

Brooke T. Paup, *Chairwoman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 12, 2025

TO: All interested persons.

RE: Raptor Ready Mix Inc
TCEQ Air Quality Standard Permit for
Concrete Batch Plant Registration No. 177217L002

Decision of the Executive Director.

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** This decision will be considered by the commissioners at a regularly scheduled public meeting before any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.

Enclosed with this letter are instructions to view the Executive Director's Response to Public Comment (RTC) on the Internet. Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at chiefclk@tceq.texas.gov. A complete copy of the RTC (including the mailing list), complete application, draft permit and related documents, including public comments, are available for review at the TCEQ Central Office. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the TCEQ Dallas/Fort Worth regional office, and at the White Settlement Library, 8215 White Settlement Road, Fort Worth, Tarrant County, 76108. The facility's compliance file, if any exists, is available for public review at the TCEQ Dallas/Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas. Visit www.tceq.texas.gov/goto/cbp to review the standard permit.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. The procedures for the commission's evaluation of hearing requests/requests for reconsideration are located in 30 Texas Administrative Code Chapter 55, Subchapter F. A brief description of the procedures for these two requests follows.

How to Request a Contested Case Hearing.

It is important that your request include all the information that supports your right to a contested case hearing. Your hearing request must demonstrate that you meet the applicable

legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

The request must include the following:

- (1) Your name, address, daytime telephone number, and, if possible, a fax number.
- (2) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.
- (3) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."
- (4) If the request is made by a group or association, the request must identify:
 - (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group;
 - (B) the comments on the application submitted by the group that are the basis of the hearing request; and
 - (C) by name and physical address one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.

Additionally, your request must demonstrate that you are an **"affected person."** 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. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities. A person who may be affected by emissions of air contaminants from the facility is entitled to request a contested case hearing.

A person permanently residing within 440 yards of a concrete batch plant authorized by the Air Quality Standard Permit for Concrete Batch Plants is an affected person who is entitled to request a contested case hearing. The hearing request must state a personal justiciable interest.

Your request must raise disputed issues of fact that are relevant and material to the commission's decision on this application that were raised **by you** during the public comment period. The request cannot be based solely on issues raised in comments that you have withdrawn.

To facilitate the commission's determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director's responses to **your** comments that you dispute; 2) the factual basis of the dispute; and 3) list any disputed issues of law.

How to Request Reconsideration of the Executive Director's Decision.

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

Deadline for Submitting Requests.

A request for a contested case hearing or reconsideration of the executive director's decision must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date of this letter. You may submit your request electronically at www.tceq.texas.gov/agency/decisions/cc/comments.html or by mail to the following address:

Laurie Gharis, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Processing of Requests.

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the TCEQ's Alternative Dispute Resolution Program and set on the agenda of one of the commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

How to Obtain Additional Information.

If you have any questions or need additional information about the procedures described in this letter, please call the Public Education Program, toll free, at 1-800-687-4040.

Sincerely,



Laurie Gharis
Chief Clerk

LG/cb

Enclosure

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT
for
Raptor Ready Mix Inc
TCEQ Air Quality Standard Permit for Concrete Batch Plant Registration
No. 177217L002

The Executive Director has made the Response to Public Comment (RTC) for the application by Raptor Ready Mix Inc for TCEQ Air Quality Standard Permit for Concrete Batch Plant Registration No. 177217L002 available for viewing on the Internet. You may view and print the document by visiting the TCEQ Commissioners' Integrated Database at the following link:
<https://www.tceq.texas.gov/goto/cid>

In order to view the RTC at the link above, enter the TCEQ ID Number for this application (177217L002) and click the "Search" button. The search results will display a link to the RTC.

Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at chiefclerk@tceq.texas.gov.

Additional Information

For more information on the public participation process, you may contact the Office of the Public Interest Counsel at (512) 239-6363 or call the Public Education Program, toll free, at (800) 687-4040.

A complete copy of the RTC (including the mailing list), the complete application, the draft permit, and related documents, including comments, are available for review at the TCEQ Central Office in Austin, Texas. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the TCEQ Dallas/Fort Worth regional office, and at the White Settlement Library, 8215 White Settlement Road, Fort Worth, Tarrant County, 76108. The facility's compliance file, if any exists, is available for public review at the TCEQ Dallas/Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas. Visit www.tceq.texas.gov/goto/cbp to review the standard permit.



COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

Protegiendo a Texas reduciendo y previniendo la contaminación

12 de junio de 2025

TO: Todas las personas interesadas.

RE: Raptor Ready Mix Inc
Permiso de Estándar de Calidad del Aire TCEQ para Planta de Concreto
No. 177217L002

Decisión del Director Ejecutivo.

El director ejecutivo ha tomado la decisión de que la solicitud de permiso mencionada anteriormente cumple con los requisitos de la ley aplicable. **Esta decisión no autoriza la construcción u operación de ninguna instalación propuesta.** Esta decisión será considerada por los comisionados en una reunión pública programada regularmente antes de que se tome cualquier medida sobre esta solicitud, a menos que todas las solicitudes de audiencia o reconsideración de casos impugnados hayan sido retiradas antes de esa reunión.

Se adjuntan a esta carta las instrucciones para ver en Internet la Respuesta del Director Ejecutivo al Comentario Público (RTC). Las personas que prefieran una copia por correo del RTC o que tengan problemas para acceder al RTC en el sitio web, deben comunicarse con la Oficina del Secretario Oficial, por teléfono al (512) 239-3300 o por correo electrónico a chiefclk@tceq.texas.gov. Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios públicos, están disponibles para su revisión en la Oficina Central de TCEQ. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en la Oficina Regional de TCEQ Dallas/Fort Worth y en la Biblioteca de White Settlement, 8215 White Settlement Road, Fort Worth, Condado de Tarrant, 76108. El expediente de cumplimiento de la instalación, si existe, está disponible para revisión pública en la Oficina Regional de TCEQ Dallas/Fort Worth, 2309 Gravel Drive, Fort Worth, Texas. Visite www.tceq.texas.gov/goto/cbp para revisar el permiso estándar.

Si no está de acuerdo con la decisión del director ejecutivo y cree que es una "persona afectada" como se define a continuación, puede solicitar una audiencia de caso impugnado. Además, cualquier persona puede solicitar la reconsideración de la decisión del director ejecutivo. Los procedimientos para la evaluación de la comisión de las solicitudes de audiencia/solicitudes de reconsideración se encuentran en 30 Código Administrativo de Texas, Capítulo 55, Subcapítulo F. A continuación, se presenta una breve descripción de los procedimientos para estas dos solicitudes.

Cómo solicitar una audiencia de caso impugnado.

Es importante que su solicitud incluya toda la información que respalde su derecho a una

audiencia de caso impugnado. Su solicitud de audiencia debe demostrar que cumple con los requisitos legales aplicables para que se le conceda su solicitud de audiencia. La consideración de la comisión de su solicitud se basará en la información que usted proporcione.

La solicitud debe incluir lo siguiente:

- (1) Su nombre, dirección, número de teléfono durante el día y, si es posible, un número de fax.
- (2) El nombre del solicitante, el número de permiso y otros números enumerados anteriormente para que su solicitud pueda procesarse adecuadamente.
- (3) Una declaración que exprese claramente que está solicitando una audiencia de caso impugnado. Por ejemplo, la siguiente declaración sería suficiente: "Solicito una audiencia de caso impugnado".
- (4) Si la solicitud es realizada por un grupo o asociación, la solicitud debe identificar:
 - (A) una persona por nombre, dirección, número de teléfono durante el día y, si es posible, el número de fax, de la persona que será responsable de recibir todas las comunicaciones y documentos para el grupo.;
 - (B) los comentarios sobre la solicitud presentada por el grupo que constituyen la base de la solicitud de audiencia; y
 - (C) por nombre y dirección física, uno o más miembros del grupo que de otro modo tendrían derecho a solicitar una audiencia por derecho propio. Los intereses que el grupo busca proteger deben estar relacionados con el propósito de la organización. Ni la reclamación alegada ni la reparación solicitada deben requerir la participación de los miembros individuales en el caso.

Además, su solicitud debe demostrar que usted es una **"persona afectada"**. Una persona afectada es aquella que tiene un interés justiciable personal relacionado con un derecho, deber, privilegio, poder o interés económico legal afectado por la solicitud. Su solicitud debe describir cómo y por qué se vería afectado negativamente por la instalación o actividad propuesta de una manera que no sea común al público en general. Por ejemplo, en la medida en que su solicitud se base en estas preocupaciones, debe describir el impacto probable en su salud, seguridad o usos de su propiedad que puedan verse afectados negativamente por la instalación o las actividades propuestas. Para demostrar que tiene un interés personal justiciable, debe indicar, tan específicamente como pueda, su ubicación y la distancia entre su ubicación y la instalación o actividades propuestas. Una persona que pueda verse afectada por las emisiones de contaminantes del aire de la instalación tiene derecho a solicitar una audiencia de caso impugnado.

Una persona que reside permanentemente dentro de las 440 yardas de una planta de concreto autorizada por el Permiso del Estándar de Calidad del Aire para Plantas de Concreto es una persona afectada que tiene derecho a solicitar una audiencia de caso impugnado. La solicitud de audiencia debe declarar un interés personal justiciable.

Su solicitud debe plantear cuestiones de hecho controvertidas que sean relevantes y materiales para la decisión de la comisión sobre esta solicitud que fueron planteadas **por usted** durante el período de comentarios públicos. La solicitud no puede basarse únicamente en cuestiones planteadas en los comentarios que haya retirado.

Para facilitar la determinación por parte de la comisión del número y alcance de los asuntos que se remitirán a la audiencia, usted debe: 1) especificar cualquiera de las respuestas del director ejecutivo a **sus** comentarios que usted disputa; 2) la base fáctica de la disputa; y 3) enumerar cualquier cuestión de derecho en disputa.

Cómo solicitar la reconsideración de la decisión del Director Ejecutivo.

A diferencia de una solicitud de audiencia de caso impugnado, cualquier persona puede solicitar la reconsideración de la decisión del director ejecutivo. Una solicitud de reconsideración debe contener su nombre, dirección, número de teléfono durante el día y, si es posible, su número de fax. La solicitud debe indicar que está solicitando la reconsideración de la decisión del director ejecutivo, y debe explicar por qué cree que la decisión debe ser reconsiderada.

Fecha límite para la presentación de solicitudes.

La oficina del Secretario Oficial debe **recibir** una solicitud de audiencia de caso impugnado o reconsideración de la decisión del director ejecutivo a más tardar **30 días calendario** después de la fecha de esta carta. Puede enviar su solicitud electrónicamente a www.tceq.texas.gov/agency/decisions/cc/comments.html o por correo a la siguiente dirección:

Laurie Gharis, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Procesamiento de solicitudes.

Las solicitudes oportunas para una audiencia de caso impugnado o para la reconsideración de la decisión del director ejecutivo se remitirán al Programa de Resolución Alternativa de Disputas de TCEQ y se incluirán en la agenda de una de las reuniones programadas regularmente de la comisión. Las instrucciones adicionales que explican estos procedimientos se enviarán a la lista de correo adjunta cuando se haya programado esta reunión.

Cómo obtener información adicional.

Si tiene alguna pregunta o necesita información adicional sobre los procedimientos descritos en esta carta, llame al Programa de Educación Pública, al número gratuito, 1-800-687-4040.

Atentamente,



Laurie Gharis
Secretaria Oficial

LG/cb

Recinto

RESPUESTA DEL DIRECTOR EJECUTIVO AL COMENTARIO DEL PÚBLICO
para
Raptor Ready Mix Inc
Permiso de Estándar de Calidad del Aire TCEQ para Planta de Concreto
No. 177217L002

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de Raptor Ready Mix Inc del Permiso de Estándar de Calidad del Aire TCEQ para Planta de Concreto No. 177217L002. Puede ver e imprimir el documento visitando la Base de Datos Integrada de los Comisionados de TCEQ en el siguiente enlace:

<https://www.tceq.texas.gov/goto/cid>

Para ver el RTC en el enlace anterior, ingrese el número de identificación TCEQ para esta solicitud (177217L002) y haga clic en el botón "Buscar". Los resultados de la búsqueda mostrarán un enlace al RTC.

Las personas que prefieran una copia por correo del RTC o que tengan problemas para acceder al RTC en el sitio web, deben comunicarse con la Oficina del Secretario Oficial, por teléfono al (512) 239-3300 o por correo electrónico a chiefclk@tceq.texas.gov.

Información adicional

Para obtener más información sobre el proceso de participación pública, puede comunicarse con la Oficina del Asesor de Interés Público al (512) 239-6363 o llamar al Programa de Educación Pública, al número gratuito, (800) 687-4040.

Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios, están disponibles para su revisión en la Oficina Central de TCEQ en Austin, Texas. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en la Oficina Regional de TCEQ Dallas/Fort Worth y en la Biblioteca de White Settlement, 8215 White Settlement Road, Fort Worth, Condado de Tarrant, 76108. El expediente de cumplimiento de la instalación, si existe, está disponible para revisión pública en la Oficina Regional de TCEQ Dallas/Fort Worth, 2309 Gravel Drive, Fort Worth, Texas. Visite www.tceq.texas.gov/goto/cbp para revisar el permiso estándar.

MAILING LIST / LISTA DE CORREO

for / para

Raptor Ready Mix Inc

TCEQ Air Quality Standard Permit for Concrete Batch Plant Registration No. 177217L002

/ Permiso de Estándar de Calidad del Aire TCEQ para Planta de Concreto No. 177217L002

FOR THE APPLICANT /
PARA EL SOLICITANTE:

John Grobe
Vice President and General Manager
Raptor Ready Mix Inc
2370 South Uecker Lane
Lewisville, Texas 75067

Patrick Garrett, Consultant
Patrick Garrett
401 Portina Drive
Anna, Texas 75409

INTERESTED PERSONS /
PERSONAS INTERESADAS:

see attached list/ ver lista adjunta

FOR THE EXECUTIVE DIRECTOR /
PARA EL DIRECTOR EJECUTIVO
via electronic mail /
por correo electrónico:

Ryan Vise, Deputy Director
Texas Commission on Environmental
Quality
External Relations Division
Public Education Program MC-108
P.O. Box 13087
Austin, Texas 78711-3087

Elizabeth Black, Staff Attorney
Texas Commission on Environmental
Quality
Environmental Law Division MC-173
P.O. Box 13087
Austin, Texas 78711-3087

Ariel Ramirez, Technical Staff
Texas Commission on Environmental
Quality
Air Permits Division MC-163
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL /
PARA ABOGADOS DE INTERÉS PÚBLICO
via electronic mail /
por correo electrónico:

Garrett T. Arthur, Attorney
Texas Commission on Environmental
Quality
Public Interest Counsel MC-103
P.O. Box 13087
Austin, Texas 78711-3087

FOR THE CHIEF CLERK /
PARA EL SECRETARIO OFICIAL
via electronic mail
por correo electrónico:

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

ADAMSON , FAY
649 PAINT PONY TRL N
FORT WORTH TX 76108-4316

ANDERSON , SHEILA
5011 OAK MILL DR
FORT WORTH TX 76135-9657

ARNOVE , DEAN
624 PAINT PONY TRL N
FORT WORTH TX 76108-4315

ARNOVE , GINGER
624 PAINT PONY TRL N
FORT WORTH TX 76108-4315

BEAVERS , RANDON
BECO
6009 RED BUD RD
FORT WORTH TX 76135-5383

BENDA , ROBERT D
608 PAINT PONY TRL N
FORT WORTH TX 76108-4315

BOZARTH , BOB & CINDY
6529 CAHOBA DR
FORT WORTH TX 76135-4405

BRANDT , JULIA
LAKE WORTH SAILING CLUB
6216 CANYON TRL
FORT WORTH TX 76135-2409

BRANNON , CAMILLA
116 HOPI TRL S
FORT WORTH TX 76108-4233

BROOKS , AARON
708 VERNA TRL N
FORT WORTH TX 76108-4304

CANARD , ISABELLE
10616 PACK SADDLE TRL
FORT WORTH TX 76108-4260

CLIFFORD , HOLLY
537 PAINT PONY TRL N
FORT WORTH TX 76108-4314

CONNELLY , KATHLEEN
4312 ESTANCIA WAY
FT WORTH TX 76108-8316

COOK , SHARI
6917 LA CANTERA DR
FORT WORTH TX 76108-9377

CRESS , KEE
2026 TURTLE PASS TRL
FORT WORTH TX 76135-5381

CROW , FRANK
404 YUCHI CT
FORT WORTH TX 76108-4200

DANIELS , MR JUSTIN
8200 WYATT DR
FORT WORTH TX 76108-2813

DOLLARHITE , ANDY
309 PAINT PONY TRL N
FORT WORTH TX 76108-4228

FORD , CHRISTINA
LOT 14
10250 WESTERN OAKS RD
FORT WORTH TX 76108-9722

GASPAROVIC , DANIEL M
413 YUCHI CT
FORT WORTH TX 76108-4200

GASPAROVIC , KERRI
413 YUCHI CT
FORT WORTH TX 76108-4200

GEREN , THE HONORABLE CHARLIE STATE
REPRESENTATIVE
TEXAS HOUSE OF REPRESENTATIVES DISTRICT 99
PO BOX 2910
AUSTIN TX 78768-2910

GEREN , THE HONORABLE CHARLIE STATE
REPRESENTATIVE
TEXAS HOUSE OF REPRESENTATIVES DISTRICT 99
STE 301
6713 TELEPHONE RD
LAKE WORTH TX 76135-2926

GRIER , CHERYL
237 COPPERWOOD DR
LAKESIDE TX 76108-9485

HARPER , SHELLY
6301 CAHOBA DR
FORT WORTH TX 76135-4402

HAYNIE , DEBRA
10250 WESTERN OAKS RD
FORT WORTH TX 76108-9722

HILL , MACY L COUNCILWOMAN DISTRICT 7
CITY OF FORT WORTH
DISTRICT 7
100 FORT WORTH TRL
FORT WORTH TX 76102-2780

HORN , DEBORAH KATHERINE
217 PACK SADDLE TRL
FORT WORTH TX 76108-4269

JENKINS IV , BEN M
212 VERNA TRL N
FORT WORTH TX 76108-4209

JENSWOLD , ELIZABETH
609 VERNA TRL N
FORT WORTH TX 76108-4306

KARUNARATNE , CHETHIKA
336 PAINT PONY TRL N
FORT WORTH TX 76108-4227

KAYSER , GORDON A
7700 LON MORRIS CT
FORT WORTH TX 76135-4481

KAYSER , MARY J
7700 LON MORRIS CT
FORT WORTH TX 76135-4481

KEATOR , EZEKIEL
LOT 16
10250 WESTERN OAKS RD
FORT WORTH TX 76108-9722

LOVEALL , SHARON
701 VERNA TRL N
FORT WORTH TX 76108-4308

MAGUTH , DENNIS
10451 WHITE SETTLEMENT RD
FORT WORTH TX 76108-4273

MIHALICZ , NADINE
4037 ESTANCIA WAY
FORT WORTH TX 76108-8311

MITCHELL , JOEL B
7840 VINCA CIR
FORT WORTH TX 76135-4429

MITCHELL , PEGGY
7840 VINCA CIR
FORT WORTH TX 76135-4429

MOSES , MRS LEISA W
104 SILVER HILL CT
LAKESIDE TX 76108-9472

PARANATHANTRI , BUDDHIKA
336 PAINT PONY TRL N
FORT WORTH TX 76108-4227

PEREZ , AMANDA
629 LITTLE HORSE TRL
FORT WORTH TX 76108-4324

PEREZ , ROSS
248 PAINT PONY TRL N
FORT WORTH TX 76108-4225

PETROVICK , CHRISTINE
209 COPPERWOOD DR
LAKESIDE TX 76108-9485

RATTERREE , JIM
233 PAINT PONY TRL N
FT WORTH TX 76108-4226

RAVELO , LUZ
10113 PAINT PONY TRL N
FORT WORTH TX 76108-4320

ROBERTSON , MRS BEVERLY
133 YUCHI TRL S
FORT WORTH TX 76108-4248

ROBINSON , JACOBIE
100 CREEKWOOD CT
FORT WORTH TX 76108-9486

RUIZ , MRS CHRISTINA
10250 WESTERN OAKS RD
FT WORTH TX 76108-9722

SAUNDERS , NANCY
10524 CACTUS TRL
FORT WORTH TX 76108-4255

SCIENEAUX , AMY JOHNSON
525 PAINT PONY TRL N
FORT WORTH TX 76108-4314

SCOTT , JOHN ANDREW
STE 102
4410 W VICKERY BLVD
FORT WORTH TX 76107-6242

SCOTT , NICOLE
153 PAINT PONY TRL N
FORT WORTH TX 76108-4224

STARNES , ERIC
617 VERNA TRL N
FORT WORTH TX 76108-4306

TATE , GARLAND
656 PAINT PONY TRL N
FORT WORTH TX 76108-4315

TATE , SHARON
656 PAINT PONY TRL N
FORT WORTH TX 76108-4315

TURNER , PATTI GEARHART
105 CREEKWOOD CT
LAKESIDE TX 76108-9486

TURNER , RANDALL
105 CREEKWOOD CT
LAKESIDE TX 76108-9486

TURPEN , WYNDIE
818 MISSOURI AVE
FORT WORTH TX 76104-3618

VENNEL , CHRISTIE MARIE
100 YUCHI TRL N
FORT WORTH TX 76108-4243

WILSON , MR JOHN R
4224 LAKE OAKS CIR
FORT WORTH TX 76108-9380

WILSON , SARA
4224 LAKE OAKS CIR
FORT WORTH TX 76108-9380

WOOTEN , JULIET
6309 CAHOBA DR
FORT WORTH TX 76135-4402

WOOTEN , RON
6309 CAHOBA DR
FORT WORTH TX 76135-4402

WYATT , APRIL
104 COPPERWOOD DR
LAKESIDE TX 76108-9477

YOUNG , B J
6301 CAHOBA DR
FORT WORTH TX 76135-4402

**TCEQ AIR QUALITY STANDARD PERMIT CONCRETE BATCH PLANT
REGISTRATION NUMBER 177217L002**

APPLICATION BY	§	BEFORE THE
RAPTOR READY MIX INC	§	
CONCRETE BATCH PLANT	§	TEXAS COMMISSION ON
FORT WORTH, TARRANT COUNTY	§	ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Public Comment (Response) on the Standard Permit application and Executive Director's preliminary decision.

As required by Title 30 Texas Administrative Code (TAC) § 55.156, before an application is approved, the Executive Director prepares a response to all timely, relevant and material, or significant comments. The Office of Chief Clerk received timely comments from the following persons: City of Fort Worth Councilwoman Macy L. Hill, Fay Adamson, Sheila Anderson, Dean Arnové, Ginger Arnové, Randon Beavers, Robert D. Benda, Julia Brandt, Camilla Brannon, Aaron Brooks, Isabelle Canard, Holly Clifford, Kathleen Connelly, Shari Cook, Kee Cress, Frank Crow, Justin Daniels, Andy Dollarhite, Christina Ford, Daniel M. Gasparovic, Kerri Gasparovic, Charlie Geren, Cheryl Grier, Debra Haynie, Deborah Katherine Horn, Ben M. Jenkins, Elizabeth Jenswold, Chethika Karunaratne, Gordon A. Kayser, Mary J. Kayser, Ezekiel Keator, Emily Leonard, Sharon Loveall, Dennis Maguth, Nadine Mihalicz, Leisa W. Moses, Buddhika Paranathantri, Amanda Perez, Ross Perez, Christine Petrovick, Jim Ratterree, Luz Ravelo, Beverly Robertson, Jacobie Robinson, Christina Ruiz, Nancy Saunders, Amy Johnson Scieneaux, Nicole Scott, Eric Starnes, Garland Tate, Sharon Tate, Patti Gearhart Turner, Randall Turner, Wyndie Turpen, Christie Marie Vennel, and April Wyatt. This Response addresses all timely public comments received, whether or not withdrawn. If you need more information about this permit application or the permitting process, please call the TCEQ Public Education Program at 1-(800)-687-4040. General information about TCEQ can be found on our website at <http://www.tceq.texas.gov/>.

BACKGROUND

Description of Facility

Raptor Ready Mix Inc (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.

This permit will authorize the Applicant to construct a temporary Concrete Batch Plant located at the following driving directions: From downtown Fort Worth, travel west on I-30 for approximately 9 miles to I-820 N (Exit 5A). Travel north on I-820 for approximately 2.2 miles to Silver Creek Road (Exit 5B). At the light, turn left (West) on Silver Creek Road and travel approximately 0.8 miles. The entrance to the jobsite will be on the west side of Silver Creek Road, Fort Worth, Tarrant County, Texas 76052. Contaminants authorized under this permit include particulate matter, including (but not limited to) aggregate, cement, road dust, and particulate matter with diameters of 10 microns or less and 2.5 microns or less (PM₁₀ and PM_{2.5}, respectively).

Procedural Background

Before work begins on the construction of a new facility that may emit air contaminants, the person planning the construction must obtain an authorization from the commission. This permit application is for an initial issuance of Air Quality Permit Number 177217L002.

The permit application was received on October 18, 2024, and declared administratively complete on October 23, 2024. The 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 in English on November 22, 2024, in the *Fort Worth Star Telegram* and in Spanish on November 19, 2024, in *La Prensa Comunidad*. A public meeting was held on April 3, 2025, at the National Hall, 3316 Roberts Cut Off Road, Fort Worth, Texas 76114. The notice of public meeting was mailed on February 25, 2025. At the public meeting, TCEQ became aware that a copy of the application, Executive Director's preliminary decision, and standard permit was not made available at the public viewing place during the public notice and comment period. The applicant notified TCEQ on April 8, 2025, that the materials were placed at the White Settlement Library, 8215 White Settlement Road Fort Worth, Texas 76108. The public comment period was extended from April 3, 2025, to May 7, 2025, to allow the public to provide further comments on the permit application materials. 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).

COMMENTS AND RESPONSES

COMMENT 1: Air Quality/ Health and Cumulative Effects

Commenters are concerned about the effect of emissions from the proposed project on air quality and the environment, expressing concern regarding the potential adverse health effects of people in close proximity to the project, particularly sensitive populations such as the elderly, children, and people with preexisting medical conditions. Commenters expressed concern regarding potential health effects and exacerbation of symptoms such as asthma, respiratory issues, and allergies. Several commenters are concerned that children will be exposed to contaminants during outdoor activities, particularly the students at the nearby Brewer High School, and will not be able to go outside. Councilwoman Macy L. Hill expressed concern that the Standard Permit protectiveness review relies on inadequate and outdated data and should instead rely upon complete datasets from cities where TCEQ has service centers. Commenters are also concerned about cumulative effects from other nearby emission sources, particularly emissions from the Silver Creek Materials organic materials recycling plant.

(Councilwoman Macy L. Hill, Fay Adamson, Sheila Anderson, Dean Arnové, Ginger Arnové, Robert D. Benda, Julia Brandt, Camilla Brannon, Aaron Brooks, Isabelle Canard, Holly Clifford, Kathleen Connelly, Shari Cook, Kee Cress, Frank Crow, Justin Daniels, Christina Ford, Daniel M. Gasparovic, Kerri Gasparovic, Cheryl Grier, Debra Haynie, Ben M. Jenkins, Elizabeth Jenswold, Chethika Karunaratne, Mary J. Kayser, Ezekiel Keator, Sharon Loveall, Dennis Maguth, Nadine Mihalicz, Leisa W. Moses, Buddhika Paranathantri, Amanda Perez, Ross Perez, Christine Petrovick, Jim Ratterree, Luz Ravelo, Beverly Robertson, Jacobie Robinson, Nancy Saunders, Amy Johnson Scieneaux,

Nicole Scott, Eric Starnes, Garland Tate, Sharon Tate, Patti Gearhart Turner, Randall Turner, Wyndie Turpen, Christie Marie Vennel, April Wyatt)

RESPONSE 1: During the development of the Standard Permit, the Executive Director conducted an extensive protectiveness review to ensure protectiveness of human health and the environment.¹ 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. As described in detail below, the Executive Director determined that the emissions authorized by the Standard Permit for Concrete Batch Plants are protective of both human health and welfare, and the environment.

The U.S. Environmental Protection Agency (EPA) created and continues to evaluate the NAAQS, which include both primary and secondary standards, for pollutants considered harmful to public health and the environment. Primary standards protect public health, including sensitive members of the population such as children, the elderly, and those individuals with preexisting health conditions. Secondary NAAQS protect public welfare and the environment, including animals, crops, vegetation, visibility, and buildings, from any known or anticipated adverse effects from air contaminants. EPA has set NAAQS for criteria pollutants, which include carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO₂), ozone (O₃), sulfur dioxide (SO₂), particulate matter less than or equal to 10 microns in aerodynamic diameter (PM₁₀), and particulate matter less than or equal to 2.5 microns in aerodynamic diameter (PM_{2.5}).

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. 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. The emission generating facilities or activities included in the AQA were material handling operations, truck loading, stockpiles, cement silos, and an internal combustion engine to generate power for equipment at the site. TCEQ calculated emission rates using conservative emission factors and methodology from 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 analysis also conservatively assumed the operating schedule of facilities or activities at the site as 24 hours per day. The air contaminants evaluated were carbon monoxide, nitrogen dioxide, sulfur dioxide, PM₁₀ and PM_{2.5}, nickel particulate, and formaldehyde.

TCEQ applied the model in a screening mode to ensure predictions were conservative (higher than expected concentrations) and applicable for any location in the state. For

¹ Issuance of a standard permit considers the standards in effect at the time of issuance. Individual registrations for authorization under a standard permit must demonstrate compliance with the standard permit. Updates to the Air Quality Standard Permit for Concrete Batch Plants (standard permit) were adopted on January 24, 2024. All pending and new applications to register for authorization under the standard permits are required to meet the recently adopted amendment. Due to the changes in the annual NAAQS standard for PM_{2.5} becoming effective on May 6, 2024, TCEQ will evaluate whether updates are necessary to the current standard permit technical requirements.

example, the protectiveness review evaluated both rural and urban dispersion coefficients and the higher of the two was used as the maximum predicted concentration for developing the conditions of the Standard Permit for Concrete Batch Plants. The model also incorporated five years of meteorological data, including wind directions, which would include worst-case, short-term meteorological conditions that could occur anywhere in the state. In addition, all emissions sources were co-located in order to minimize bias due to source configuration and wind direction. This technique also provided conservative results since the impact from all sources was maximized.

TCEQ also evaluated the potential for cumulative or additive emissions. 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 only a relatively few receptors within the modeled area. The commission included sitewide production limits to avoid the potential for cumulative emissions that would be higher than what is authorized by the standard permit. In addition, distance requirements to the nearest rock crusher, concrete crusher, or hot mix asphalt plant were also added to avoid potential cumulative emission higher than the permit limit. Therefore, the commission determined that a review of other off-site sources is not necessary when determining approval of any particular standard permit application. In addition, based on the results of the protectiveness review, no adverse impacts are expected as a result of operations of multiple similar facilities, such as concrete batch plants, rock crushing plants, or hot-mix asphalt plants.

Based on the protectiveness review, no adverse effects are expected from facilities that meet all requirements of the Air Quality Standard Permit for Concrete Batch Plants. 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.

Cumulative Effects

TCEQ conducted a protectiveness review during the development of the standard permit to ensure that the requirements of the standard permit were protective of human health and the environment. 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, review of other off-site sources is not necessary when determining approval of any particular standard permit application. In addition, based on the results of the protectiveness review, no adverse impacts are expected as a result of operations of multiple similar facilities, such as concrete batch plants, rock crushing plants, or hot-mix asphalt plants.

COMMENT 2: Dust Control / Nuisance

Commenters expressed concern that the proposed site would create nuisance dust conditions near the facility, which could be exacerbated by winds.

(Fay Adamson, Sheila Anderson, Dean Arnové, Ginger Arnové, Robert D. Benda, Camilla Brannon, Aaron Brooks, Isabelle Canard, Holly Clifford, Shari Cook, Kee Cress, Frank Crow, Justin Daniels, Christina Ford, Daniel M. Gasparovic, Kerri Gasparovic, Cheryl Grier, Debra Haynie, Ben M. Jenkins, Chethika Karunaratne, Ezekiel Keator, Dennis Maguth, Nadine Mihalicz, Leisa W. Moses, Buddhika Paranathantri, Amanda Perez, Ross Perez, Christine Petrovick, Jim Ratterree, Luz Ravelo, Beverly Robertson, Jacobie

Robinson, Nancy Saunders, Amy Johnson Scieneaux, Nicole Scott, Eric Starnes, Garland Tate, Sharon Tate, Patti Gearhart Turner, Randall Turner, Christie Marie Vennel, April Wyatt)

RESPONSE 2: Vehicle traffic and material handling are the primary activities that have the potential to emit particulate matter (i.e. dust) resulting from the proposed plant. All of the potential dust concentrations from the permitted sources have been evaluated based on operating parameters represented in the application and compared to the impacts criteria described in Response 1. The Standard Permit for Concrete Batch Plants requires substantial dust control processes to minimize dust emissions, which include paving in-plant roads and work areas, using water sprays on stockpiles, and using a suction shroud with a three-sided curtain to prevent flyaway dust at the product loading point. 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.

Concrete is made up of four main ingredients: water, Portland cement, fly ash, and aggregates.

- Portland cement is the most common cement used and is composed of alumina, silica, lime, iron, and gypsum.
- Aggregates are sand, gravel, and crushed stone.

These ingredients are considered non-hazardous dust under normal conditions. Certain types of silica (e.g., crystalline silica), when inhaled over a long period, have been shown to cause adverse health effects. However, concrete production facilities operating under standard permits have been determined to not make a significant contribution of these types of air contaminants to the atmosphere. The Commission performed an updated air quality analysis (AQA) in support of the 2024 concrete batch plant standard permit amendment to address public concern about potential health impacts from concrete batch plants registered under the standard permit. The adopted revisions to the standard permit are a result of the updated AQA. No adverse effects are expected to occur from facilities that meet all requirements of the Standard Permit for Concrete Batch Plants.

While nuisance conditions are not expected if the facility is operated 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 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." When a company operates in compliance with the Standard Permit requirements, such as those listed above, there should be no deterioration of air quality, the generation of dust, or odors such that it impacts visibility, or accumulates on water in fields. Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with terms of any permit or other environmental regulation by contacting TCEQ Dallas/Fort Worth Regional Office at 817-588-5800 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186.

COMMENT 3: Environmental Impacts

Commenters expressed concern that emissions from the proposed project would negatively impact the surrounding environment and wildlife, particularly Lake Fort Worth and the Fort Worth Nature Center. Julia Brandt requests that an Environmental Impact Study (EIS) be conducted.

(Councilwoman Macy L. Hill, Aaron Brooks, Kathleen Connelly, Sharon Loveall, Mary J. Kayser, Andy Dollarhite, Julia Brandt, Luz Ravelo)

RESPONSE 3: The secondary NAAQS are those the EPA Administrator determines are necessary to protect public welfare and the environment, including animals, crops, vegetation, visibility, and buildings, from any known or anticipated adverse effects associated with the presence of a contaminant in the ambient air. Because the emissions from this facility should not cause an exceedance of the NAAQS, air emissions from this facility are not expected to adversely impact land, livestock, wildlife, crops, or visibility, nor should emissions interfere with the use and enjoyment of surrounding land or water. Please see Response 1 for an evaluation of the Standard Permit's impacts in relation to the NAAQS. In addition, 30 TAC § 101.4 prohibits the discharge of contaminants which may be injurious to, or adversely affect, animal life.

Environmental Assessments and Environmental Impact Statements (EIS) are a specific requirement for federal agencies under the National Environmental Policy Act (NEPA). An EIS is not required for state actions such as this permit. However, both the TCAA and TCEQ rules provide for an extensive review of the application to ensure that emissions from the proposed facility will not violate the NAAQS and will not be expected to adversely affect human health or the environment. A health effects review was conducted for the proposed facilities during the permit review and the permit was found to be protective of human health and the environment.

COMMENT 4: Public Notice

Commenters state that they were unaware of the project and that the community did not receive proper notice, further expressing concern that the community did not have adequate time to do anything. Mary J. Kayser expressed concern that she could not find the permit documents at the library listed in the public notice, and further asked how she can receive notices for other permits in the area.

(Shari Cook, Elizabeth Jenswold, Mary J. Kayser, Emily Leonard, Sharon Loveall)

RESPONSE 4: The Executive Director instructs applicants to provide public notice, as required by TCEQ rules in Chapter 39 (Public Notice), in accordance with the statutory requirements of TCAA § 382.05195. Section 39.603 provides that the Applicant shall publish a consolidated Notice of Receipt and Intent to Obtain an Air Quality Permit (NORI) and Notice of Application and Preliminary Decision for an Air Quality Permit (NAPD) after administrative and technical review of the registration is complete. The notice must be published in a newspaper of general circulation in the municipality in which the proposed facility is located or proposed to be located. If the proposed plant is not located within a municipality, the newspaper should be of general circulation in the municipality nearest to the location or proposed location. As such, individual notice of nearby residents is not required by the statute or TCEQ rules.

Section 39.411 prescribes the content required in the public notice. The notice must include a description of the facility, information on how an affected person may

request a public hearing, pollutants the facility will emit, and any other information TCEQ requires by rule. The content of the public notice also informs the public of its opportunity to make comments and request a public meeting or contested case hearing. The required newspaper notice also invites citizens to request mailed notice on matters of interest by submitting their contact information to the Office of the Chief Clerk. The Chief Clerk is required to mail notice to persons on mailing lists maintained by the Office of the Chief Clerk. In addition, 30 TAC § 39.405(g) requires that applicants make a copy of the administratively complete application available for review at a public place in the county in which the plant is proposed to be located. Additionally, since July 2024, all permit applications have been posted on the commission's website, including this permit application. To demonstrate compliance with TCEQ rules, 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.

As stated in the Procedural Background of this Response above, the Consolidated Notice of Receipt of Application and Intent to Obtain Permit and Notice of Application and Preliminary Decision (public notice) for this permit application was published in English on November 22, 2024, in the *Fort Worth Star Telegram* and in Spanish on November 19, 2024, in *La Prensa Comunidad*. A public meeting was held on April 3, 2025, at the National Hall, 3316 Roberts Cut Off Road, Fort Worth, Texas 76114. The notice of public meeting was mailed on February 25, 2025. The public comment period ended on May 7, 2025.

TCEQ was made aware at the April 3, 2025, public meeting that a copy of the administratively complete application, Executive Director's preliminary decision, and standard permit was not made available at a public place in the county in which the plant is proposed to be located during the public notice comment period. After the public meeting, TCEQ required the Applicant to make a copy these documents available for review at a public place in the county in which the plant is proposed to be located per 30 TAC § 405(g). On April 8, 2025, the applicant notified TCEQ that the materials were placed at the White Settlement Library, 8215 White Settlement Road Fort Worth, Texas 76108, and TCEQ subsequently extended the public comment period an additional 30-days to allow the public time to review the application and provide any further comments. The application, Executive Director's preliminary decision, and standard permit was made available for viewing and copying at the TCEQ central office, the TCEQ Dallas/Fort Worth regional office, and at the White Settlement Library, 8215 White Settlement Road, Fort Worth, Tarrant County, 76108 from April 8, 2025, until the extended comment period end date of May 7, 2025.

TCEQ maintains mailing lists and will mail notice to persons who request to be on the mailing list for any particular permit application and provide a mailing address. However, TCEQ does not maintain a mailing or distribution list automatically for all permits in a general area. Information on current pending air permit applications can be found on the TCEQ website at <https://www.tceq.texas.gov/permitting/air/airpermit-applications-notices>. Information on public meetings, contested case hearings, providing comments, requesting accommodations, and more can be found on the TCEQ website at www.tceq.texas.gov/goto/participation.

COMMENT 5: Sign Posting

Commenters expressed concern regarding the signs posted, stating that the signage was too small to read and placed in a spot where people cannot stop and read it.

(Shari Cook, Elizabeth Jenswold, Emily Leonard, Sharon Loveall)

RESPONSE 5: Title 30 TAC § 39.604 requires that signs be placed at the site of the existing or proposed facility. The sign(s) must state that an application for a standard permit has been filed and the manner in which the commission may be contacted for further information.

Each sign placed at the site must be located within ten feet of every property line paralleling a public highway, street, or road. Signs are required to be a minimum of 18 inches by 28 inches, and all lettering must be no less than 1-1/2 inch block printed capitals. Signs must also be visible from the street and spaced at not more than 1,500-foot intervals. A minimum of one sign, but no more than three signs are required along any property line paralleling a public highway, street, or road. Finally, in cases which notice is required to be published in an alternative language, the applicant must also post signs in the applicable alternative language.

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. To demonstrate compliance with public notice requirements, applicants are required to provide the Office of the Chief Clerk with copies of the published notice and a publisher's affidavit verifying facts related to the publication, including that the newspaper is a paper of general circulation in the municipality in which the proposed facility is located or proposed to be located. The Applicant has met these requirements.

COMMENT 6: Monitors

Commenters requested that air quality monitoring be conducted at the site and in the general area, expressing concern that the nearest monitors are too far away.

(Julia Brandt, Gordon A. Kayser, Luz Ravelo)

RESPONSE 6: Due to cost and logistical constraints, the placement of air monitors is prioritized to provide data on regional air quality in areas frequented by the public. The existing air monitoring network is the result of a strategic balance of matching federal monitoring requirements with state and local needs. 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. In addition, TCEQ may prioritize monitor placement in areas with potential regional air quality issues, such as those related to increased oil and gas activity in the Barnett Shale and Eagle Ford Shale areas.

TCEQ annually evaluates the number and location of air monitors within its network to assess compliance with federal monitoring requirements and the adequacy of monitoring coverage for identified monitoring objectives as a part of the Annual Monitoring Network Plan provided to EPA on July 1 of each year. This plan is made available on TCEQ's website for public review and comment for 30 days beginning in mid-May. Requests for additional monitoring or the identification of additional

monitoring needs may be made during this public comment period and will be considered along with other monitoring priorities across the state. To receive email announcements related to the ambient air monitoring network, including the availability of the Annual Monitoring Network Plan for public review and comment, please visit the following link

<https://service.govdelivery.com/accounts/TXTCEQ/subscriber/new> and select "Air Monitoring Network Announcements."

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. In addition, TCEQ does not have a routine monitoring plan for this type of industry.

COMMENT 7: Location / Zoning

Commenters expressed concern regarding the location of the facility and its compliance with current local zoning ordinances. Commenters also expressed concern regarding the location of the facility as it relates to Brewer High School, Lake Worth, Fort Worth Nature Center, residences, and other existing plants in the area. Commenters expressed that the proposed plant should be located somewhere else.

(Councilwoman Macy L. Hill, Fay Adamson, Sheila Anderson, Dean Arnové, Ginger Arnové, Randon Beavers, Robert D. Benda, Camilla Brannon, Aaron Brooks, Isabelle Canard, Holly Clifford, Kathleen Connelly, Shari Cook, Andy Dollarhite, Charlie Geren, Cheryl Grier, Debra Haynie, Ben M. Jenkins, Chethika Karunaratne, Mary J. Kayser, Ezekiel Keator, Dennis Maguth, Nadine Mihalicz, Leisa W. Moses, Buddhika Paranathantri, Amanda Perez, Ross Perez, Christine Petrovick, Jim Ratterree, Luz Ravelo, Beverly Robertson, Jacobie Robinson, Christina Ruiz, Nancy Saunders, Amy Johnson Scieneaux, Nicole Scott, Eric Starnes, Garland Tate, Sharon Tate, Patti Gearhart Turner, Randall Turner, Wyndie Turpen, Christie Marie Vennel, April Wyatt)

RESPONSE 7: Generally, TCEQ does not have jurisdiction to consider facility location choices made by an applicant when determining whether to approve or deny a permit application, unless a statute or rule specifically requires the Commission to consider some aspect of the location. Generally, zoning is beyond the authority of TCEQ to consider when reviewing permit applications. The issuance of a permit does not override any local zoning requirements that may be in effect and does not authorize an applicant to operate outside of local zoning requirements.

COMMENT 8: Traffic / Trucks / Roads / Public Infrastructure

Commenters expressed concern regarding truck traffic, diesel emissions, spillage of debris from the truck traffic, and damage to roads. Commenters also expressed road safety concerns from truck traffic.

(Councilwoman Macy L. Hill, Fay Adamson, Sheila Anderson, Dean Arnové, Ginger Arnové, Randon Beavers, Robert D. Benda, Camilla Brannon, Aaron Brooks, Isabelle Canard, Holly Clifford, Kathleen Connelly, Shari Cook, Kee Cress, Frank Crow, Justin Daniels, Christina Ford, Daniel M. Gasparovic, Kerri Gasparovic, Cheryl Grier, Debra Haynie, Ben M. Jenkins, Chethika Karunaratne, Gordon A. Kayser, Ezekiel Keator, Emily Leonard, Sharon Loveall, Dennis Maguth, Nadine Mihalicz, Leisa W. Moses, Buddhika Paranathantri, Amanda Perez, Ross Perez, Christine Petrovick, Jim Ratterree, Luz Ravelo, Beverly Robertson, Jacobie Robinson, Nancy Saunders, Amy Johnson Scieneaux,

Nicole Scott, Eric Starnes, Garland Tate, Sharon Tate, Patti Gearhart Turner, Christie Marie Vennel, April Wyatt)

RESPONSE 8: TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statute. For many authorizations, TCEQ does not have jurisdiction to consider traffic issues when determining whether to approve or deny a permit application. The scope of the agency's regulatory jurisdiction does not affect or limit the ability of a landowner to seek relief from a court in response to activities that interfere with the landowner's use and enjoyment of their property. Commenters may contact the [Texas Department of Transportation \(TxDOT\)](#) for any state highway-related concerns. For any concerns related to city - or county-maintained roads, commenters may contact their local, city, or county public works or roads/streets department.

If permitted facilities are operated in compliance with TCEQ rules and the terms and conditions of the permit, the facility should not adversely impact human health or the environment. Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with any permit terms or other environmental regulations by contacting TCEQ Dallas/Fort Worth Regional Office at (817) 588-5700 or by calling the 24-hour toll free Environmental Complaints Hotline at (888) 777-3186. If the facility is found to be out of compliance with the terms and conditions of the permit, it may be subject to possible enforcement action.

COMMENT 9: Noise / Light / Quality of Life / Property Values / Aesthetics

Commenters expressed concern regarding noise and light pollution from the proposed project. Commenters are also concerned about the effect of the proposed project on their quality of life, aesthetics of the area, and possible devaluation of property in the area.

(Councilwoman Macy L. Hill, Fay Adamson, Sheila Anderson, Dean Arnové, Ginger Arnové, Robert D. Benda, Camilla Brannon, Aaron Brooks, Isabelle Canard, Holly Clifford, Kathleen Connelly, Shari Cook, Kee Cress, Frank Crow, Justin Daniels, Andy Dollarhite, Christina Ford, Daniel M. Gasparovic, Kerri Gasparovic, Charlie Geren, Cheryl Grier, Debra Haynie, Ben M. Jenkins, Chethika Karunaratne, Ezekiel Keator, Dennis Maguth, Nadine Mihalicz, Leisa W. Moses, Buddhika Paranathantri, Amanda Perez, Ross Perez, Christine Petrovick, Jim Ratterree, Luz Ravelo, Beverly Robertson, Jacobie Robinson, Nancy Saunders, Amy Johnson Scieneaux, Nicole Scott, Eric Starnes, Garland Tate, Sharon Tate, Patti Gearhart Turner, Wyndie Turpen, Christie Marie Vennel, April Wyatt)

RESPONSE 9: TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statute and rules. Therefore, TCEQ does not have the authority to consider potential effects from plant location, aesthetics, zoning and land use issues, or quality of life when determining whether to approve or deny an air permit.

Additionally, TCEQ does not have jurisdiction to consider noise from a facility when determining whether to approve or deny a permit application. Commenters may wish to contact local authorities to inquire if there are any applicable local noise ordinances in the area where the facility is located. Commenters may wish to contact local (i.e., city or county) law enforcement authorities with questions or complaints about noise. TCEQ also does not have the authority to address issues regarding light pollution as part of the permitting process.

TCEQ does not have jurisdiction to consider whether the proposed activity will impact development, property values, property transactions, or investment property when determining whether to approve or deny a permit application. However, the issuance of a permit does not authorize injury to persons or property or invasion of other property rights or violation of state or local law or regulation. The Executive Director's review of a permit application is limited to whether the application and proposed activities meet the requirements of applicable TCEQ rules.

TCEQ rule requirements are intended to safeguard human health and the environment. If permitted facilities are operated in compliance with TCEQ rules and the terms and conditions of the permit, the facility should not adversely impact human health or the environment. Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with any permit terms or other environmental regulations by contacting TCEQ Dallas/Fort Worth Regional Office at (817) 588-5800 or by calling the 24-hour toll free Environmental Complaints Hotline at (888) 777-3186. If the facility is found to be out of compliance with the terms and conditions of the permit, it may be subject to possible enforcement action.

COMMENT 10: TCEQs Responsibility to the Community / General Opposition

Commenters asked that TCEQ consider residents and their wishes and choose not to approve the permit registration for the proposed plant. Commenters expressed general opposition to the proposed project.

(Councilwoman Macy L. Hill, Fay Adamson, Sheila Anderson, Dean Arnové, Ginger Arnové, Randon Beavers, Robert D. Benda, Julia Brandt, Camilla Brannon, Aaron Brooks, Isabelle Canard, Holly Clifford, Kathleen Connelly, Shari Cook, Kee Cress, Frank Crow, Justin Daniels, Andy Dollarhite, Christina Ford, Daniel M. Gasparovic, Kerri Gasparovic, Charlie Geren, Cheryl Grier, Debra Haynie, Deborah Katherine Horn, Ben M. Jenkins, Elizabeth Jenswold, Chethika Karunaratne, Gordon A. Kayser, Mary J. Kayser, Ezekiel Keator, Dennis Maguth, Nadine Mihalicz, Leisa W Moses, Buddhika Paranathantri, Amanda Perez, Ross Perez, Christine Petrovick, Jim Ratterree, Luz Ravelo, Beverly Robertson, Jacobie Robinson, Christina Ruiz, Nancy Saunders, Amy Johnson Scieneaux, Nicole Scott, Eric Starnes, Garland Tate, Sharon Tate, Patti Gearhart Turner, Randall Turner, Wyndie Turpen, Christie Marie Vennel, April Wyatt)

RESPONSE 10: The Executive Director acknowledges the concerns of the citizens. TCEQ appreciates the comments and interest from the public in environmental matters before the agency and acknowledges the comments in opposition of the project. As stated previously, TCEQ reviews all applications consistent with applicable law and TCEQ's regulatory authority. The Executive Director's staff has reviewed the Standard Permit registration in accordance with the applicable state and federal law, policy and procedures, and the agency's mission to protect the state's human and natural resources consistent with sustainable economic development. TCEQ cannot deny authorization of a facility if a permit application contains a demonstration that all applicable statutes, rules, and regulations will be met.

CHANGES MADE IN RESPONSE TO COMMENT

No changes have been made to the Executive Director's preliminary determination that the application meets the requirements for permit issuance.

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel, Executive Director

Phillip Ledbetter, Director
Office of Legal Services

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REPRESENTING THE
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