Mitchell Wilson, Selena C. Wilson, Ronnie Glen Woolbright, and Ronald Ziotkowski.
3. Grant the hearing requests of Chance Barnett, Nicole Barnett, Chad Brewer, Jessica Brewer, Justin Brewer, Mary Elizabeth Brewster, Judi Ann Daniel, Mitch L. Daniel, Chris Davis, Julia Galindo, Laura Phyllis Glasser, Carrie Amanda Grant, Lindsay Lee Hendon, Brandon McElroy, McElroy, Sullivan, Miller, & Webber (MSMW) on behalf of Brandon McElroy, Donna Montgomery, Harold Montgomery, Sondra L. Pendergras, Tommy Wayne Pendergras, Janice Penwarden, Donna Kay Phillips, William R. Ribinskas, David Stowman Smith, Judy Smith, Haley Trammell, and Kendal Wyatt.
 4. If referred to SOAH, the Executive Director recommends 180 days be the duration of the hearing.
 5. If referred to SOAH, refer the following issues as raised by an affected person as identified by the Executive Director:
 - Issue 1:** Whether the permit would be protective of human health and safety.
 - Issue 2:** Whether the permit will negatively affect air quality.
 - Issue 4:** Whether the proposed permit met all public notice requirements with respect to signage.
 - Issue 5:** Whether the permit will be protective of general welfare, including plants, animals, and the environment.
 - Issue 7:** Whether the permit will be protective against dust emissions generated from the proposed plant, including nuisance dust emissions.
 - Issue 10:** Whether the proposed permit met all public notice requirements with respect to newspaper notices.
 - Issue 12:** Whether the proposed permit met all public notice requirements with respect to making the permit documents available for viewing in a public place.
 - Issue 13:** Whether the proposed emission rates are accurately calculated.
 - Issue 14:** Whether the applicant's representations with respect to the equipment being used on the site is accurate.

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel, Executive Director

Phillip Ledbetter, Director
Office of Legal Services

Charmaine K. Backens, Deputy Director
Environmental Law Division



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REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on this 29th day of August 2025, a true and correct copy of the "Executive Director's Response to Hearing Requests and Requests for Reconsideration" for Air Quality Permit No. 172856 was served on all persons on the service list by the undersigned via electronic filing, electronic mail, facsimile transmission, inter-agency mail, electronic submittal, or by deposit in the U.S. Mail.



Elizabeth Black, Staff Attorney
Environmental Law Division

Attachment A

J7 Ready Mix, LLC

172856

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: 8/13/2025
CRF 0123983
Cartographer: AProvenc



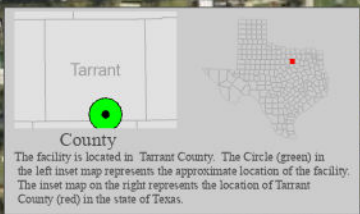
- Requestors
- Facility Boundary
- 400 Yard Radius from Facility Boundary



Distance from Requestors
to Facility Boundary in
Appendix A

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.



J7 Ready Mix, LLC

172856

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: 8/13/2025
CRF 0123983
Cartographer: AProvenc

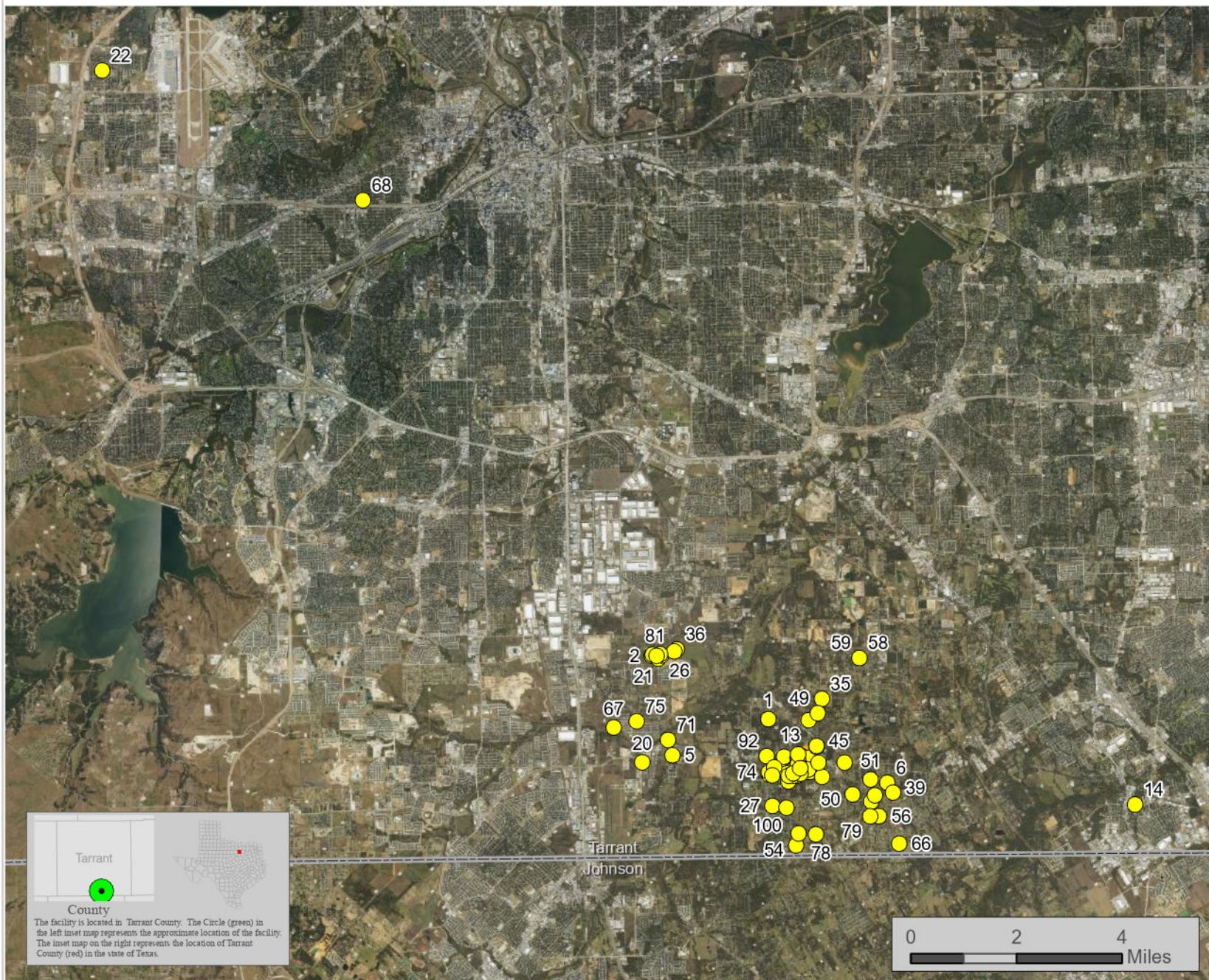


- Requestors
- Facility Boundary
- 400 Yard Radius from Facility Boundary

Distance from Requestors
to Facility Boundary in
Appendix A

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.



Tarrant
County

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

Appendix A for J7 Ready Mix

ID	Name	Address	City	State	ZIP	Lat	Long	Distance to Facility Boundary (Yards)
1	Krystina Baldwin	6075 AUTUMN HILLS DR	FORT WORTH	TX	76140	32.589559	-97.257741	1839.3
2	Heath Barber	1213 ROYAL MEADOWS TRL	FORT WORTH	TX	76140	32.607753	-97.2952	6191.0
3	Chance Barnett	125 OAK TRL	BURLESON	TX	76028	32.577344	-97.247605	134.9
4	Nicole Barnett	125 OAK TRL	BURLESON	TX	76028	32.577344	-97.247605	134.9
5	Gina Bell	1624 BASLOW LN	BURLESON	TX	76028	32.580303	-97.289237	4420.1
6	Vikki K. Blauvelt	6916 MARIS CT	BURLESON	TX	76028	32.571306	-97.2196	2763.9
7	Chad Brewer	5225 CHASE LANDING DR	BURLESON	TX	76028	32.575883	-97.247792	220.5
8	Jessica Brewer	CHASE LANDING DR	BURLESON	TX	76028	32.575883	-97.247792	220.5
9	Justin Brewer	CHASE LANDING DR	BURLESON	TX	76028	32.575883	-97.247792	220.5
10	Mary Elizabeth Brewster	117 OAK TRL	BURLESON	TX	76028	32.578102	-97.247759	153.3
11	D. Michael Brewster	117 OAK TRL	BURLESON	TX	76028	32.578102	-97.247759	153.3

12	Chelsea Anne Collier	312 C C CHANDLER RD	BURLESON	TX	76028	32.572359	-97.251708	807.3
13	Joanna Cook	6086 AUTUMN HILLS DR	FORT WORTH	TX	76140	32.589	-97.244636	1351.0
14	David L. Cook	305 E BROAD ST	MANSFIELD	TX	76063	32.563592	-97.139271	11043.7
15	Gary Corwin	1328 ROYAL MEADOWS TRL	FORT WORTH	TX	76140	32.607606	-97.293432	6034.1
16	Linda Corwin	1328 ROYAL MEADOWS TRL	FORT WORTH	TX	76140	32.607606	-97.293432	6034.1
17	Judi Ann Daniel	5301 CHASE LANDING DR	BURLESON	TX	76028	32.575462	-97.247767	258.0
18	Mitch L. Daniel	5301 CHASE LANDING DR	BURLESON	TX	76028	32.575452	-97.247774	259.4
19	Chris Davis	5401 CHASE LANDING DR	BURLESON	TX	76028	32.574825	-97.247843	327.5
20	Kortney Davis	12224 HUNTERS KNOLL DR	BURLESON	TX	76028	32.57856	-97.299087	5422.6
21	John Downing	1336 QUEENS BROOK LN	FORT WORTH	TX	76140	32.606901	-97.293109	5956.6
22	Carla Draper	8804 HERMAN ST	FORT WORTH	TX	76108	32.771779	-97.469477	32818.1
23	Donna W. Driver	243 E BRIAN ST	BURLESON	TX	76028	32.575596	-97.254591	873.6
24	Bryan Edgar	5124 CHASE LANIDNG DRIVE	BURLESON	TX	76028	32.575373	-97.250072	446.0
25	Laurie Edgar	5124 CHASE LANDING DR	BURLESON	TX	76028	32.575373	-97.250072	446.0
26	Jeri Lynn Emmens	1376 ROYAL MEADOWS TRL	FORT WORTH	TX	76140	32.607757	-97.292104	5936.4

27	Jennifer C. Evans	3809 CANYON PASS TRL	BURLESON	TX	76028	32.565708	-97.257125	1781.8
28	Mike Finlay	5217 CHASE LANDING DR	BURLESON	TX	76028	32.576075	-97.248384	253.4
29	Tonya Finlay	5217 CHASE LANDING DR	BURLESON	TX	76028	32.576075	-97.248384	253.4
30	Julia Galindo	100 OAK TRL	BURLESON	TX	76028	32.579695	-97.248385	306.4
31	Laura Phyllis Glasser	225 PONDEROSA LN	BURLESON	TX	76028	32.574765	-97.244636	308.8
32	Sarah Goza	1225 ROYAL MEADOWS TRL	FORT WORTH	TX	76140	32.608054	-97.294861	6184.3
33	Carrie Amanda Grant	105 OAK TRL	BURLESON	TX	76028	32.579338	-97.247556	217.8
34	Pamela Griffin	240 S DAVID ST	BURLESON	TX	76028	32.574402	-97.257973	1246.0
35	Sergio Haynes	1018 OAK TREE DR	FORT WORTH	TX	76140	32.59476	-97.240176	2120.6
36	Leanne Hazard	1705 KING ARTHURS CT	FORT WORTH	TX	76140	32.609318	-97.286978	5654.5
37	Larry Wayne Hendon	5200 CHASE LANDING DR	BURLESON	TX	76028	32.575343	-97.249336	384.1
38	Lindsay Lee Hendon	5200 CHASE LANDING DR	BURLESON	TX	76028	32.575343	-97.249336	384.1
39	Lacy Hensley	5840 HOPPER RD	BURLESON	TX	76028	32.568578	-97.21782	3038.0
40	Norma Hernandez	1612 QUEENS BROOK CT	FORT WORTH	TX	76140	32.60878	-97.2878	5673.8
41	Ronald Hicks	6320 OAK HOLLOW DR	BURLESON	TX	76028	32.566259	-97.224991	2496.9

42	Bradley Justin Iglehart	5440 E FM 1187	BURLESON	TX	76028	32.578682	-97.244837	124.7
43	Pamela Johnson	6727 HIGHVIEW RD	FORT WORTH	TX	76140	32.581601	-97.242314	563.2
44	Rose Jones	109 SHADOWOAK CT	BURLESON	TX	76028	32.579151	-97.252964	702.4
45	Carl Lemaster	6687 HIGHVIEW RD	FORT WORTH	TX	76140	32.581889	-97.242302	592.2
46	Shelbie Linton	5101 WILLOW CHASE DR	BURLESON	TX	76028	32.574559	-97.25214	679.6
47	James Logan	248 PONDEROSA LN	BURLESON	TX	76028	32.575757	-97.246452	173.9
48	Kari Logan	248 PONDEROSA LN	BURLESON	TX	76028	32.575757	-97.246452	173.9
49	Betsy Loveless	6217 VALLEY RIDGE DR	FORT WORTH	TX	76140	32.590841	-97.241648	1622.4
50	Susan Luecke- Schnuck	6015 OAK HOLLOW DR	BURLESON	TX	76028	32.568346	-97.230966	1845.8
51	Revonda Luttrell	5515 HOPPER RD	BURLESON	TX	76028	32.572314	-97.225028	2193.9
52	David Gil Maffei	124 OAK TRL	BURLESON	TX	76028	32.477313	-97.248555	232.0
53	Kimberly Malone	5409 CHASE LANDING DR	BURLESON	TX	76028	32.574382	-97.247762	371.9
54	Dwight Dee Martin	4115 BURLESON RETTA RD	BURLESON	TX	76028	32.554757	-97.249746	2743.0
55	Austin Sayle Matthews	12400 LIGHTCATCHER WAY	BURLESON	TX	76028	32.57338	-97.240745	679.0
56	Marty Mayfield	6325 LEVY COUNTY LINE RD	BURLESON	TX	76028	32.562209	-97.222599	2979.4

57	Brandon McElroy	124 OAK TRL	BURLESON	TX	76028	32.577304	-97.248551	232.0
58	Barry McFadin	9721 ELM CREEK WAY	FT WORTH	TX	76140	32.605718	-97.227659	3845.4
59	Maxie McFadin	9721 ELM CREEK WAY	FT WORTH	TX	76140	32.605718	-97.227659	3845.4
60	Rita E. McKnight	5208 WILLOW CHASE DR	BURLESON	TX	76028	32.573901	-97.248961	483.4
61	Thomas McKnight	5208 WILLOW CHASE DR	BURLESON	TX	76028	32.573901	-97.248961	483.4
62	Terry D. McWhirter	132 OAK TRL	BURLESON	TX	76028	32.576517	-97.248501	240.8
63	Tricia Mikal	6914 RENDON NEW HOPE RD	FORT WORTH	TX	76140	32.57714	-97.233343	1259.4
64	Donna Montgomery	108 OAK TRL	BURLESON	TX	76028	32.578926	-97.248512	260.3
65	Harold D. Montgomery	108 OAK TRL	BURLESON	TX	76028	32.578926	-97.248512	260.3
66	Ali Moses	121 DIAMOND ROSE DR	BURLESON	TX	76028	32.554537	-97.21625	4077.7
67	Madison Mouw	708 KEY DEER DR	BURLESON	TX	76028	32.58832	-97.30808	6469.7
68	David Offutt	4433 BIRCHMAN AVE	FORT WORTH	TX	76107	32.734534	-97.385578	23771.8
69	Sondra Pendergras	232 PONDEROSA LN	BURLESON	TX	76028	32.575462	-97.24521	211.6
70	Tommy Wayne Pendergras	232 PONDEROSA LN	BURLESON	TX	76028	32.575462	-97.24521	211.6
71	Steven Penninck	11824 BEXLEY DR	BURLESON	TX	76028	32.584538	-97.290528	4613.7

72	Janice Penwarden	112 OAK TRL	BURLESON	TX	76028	32.578552	-97.248552	245.8
73	Donna Kay Phillips	120 OAK TRL	BURLESON	TX	76028	32.577719	-97.248428	219.9
74	Bandi Potter	232 S DAVID ST	BURLESON	TX	76028	32.57501	-97.257992	1230.0
75	Payton Potter	1100 NELSON PL	BURLESON	TX	76028	32.589846	-97.300583	5760.4
76	Paige Ratterree	12833 COVEY CREEK DR	BURLESON	TX	76028	32.557996	-97.248868	2342.2
77	Paul Ratterree	12833 COVEY CREEK DR	BURLESON	TX	76028	32.557996	-97.248868	2342.2
78	Angela Bennett Redman	4310 RENDON ESTATES WAY	BURLESON	TX	76028	32.557641	-97.243221	2381.6
79	Robert Reichardt	6295 LEVY COUNTY LINE RD	BURLESON	TX	76028	32.562217	-97.225442	2753.0
80	William R. Ribinskas	116 OAK TRL	BURLESON	TX	76028	32.578167	-97.248422	221.8
81	Kenna Sheckels	1369 ROYAL MEADOWS TRL	FORT WORTH	TX	76140	32.608095	-97.292446	5989.2
82	Nathan Sheckels	1369 ROYAL MEADOWS TRL	FORT WORTH	TX	76140	32.608095	-97.292446	5989.2
83	Rose Ann Sherman	6295 LEVY COUNTY LINE RD	BURLESON	TX	76028	32.562217	-97.225442	2753.0
84	Brenton Wayne Sides	1324 ROYAL MEADOWS TRL	FORT WORTH	TX	76140	32.607682	-97.293604	6053.7
85	Stevie Sides	1324 ROYAL MEADOWS TRL	FORT WORTH	TX	76140	32.607682	-97.293604	6053.7
86	Alex Sims	5200 WILLOW CHASE DR	BURLESON	TX	76028	32.573898	-97.250064	555.7

87	Melissa Sims	5200 WILLOW CHASE DR	BURLESON	TX	76028	32.573898	-97.250064	555.7
88	Theron Sims	5200 WILLOW CHASE DR	BURLESON	TX	76028	32.573898	-97.250064	555.7
89	Tyler Blake Sims	5200 WILLOW CHASE DR	BURLESON	TX	76028	32.573898	-97.250064	555.7
90	David Stowman Smith	128 OAK TRL	BURLESON	TX	76028	32.576919	-97.248555	234.5
91	Judy M. Smith	128 OAK TRL	BURLESON	TX	76028	32.576919	-97.248555	234.5
92	Michelle Stuart	6815 COUNTRY SQUIRE LN	BURLESON	TX	76028	32.579418	-97.258589	1276.8
93	Donna Trammell	216 TRACY LEE CT	BURLESON	TX	76028	32.576283	-97.256253	1028.6
94	Haley Trammell	5401 CHASE LANDING DR	BURLESON	TX	76028	32.574811	-97.247853	329.5
95	David Wells	5409 CHASE LANDING DR	BURLESON	TX	76028	32.574382	-97.247762	371.9
96	JW Whitmarsh	208 MICHELLE ST	BURLESON	TX	76028	32.574111	-97.256924	1153.6
97	Carol Wilson	5108 WILLOW CHASE DR	BURLESON	TX	76028	32.573901	-97.251618	676.5
98	Mitchell Wilson	5108 WILLOW CHASE DR	BURLESON	TX	76028	32.573901	-97.251618	676.5
99	Selena C. Wilson	12262 RENDON RD	BURLESON	TX	76028	32.57729	-97.241803	390.7
100	Ronnie Glen Woolbright	3940 J RENDON RD	BURLESON	TX	76028	32.565145	-97.25255	1595.3
101	Kendale Wyatt	100 OAK TRL	BURLESON	TX	76028	32.579695	-97.248385	306.4

102	Karen Van Zandt	5125 WILLOW CHASE DR	BURLESON	TX	76028	32.57454	-97.250117	507.0
103	Ronald Ziotkowski	6465 OAK HOLLOW DR	BURLESON	TX	76028	32.567939	-97.223753	2508.2
104	Shaun Ashman	5225 Chase Landing Dr	BURLESON	TX	76028	32.575932	-97.247803	220.5

MAILING LIST
J7 Ready Mix, LLC
TCEQ Docket No./TCEQ Expediente N.º 2025-0905-AIR;
Air Permit No./Air Permiso N.º 172856

FOR THE APPLICANT/PARA EL SOLICITANTE

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REQUESTER(S)/SOLICITANTE(S)/
INTERESTED PERSON(S)/PERSONA(S)
INTERESADA(S)

See attached list/Ver listado adjunto.

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Montgomery, Harold D
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Mouw, Madison
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Pendergras, Tom
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Phillips, Donna Kay
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Porta, Fred R
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Burleson, TX 76028-2365

Porta, Kathrynna
3417 Winding Oak Ln E
Burleson, TX 76028-2365

Potter, Bandi
232 S David St
Burleson, TX 76028-3140

Potter, Payton
1100 Nelson Pl
Burleson, TX 76028-6890

Ratterree, Jessica Marie
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Burleson, TX 76028-6311

Ratterree, Lauren
12837 Covey Creek Dr
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Ratterree, Paige
12833 Covey Creek Dr
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Ratterree, Paul
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Sheckels, Nathan
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Sides, Stevie
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5200 Willow Chase Dr
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Sims, Alex
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Sims, Melissa
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Sims, Theron
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128 Oak Trl
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Smith, David Stowman
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225 Michelle St
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Trammell, Donna
216 Tracy Lee Ct
Burleson, TX 76028-3138

Trammell, Haley
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Underwood, Kellie
6150 Oak Hollow Dr
Burleson, TX 76028-2834

Van Zandt, Karen
5125 Willow Chase Dr
Burleson, TX 76028-3094

Wells, David
5409 Chase Landing Dr
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Whitmarsh IV, Reverend JW
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5108 Willow Chase Dr
Burleson, TX 76028-3087

Wilson, Mitchell
5108 Willow Chase Dr
Burleson, TX 76028-3087

Wilson, Selena C
12262 Rendon Rd
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Woolbright, Ronnie Glen
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Burleson, TX 76028-3626

Wyatt, Kendale
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Burleson, TX 76028-3048

Ziotkowski, Ronald
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Zumwalt, Daniel P
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