

**TCEQ AIR QUALITY STANDARD PERMIT FOR PERMANENT ROCK AND CONCRETE  
CRUSHER REGISTRATION NUMBER 176835**

<b>APPLICATION BY</b>	<b>§</b>	<b>BEFORE THE</b>
<b>ASPHALT INC., LLC</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>ROCK CRUSHING PLANT</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>
<b>BURNET, BURNET COUNTY</b>	<b>§</b>	

**EXECUTIVE DIRECTOR'S RESPONSE TO THE MOTIONS TO OVERTURN**

TO THE HONORABLE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY CHAIRMAN PAUP, AND COMMISSIONERS JANECKA AND GONZALES

COMES NOW the Executive Director of the Texas Commission on Environmental Quality (TCEQ or Commission) and files this Brief in Response to the Motions to Overturn (MTO) the decision by the Executive Director to approve the initial issuance of Air Quality Standard Permit Registration No. 176835 to Asphalt Inc., LLC for a Permanent Rock and Concrete Crusher and in support thereof shows the following:

**I. Introduction**

Asphalt Inc., LLC ("Applicant" or "Asphalt") 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 Rock Crushing Plant. The plant is proposed to be located at 3221 Farm to Market Road 3509, Burnet, Burnet County, Texas. Contaminants authorized under this permit include particulate matter (PM), including particulate matter with diameters of 10 microns or less (PM<sub>10</sub>) and 2.5 microns or less (PM<sub>2.5</sub>).

The registration application was received on July 3, 2024, and declared administratively complete on August 20, 2024. The Notice of Application for an Air Quality Standard Permit for Permanent Rock and Concrete Crushers (Notice) was

originally published in English on August 28, 2024, in the *Burnet Bulletin*. The Notice was also published in Spanish on August 29, 2024, in *El Mundo*. A public meeting was held on December 10, 2024, at the Hill Country Fellowship, 200 Houston Clinton Drive, Burnet, Texas. The notice of public meeting was mailed on November 8, 2024. The public comment period ended on December 10, 2024. The permit was issued on February 14, 2025. The Executive Director's Response to Comments (RTC) in English was filed on February 14, 2025, and mailed on February 14, 2025.

## **II. Reply to Motion for Rehearing**

An MTO is a remedy provided by TEX. HEALTH & SAFETY CODE § 382.061(b) and 30 TAC § 50.139. There were numerous timely filed MTOs regarding the Executive Director's decision to issue the authorization to Asphalt Inc., LLC, Registration No. 176835.

### *a. Protectiveness of This Permit Application for a Standard Permit for Rock and Concrete Crushers.*

The MTOs of Representative Troxclair, Larry Black, and Myra Allen Habbit contend that the operation under the proposed permit will not be protective of human health and the environment. Representative Troxclair's MTO also contends that this permit will result in the degradation of air quality. The MTOs of Representative Troxclair and Larry Black contend that TCEQ needs to do additional modeling for this proposed permit. Representative Troxclair's MTO contends that not identifying the composition of the particulate matter emissions and the impact on human health from the proposed particulate matter emissions is insufficient. The MTOs of Representative Troxclair and Larry Black both contend that TCEQ did not sufficiently consider the

emission of crystalline silica, and Representative Troxclair's MTO does acknowledge that crystalline silica was evaluated during the development of the Standard Permit. Larry Black's MTO also contends that TCEQ needs to conduct the modeling study requested by Texas Parks and Wildlife.

During the development of the Standard Permit, the Executive Director conducted an extensive protectiveness review to ensure protectiveness of human health and the environment. The protectiveness review determined potential impacts to human health and welfare and 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 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 the public health, including sensitive members of the populations, 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.

The Standard Permit is designed to comply with the NAAQS in place at the time the Standard Permit was issued, on July 30, 2008. The primary contaminants that have the potential to be emitted from this plant are particulate matter, including PM<sub>10</sub> and PM<sub>2.5</sub>. Under the Standard Permit, Asphalt is required to implement substantial dust control processes to minimize their emissions. These control processes ensure that operation of the plant will not cause or contribute to a violation of the NAAQS in place

at the time the Standard Permit was issued, and operation of the plant is protective of human health and the environment.<sup>1</sup> The Executive Director determined that the emissions authorized by the Standard Permit are protective of both human health and welfare and the environment.

One of the most common health concerns expressed about crushing operations relates to the potential exposure to silica. TCEQ has reviewed ambient air crystalline silica levels measured near aggregate production operations (APOs) similar to this proposed plant in various locations throughout the United States where data are available.<sup>2</sup> These data indicate that the contribution of crystalline silica from these plants to ambient levels of PM and respirable crystalline silica is negligible or minimal, and that the levels generally are below the health-based air monitoring comparison values for crystalline silica developed by TCEQ.

The EPA does not monitor for crystalline silica, therefore there is no EPA requirement for TCEQ to monitor for crystalline silica. However, TCEQ conducted an air monitoring project in 2022-2023 near aggregate production operation (APO) facilities to better assess the crystalline silica concentrations near APOs.<sup>3</sup> These data indicate that the contribution of crystalline silica from these plants to ambient levels of PM and respirable crystalline silica is negligible or minimal, and that the levels generally are below the health-based air monitoring comparison values for crystalline

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<sup>1</sup> 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. Due to the changes in the annual NAAQS standard for PM<sub>2.5</sub> becoming effective on May 6, 2024, the TCEQ will evaluate whether updates are necessary to the current standard permit technical requirements.

<sup>2</sup> This request is outlined in the PI-1S Instructions (II) B which states the TCEQ may request a map showing the location of the facility during the review of the standard permit registration. Area maps for New Source Review application routinely require the 3,000-foot boundary.

<sup>3</sup> See TEX. COMM'N ON ENV'T QUALITY TOXICOLOGY, RISK ASSESSMENT, AND RESEARCH DIVISION, AMBIENT MONITORING OF PARTICULATES, INCLUDING CRYSTALLINE SILICA, NEAR APO FACILITIES, FINAL REPORT (2024).

silica developed by TCEQ. Therefore, the contemporary analysis indicates that the proposed project should not significantly contribute to ambient levels of PM and respirable crystalline silica or a non-negligible impact to background concentrations of the two.

Additionally, the Standard Permit protectiveness review evaluated particulate matter, including PM<sub>10</sub> and PM<sub>2.5</sub>, silica, and products of combustions from the engines, including PM<sub>10</sub>, sulfur dioxide (SO<sub>2</sub>), carbon monoxide (CO), and nitrogen dioxide (NO<sub>2</sub>). Regarding silica emissions, the protectiveness review evaluated the impact on air quality if the crushed material had up to twenty-percent silica, which is a very conservative assumption. The model predicted that the maximum one-hour and the maximum annual concentrations of silica would be half of TCEQ's health-based screening values. Based on TCEQ's conservative modeling analysis, a company operating in compliance with the Standard Permit should not contribute to the deterioration of air quality that would cause health effects to the surrounding community, including residents in the local neighborhoods. Because this Applicant applied for a Standard Permit, it is not subject to modeling requirements associated with other NSR permits, such as a case-by-case permit application. In summary, adverse impacts to human health or welfare as a result of silica emissions from the proposed plant are not expected.

TCEQ respectfully disagrees with the assertion that operation under the proposed permit will negatively impact ambient air quality. Operation in accordance with the Standard Permit should not result in a violation of the primary or secondary NAAQS, and, therefore, should not negatively impact ambient air quality.

Additionally, TCEQ respectfully disagrees with the assertion that basing analysis and health impacts on the dispersion and particle size of particulate matter is improper. EPA's NAAQS for particulate matter distinguish exclusively by the aerodynamic diameter of the particulate, with  $PM_{10}$  and  $PM_{2.5}$  both classified as criteria pollutants. The NAAQS do not distinguish between different potential compositions of particulate matter, but instead the size of the particulate. Therefore, the size of the particulate matter is the factor that EPA considered for the associated Primary and Secondary NAAQS. As discussed above, TCEQ's conservative analysis during the development of the Standard Permit did consider a conservative composition of respirable crystalline silica, and operation under the Standard Permit was not predicted to exceed TCEQ's health-based screening levels. Accordingly, TCEQ properly followed the NAAQS for criteria pollutants at the time of the Standard Permit's development to determine the health and environmental impact of emissions associated with operation under the Standard Permit.

*b. Location Choices Made by the Applicant*

The MTOs of Larry Black, Representative Troxclair, and Myra Habbit all contend that the location of the proposed plant and its proximity to state parks, a summer camp, an endangered species habitat, and other landmarks and points of interest need to be considered when evaluating this permit application. Larry Black's MTO contends that the proximity of the proposed plant to Camp Longhorn is the equivalent of the plant being located near an elementary school.

TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. Accordingly, 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. The issuance of an air quality authorization 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.

TEXAS HEALTH & SAFETY CODE § 382.065 prohibits the operation of a concrete crushing facility within 440 yards of a building in use as a single or multifamily residence, school, or place of worship at the time the application for a permit to operate the facility is filed with the commission. As none of the locations of interest are covered under statute, TCEQ does not have jurisdiction to consider their proximity to the proposed facility. However, as discussed above, operation in compliance with the Standard Permit is not expected to result in an exceedance of the Primary or Secondary NAAQS. Therefore, emissions from the plant are not expected to adversely impact public health, public welfare, land, wildlife, livestock, crops, visibility, or the environment, nor should emissions interfere with the use and enjoyment of the surrounding land and water.

*c. Traffic, Quarry Activity, Water Availability, and Blasting Concerns*

Representative Troxclair's MTO contends that the health effects of increased traffic and tailpipe emissions need to be considered. Representative Troxclair's MTO also contends that the effects of noise, vibration, and light pollution on nearby state parks needs to be considered. Larry Black's MTO contends that blasting and the particulate matter resulting from blasting activity needs to be evaluated by TCEQ. Larry Black's MTO further contends that water availability must be considered for this permit application.

TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. Accordingly, TCEQ does not have jurisdiction to require or enforce any vibration or noise abatement measures, or to consider noise and vibration from a facility when determining whether to approve or deny a permit application. TCEQ does not have the authority to address issues regarding light pollution as part of the permitting process. Similarly, TCEQ does not have jurisdiction to consider traffic issues when determining whether to approve or deny a permit application.

TCEQ also does not have jurisdiction to regulate mines, quarries, or associated blasting, because mines and quarries are specifically excluded from the definition of "facility" in the TCAA § 382.003(6). However, emissions of PM from the quarry cannot create a nuisance condition. The Applicant must comply with the TCAA and all TCEQ rules and regulations, including 30 TAC § 101.4, which prohibits a person from creating or maintaining a nuisance condition.



Additionally, although TCEQ is responsible for the environmental protection of all media, including water, the TCAA specifically addresses air-related issues. This proposed permit regulates the control and abatement of air emissions only. Therefore, issues involving water availability are not within the scope of this review.

*d. Monitoring Requirements and Emission Controls in the Standard Permit*

Representative Troxclair's MTO contends that the emission controls to minimize dust emissions are insufficient and do not properly categorize the amount and frequency for the dust controls to be utilized. Representative Troxclair's MTO contends that there is no way to monitor the Applicant's performance and operations to ensure compliance. Representative Troxclair's MTO contends that the Applicant does not disclose operation activity required in the Oklahoma Department of Environmental Quality Rock Crushing Plant Applications to determine BACT.

This proposed plant is in Texas, and the Applicant properly applied for a Texas permit. TCAA § 382.05195 provides the authority for TCEQ to develop standard permits. Under this section, standard permits must be enforceable, must be able to be monitored, and must use best available control technology (BACT).

As discussed above, during the development of the Standard Permit, the Executive Director conducted an extensive protectiveness review to ensure protectiveness of human health and the environment. The protectiveness review determined potential impacts to human health and welfare and 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 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. The Standard Permit is designed to comply with the NAAQS in place at the time the Standard Permit was issued, on July 30, 2008. The primary contaminants that have the potential to be emitted from this plant are particulate matter, including  $PM_{10}$  and  $PM_{2.5}$ .

The Standard Permit does not require individual BACT review for each application under the Standard Permit because the protectiveness review and impacts analysis used in the development of the Standard Permit were performed with a worst-case operating scenario when it was developed. The impacts analysis found that operation in accordance with the requirements listed in the Standard Permit should not cause or contribute to an exceedance of the NAAQS and are protective of human health and the environment.

Under the Standard Permit, Asphalt is required to implement substantial dust control processes to minimize dust, such as equipping permanently-mounted water sprays at all inlets and outlets of the crusher, screens, and all material transfer point. Asphalt also represented that in-plant roads and stockpiles will be sprayed with water to minimize emissions.

These control processes ensure that operation of the plant will not cause or contribute to a violation of the NAAQS in place at the time the Standard Permit was issued and operation of the plant is protective of human health and the environment.<sup>4</sup> By using the flexible language of "as necessary," the requirements for water sprays as dust control can be

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<sup>4</sup> 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. Due to the changes in the annual NAAQS standard for  $PM_{2.5}$  becoming effective on May 6, 2024, the TCEQ will evaluate whether updates are necessary to the current standard permit technical requirements.

flexible enough to meet the demands of the site's specific operations and conditions to prevent the creation of nuisance conditions. Nuisance conditions are not expected if the plant is operated in compliance with the terms of the permit.

The Executive Director determined that the emissions authorized by the Standard Permit are protective of both human health and welfare and the environment, and that operation in accordance with the Standard Permit would meet TCEQ's opacity and visibility restrictions. The Executive Director also determined that, based on the Applicant's representations, operations at the proposed plant will be protective of human health and the environment and meet the protective requirements of the Permanent Rock and Concrete Crusher Standard Permit.

Additionally, monitoring requirements are included in the Standard Permit. Emissions will be monitored by runtime meters which shall be active during crushing operations. The crusher will also equip a scale belt or equivalent device or method to determine the weight of material to ensure it does not exceed the permitted throughput. The permit holder is required to maintain records to demonstrate compliance with the emission rates and terms of the permit, including the monitoring requirements. Written records will be maintained onsite to show hourly operations and hourly throughput, road and work area cleaning, and dust suppression logs. By maintaining these recordkeeping and monitoring requirements, any compliance investigations at the proposed site will be able to assess whether the Applicant is operating in compliance with the terms of its permit. Failure to maintain records required by the Applicant's permit can result in violations.

*e. Concerns About the Response to Comments*

The MTOs of Larry Black and Myra Allen Habbit both contend that studies provided to TCEQ at the public meeting during the formal comment period were not considered or evaluated in TCEQ's RTC.<sup>5</sup> Myra Allen Habbit's MTO contends that she was surprised that commenters at the public meeting had two minutes to speak instead of the three minutes she anticipated. Myra Allen Habbit's MTO also contends that she was not contacted by TCEQ about materials she submitted with her formal comments at the public meeting.

The time allocation for formal oral comments at public meetings are determined at the public meeting and are based on public participation at the public meeting. Due to the high volume of registrants for oral comments at the public meeting for this permit application, TCEQ staff were able to allocate two minutes for each commenter. Additionally, as mentioned in Ms. Habbit's MTO, TCEQ staff collected written comments and materials during the formal comment portion of the public meeting for commission staff to review, including materials submitted by Ms. Habbit. Formal written comments on this permit application could also be made online for the duration of the comment period, including during the public meeting on the permit application.

The Executive Director evaluates all timely comments received on pending permit applications prior to issuing a final decision on pending permit applications and responds to those comments in the Executive Director's Response to Comments. Instructions for accessing the RTC are then sent to those who are on the mailing list for the pending permit

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<sup>5</sup> In Larry Black's original MTO, he contended that TCEQ destroyed or lost Dr. David Mitchell's report. He later filed a statement acknowledging that the report was available in the Commissioners Integrated Database (CID) under Justin H. Shrader's timely comment on the proposed permit.

application, including those who left formal comments. Both the report attached to Justin H. Shrader's comment and the report attached to Myra Allen Habbit's comment were received by the Executive Director's staff, evaluated, and responded to in the RTC.<sup>6</sup>

The studies presented by both commenters concerned impacts on human health and the environment, the Applicant's representations, and emissions from the proposed plant. These concerns were covered extensively in the RTC, with specific attention in Responses 1, 2, 3, and 7. RTCs for Standard Permits for Rock and Concrete Crushers do not require associated commenters to be listed under each comment, and the Executive Director was correct in attaching the list of all timely commenters in Attachment A of the RTC.

*f. Financial Interest*

Larry Black's MTO contends that TCEQ has financial incentives for approving the permit application.

TCEQ does not have jurisdiction to prohibit owners and operators from seeking authorization to emit air contaminants, nor can TCEQ prohibit owners and operators from receiving authorizations to emit air contaminants if they comply with all statutory and regulatory requirements. Further, TCEQ is not authorized to consider a company's financial status or profit issues, including tax abatements, in determining whether or not a permit should be issued. The decision by the Executive Director to issue the permit is based upon the authority and direction of the TCCA. Specifically, TCAA § 382.0518 provides that TCEQ shall issue the permit if an application

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<sup>6</sup> See Executive Director's Response to Comments, Permit No. 176835, Attachment A, pp. 22 and 25.

demonstrates that the proposed facility will use at least the BACT, and there is no indication that the emissions from the facility will contravene the intent of the TCAA.

*g. TCEQ's Monitoring Network*

The MTOs of Larry Black and Representative Troxclair contend that the siting of TCEQ air monitors is insufficient to monitor the ambient air near the proposed plant. Additionally, Representative Troxclair contends that the distance of the nearest TCEQ air monitor prevents TCEQ from assessing Applicant's compliance with the proposed permit. The MTOs of Larry Black and Representative Troxclair both contend that the TCEQ air monitoring network will be unable to record any violations at the proposed plant. Larry Black's MTO contends that TCEQ will be unable to monitor the cumulative effects of the proposed plant and industry in the area.

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.

Additionally, 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 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 standard permit application.

The Standard Permit also imposes operational or location requirements for concrete batch plants and crushing plants or hot mix asphalt plants. Under the Standard Permit, the crushing plant should be located at least 550 feet away from any other rock crusher, concrete crusher, concrete batch plant, or hot mix asphalt plant. Operation in accordance with the Standard Permit remains protective of human health and the environment even if other facilities are located nearby.

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. TCEQ does, however, have policy for assessing and enforcing compliance with permit applications, which is discussed further below.

#### *h. TCEQ's Enforcement and Compliance Process*

The MTOs of Larry Black and Representative Troxclair contend that TCEQ cannot adequately monitor and enforce potential violations at the proposed plant. Larry Black's MTO contends that the proposed permit does not consider the impacts of a mechanical failure or other disaster event at the proposed plant.

Operations authorized under the Air Quality Standard Permit for Rock and Concrete Crushers are not on a set schedule for compliance investigations. Instead, investigations are generally conducted in response to complaints. TCEQ evaluates all complaints received, and investigations are not limited by media. The investigation

may include an inspection of the site, including all equipment, control devices, and a review of all required records. If a facility is found to be out of compliance with the terms and conditions of its permit, it will be subject to investigation and possible enforcement action. Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with terms of any permit or other environmental regulation.

Citizen-collected evidence may be used in such an action. See 30 TAC § 70.4, Enforcement Action Using Information Provided by Private Individual, for details on gathering and reporting such evidence. Under the citizen-collected evidence program, individuals are providing information on possible violations of environmental law and the information can be used by TCEQ to pursue enforcement. In this program, citizens can become involved and may eventually testify at a hearing or trial concerning the violation.

Violations are usually addressed through a notice of violation letter that allows the operator a specified period of time within which 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). Violations are maintained on file and are included in the calculation of a facility and a person's compliance history.



TCEQ does not permit upset events. TCEQ defines an upset event as an unplanned or unanticipated occurrence or excursion of a process or operation that results in an unauthorized emissions of air contaminants. An upset event that results in unauthorized emissions from an emission point is an emissions event. If an upset occurs, the permit holder must comply with the requirements in 30 TAC § 101.201 regarding the recording and reporting of emission events. If the permit holder fails to report in accordance with 30 TAC § 101.201, the commission may initiate enforcement action for failing to report the underlying emissions event itself.

Complaints are addressed in accordance with TCEQ procedures. In the event of an emergency, the Local Emergency Planning Committee and the regulated entity have the primary responsibility of notifying potentially impacted parties regarding the situation. Occasionally a permit application may require a disaster review. Whether a permit application requires a disaster review depends on the chemicals handled, the location of facility, and the processes involved. Proposed projects which involve toxic chemicals that are known or suspected to have potential for life-threatening effects upon off-facility property in the event of a disaster and involve manufacturing processes that may contribute to the potential for disastrous events, are candidates for disaster review. The standard permit for rock and concrete crushers does not require a disaster review.

*i. Applicant's representations*

Representative Troxclair's MTO contends that the Applicant might not operate in compliance with the permit conditions and its representations in the permit application.

As it relates to operational limits, the proposed facility will consist of a primary crusher, two hoppers, two screens, three diesel engines, and associated transfer conveyors. The facility's engines shall not operate above a combined 1,000 total horsepower. The primary crusher will have a maximum throughput of 200 tons per hour. The primary crusher, associated facilities, and/or associated sources (excluding stockpiles) will have a maximum operating schedule not to exceed 2,640 hours per year and will not operate at night. The Applicant is not representing that it will operate, nor would it be authorized to operate, in exceedance of the standard permit's maximum allowable production rate. Accordingly, the protectiveness review of the standard permit is applicable to the operations detailed in the Applicant's permit application.

An applicant is bound by its representations in the permit application, and those representations become an enforceable part of the permit, including production rates, authorized emission rates, and equipment. If the Applicant deviates from the representations made in the application, on which the permit was developed, the Applicant may be subject to enforcement action.

### **III. Conclusion**

For the foregoing reasons, the Executive Director respectfully requests that the commission deny all Motions to Overturn the Executive Director's Decision on Asphalt Inc., LLC, Rock and Concrete Crushing Plant, Registration No. 176835.

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel, Executive Director

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REPRESENTING THE  
EXECUTIVE DIRECTOR OF THE  
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**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing Executive Director's Response to the Motions to Overturn the Executive Director's Decision on Asphalt Inc., LLC Air Quality Standard Permit Registration No. 176835 have been served on the following service list via electronic mail or electronic filing on this 28th day of March, 2025.



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Katherine Keithley

**Mailing List**  
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