

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**AN INTERIM ORDER** concerning the application by United Ready Mix LLC for Air Quality Standard Permit for Concrete Batch Plant Registration No. 161495; TCEQ Docket No. 2021-1212-AIR.

On December 15, 2021, the Texas Commission on Environmental Quality (Commission) considered during its open meeting requests for hearing concerning the application by United Ready Mix LLC (Applicant) for Air Quality Standard Permit for Concrete Batch Plant Registration No. 161495 to authorize the construction and operation of a permanent concrete batch plant in Brazoria County, Texas. The requests for hearing were evaluated under the requirements in the applicable statutes and Commission rules, including 30 Texas Administrative Code Chapter 55. The Commission also considered the responses to the requests for hearing filed by the Executive Director and the Office of Public Interest Counsel; the requesters' replies; all timely public comment; and the Executive Director's Response to Comment.

After evaluation of all relevant filings, the Commission determined that Milinda Hymel is an affected person under applicable law and that her hearing request should be granted. The remaining hearing requests were denied.

The Commission next determined whether the affected person's request for hearing raised disputed issues of fact that were raised during the comment period and are relevant and material to its decision on the application. The Commission determined that the following issues met these

requirements and directed that they be referred to SOAH: A) Whether the permit is protective of health of the requester and her family; and B) Whether the permit is protective against dust emissions generated from the proposed plant, including nuisance dust emissions.

The Commission also determined to refer the matter to the Commission's Alternative Dispute Resolution Program, to run concurrent with SOAH preliminary hearing scheduling efforts. Finally, the Commission specified that the maximum duration of the contested case hearing shall be 180 days from the first day of the preliminary hearing to the date the proposal for decision is issued by SOAH.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that:

- (1) The hearing requests filed by Milinda Hymel is hereby GRANTED;
- (2) The remaining hearing requests are hereby DENIED;
- (3) The Chief Clerk shall refer to SOAH the following issues for a contested case hearing on the application:
  - A) Whether the permit is protective of the health of the requester and her family; and
  - B) Whether the permit is protective against dust emissions generated from the proposed plant, including nuisance dust emissions.
- (4) The matter is REFERRED to the Commission's Alternative Dispute Resolution Program to run concurrently with SOAH's scheduling process;
- (5) The maximum duration of the hearing is set at 180 days from the first day of the preliminary hearing to the date the proposal for decision is issued by SOAH; and

- (6) If any provision, sentence, clause or phrase of this Order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

  
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Jon Niermann, Chairman

12/21/21  
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Date Signed