

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



EXAMPLE A

NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN AIR PERMIT (NORI) RENEWAL

PERMIT NUMBER 55353

APPLICATION. Martin Marietta Materials Southwest, LLC, has applied to the Texas Commission on Environmental Quality (TCEQ) for renewal of Air Quality Permit Number 55353, which would authorize continued operation of a Rock Crushing Facility located at 3600 Schalker Drive, Houston, Harris County, Texas 77026. **AVISO DE IDIOMA**

ALTERNATIVO. El aviso de idioma alternativo en español está disponible en

<https://www.tceq.texas.gov/permitting/air/newsourcereview/airpermits-pendingpermit-apps>. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <https://gisweb.tceq.texas.gov/LocationMapper/?marker=-95.344722,29.794444&level=13>. The existing facility is authorized to emit the following air contaminants: particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less.

This application was submitted to the TCEQ on July 17, 2023. The application will be available for viewing and copying at the TCEQ central office, TCEQ Houston regional office, and the Carnegie Neighborhood Library and Center for Learning, 1050 Quitman Street, Houston, Harris County, Texas beginning the first day of publication of this notice. The facility's compliance file, if any exists, is available for public review in the Houston regional office of the TCEQ.

The executive director has determined the application is administratively complete and will conduct a technical review of the application. Information in the application indicates that this permit renewal would not result in an increase in allowable emissions and would not result in the emission of an air contaminant not previously emitted. **The TCEQ may act on this application without seeking further public comment or providing an opportunity for a contested case hearing if certain criteria are met.**

PUBLIC COMMENT. You may submit public comments to the Office of the Chief Clerk at the address below. The TCEQ will consider all public comments in developing a final decision on the application and the executive director will prepare a response those comments. Issues such as property values, noise, traffic safety, and zoning are outside of the TCEQ's jurisdiction to address in the permit process.

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

The deadline to submit a request for a contested case hearing is 15 days after newspaper notice is published. If a request is timely filed, the deadline for requesting a contested case hearing will be extended to 30 days after mailing of the response to comments.

If any requests for a contested case hearing are timely filed, the Executive Director will forward the application and any requests for a contested case hearing to the Commissioners for their consideration at a scheduled Commission meeting. Unless the application is directly referred to a contested case hearing, the executive director will mail the response to comments along with notification of Commission meeting to everyone who submitted comments or is on the mailing list for this application. The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material air quality concerns submitted during the comment period.** Issues such as property values, noise, traffic safety, and zoning are outside of the Commission's jurisdiction to address in this proceeding.

MAILING LIST. In addition to submitting public comments, you may ask to be placed on a mailing list for this application by sending a request to the Office of the Chief Clerk at the address below. Those on the mailing list will receive copies of future public notices (if any) mailed by the Office of the Chief Clerk for this application.

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

Further information may also be obtained from Martin Marietta Materials Southwest, LLC, 1503 LBJ Freeway, Suite 400, Dallas, Texas 75234-6007 or by calling Ms. Kelsey Worley, Environmental Engineer at (346) 323-1675.

Notice Issuance Date: July 21, 2023

Example B

Publication Elsewhere in the Newspaper:

TO ALL INTERESTED PERSONS AND PARTIES:

Martin Marietta Materials Southwest, LLC, has applied to the Texas Commission on Environmental Quality (TCEQ) for renewal of Air Quality Permit No. 55353, which would authorize continued operation of a Rock Crushing Facility located at 3600 Schalker Drive, Houston, Harris County, Texas 77026. Additional information concerning this application is contained in the public notice section of this newspaper.

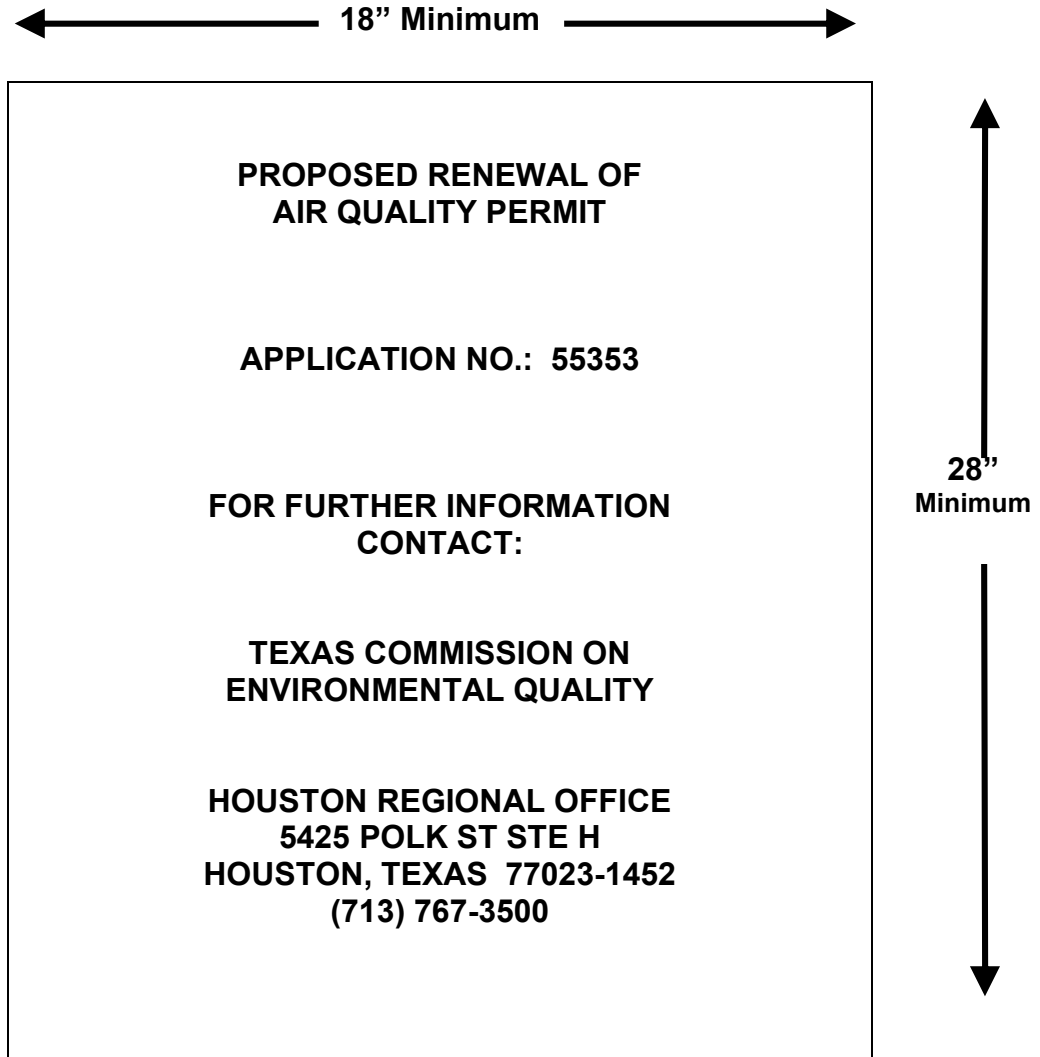
↑
3"
minimum

← Minimum 2 column widths or 4 inches →

Example C

Sign Posting

Sign(s) must be in place on day of publication of first newspaper notice and must remain in place and the lettering must be legible for the 15-day public comment period (which begins on the last day of newspaper publication, either English or alternate language notice, whichever is later). Note - The information shown is an example only. It is your responsibility to verify that the appropriate information pertaining to your application is accurate. Each sign placed at the site must be located within 10 feet of each (every) property line paralleling a public highway, street or road. Signs must be visible from the street and spaced at not more than 1,500-foot intervals. A minimum of one sign, but not more than three signs shall be required along any property line paralleling a public highway, street, or road.



Sign(s) must be placed at whatever height above the ground is necessary for sign(s) to be 100% visible from the street.

WHITE BACKGROUND WITH BLACK LETTERS

All lettering must be no less than 1-1/2 inch block printed capitals.

Public Notice Checklist
Notice of Receipt of Application and Intent to Obtain Permit
(1st Notice)

The following tasks must be completed for public notice. If publication in an alternative language is required, please complete the tasks for both the English and alternative language publications. Detailed instructions are included in the "Instructions for Public Notice" section of this package.

Within 30 calendar days after date of administrative completeness letter
<p>Publish <i>Notice of Receipt of Application and Intent to Obtain Permit</i></p> <ul style="list-style-type: none">- Example A must be published in "public notice" section of newspaper. Review for accuracy prior to publishing.- Example B must be published in prominent location (other than "public notice") in same issue of newspaper. <p>Provide copy of application at a public place for review and copying. Keep it there until end of the designated comment period.</p> <p>Prepare signs.</p>
First day of newspaper publication
<p>Review published newspaper notice for accuracy. If errors, contact Air Permits Division.</p> <p>Post signs and keep them up for duration of the designated comment period (see Example C).</p> <p>Ensure copy of application is at the public place.</p>
Within 10 business days after date of publication
<p>Proof of publication showing publication date and newspaper name should be emailed to PROOFS@tceq.texas.gov or mailed to:</p> <ul style="list-style-type: none">Texas Commission on Environmental QualityOffice of the Chief Clerk, MC-105Attn: Notice TeamP.O. Box 13087Austin, Texas 78711-3087 <p>Mail or email, as instructed, photocopies of newspaper clippings showing publication date and newspaper name to persons listed on <i>Notification List</i></p>
Within 30 calendar days after date of publication
<p>Affidavit of publication for air permitting and alternative language affidavit of publication for air permitting (if applicable) should be emailed to PROOFS@tceq.texas.gov or mailed to:</p> <ul style="list-style-type: none">Texas Commission on Environmental QualityOffice of the Chief Clerk, MC-105Attn: Notice TeamP.O. Box 13087Austin, Texas 78711-3087 <p>Mail or email, as instructed, photocopies of affidavits to persons listed on <i>Notification List</i></p>
Within 10 business days after end of the designated comment period
<p>Public Notice Verification Form should be emailed to PROOFS@tceq.texas.gov or mailed to:</p> <ul style="list-style-type: none">Texas Commission on Environmental QualityOffice of the Chief Clerk, MC-105Attn: Notice TeamP.O. Box 13087Austin, Texas 78711-3087 <p>Mail or email, as instructed, photocopies of Public Notice Verification Form to persons listed on <i>Notification List</i></p>