

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

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

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from the persons listed in Attachment A. This Response addresses all timely public comments received, whether or not withdrawn.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 at our website at www.tceq.texas.gov.

BACKGROUND

Description of Facility

Asphalt Inc., LLC (Applicant) has applied to TCEQ for a Standard Permit under Texas Clean Air Act (TCAA) §382.05195. This will authorize the construction of a new facility that may emit air contaminants.

This permit will authorize the Applicant to construct a Rock Crushing Plant. The plant is located at 3221 Farm to Market Road 3509, Burnet, Burnet County. Contaminants authorized under this permit include particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less.

Procedural Background

Before work is begun 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 176835.

The permit 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.

COMMENTS AND RESPONSES

COMMENT 1: Health Effects /Air Quality/Cumulative Effects

Commenters voiced concern about the effect of the emissions from the proposed project on the air quality and health of people. Commenters expressed 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 existing medical conditions. Commenters expressed concern regarding potential health effects and symptoms, including but not limited to: asthma, respiratory illness, coughing, wheezing, shortness of breath, chronic obstructive pulmonary disease (COPD), pneumonia, bronchitis, allergies, heart attacks, strokes, kidney and lung disease, rheumatoid arthritis, lupus, developmental and neurodegenerative impacts, mesothelioma and other cancers. In addition, commenters voiced concern that children will be exposed to contaminants during outdoor activities and will not be able to go outside and enjoy the recreational activities currently offered in the area. Commenters specifically listed asbestos, silica, and fluoride as pollutants of concern. Commenters voiced concern about the cumulative effects of this project with pending or existing facilities in the area. A commenter expressed concern that TCEQ did not require air monitoring models to be conducted as requested by Texas Parks and Wildlife to ensure that the local state parks are protected. Commenters expressed concern about the specific health impacts to children.

RESPONSE 1: During the development of this 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 at the time of permit issuance. 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 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

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. 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.

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 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 PM less than or equal to 2.5 microns in aerodynamic diameter (PM_{2.5}). The Standard Permit is designed to be in compliance with the NAAQS.

The primary contaminants that have the potential to be emitted from the plant are dust particles having particle sizes of less than or equal to 10 and 2.5 micrometers in aerodynamic diameter (PM₁₀ and PM_{2.5}, respectively). All the potential dust concentrations, as well as emissions from combustion sources, have been evaluated using reasonable worst-case operating parameters and compared to the federal criteria mentioned above. The Standard Permit requires substantial dust control processes to minimize dust issues. 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.

One of the most common health concerns expressed about crushing operations is the potential exposure to silica. Although visible PM can create a nuisance if not properly managed, most of the particles emitted during the crushing process are too large to be inhaled and are not, therefore, directly harmful. Due to their size, these large particles fall to the ground close to the source, limiting off-property impacts. The Standard Permit review also 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 the maximum one-hour and maximum annual concentrations of silica would be half of TCEQ's health-based screening values. Based on TCEQ's conservative modeling analysis, TCEQ is confident that a company operating in compliance with the Standard Permit should not contribute to deterioration of air quality that would cause health effects to the surrounding community, including residents in the local neighborhoods and school children. In summary, adverse impacts to human health or welfare as a result of silica emissions from the proposed plant are not expected.

Additionally, TCEQ has reviewed ambient air crystalline silica levels measured near aggregate production operations (APOs) similar to this proposed facility in various locations throughout the United States where data are available. These data indicate that the contribution of crystalline silica from these facilities to ambient levels of particulate matter 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.-You can read TCEQ Toxicology Division's publication on silica at APOs at the following site:

<https://www.tceq.texas.gov/downloads/toxicology/research-projects/finalapo.pdf>

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.

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 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. *See Response 2 regarding Environmental Concerns.*

COMMENT 2: Environmental Concerns

Commenters voiced concern about the effect of the proposed project on plants, wildlife, the environment, and habitat loss, expressing specific concerns about the preservation of the hill country. Commenters expressed concern with the affect as it pertains to horses, livestock, pets, live oak trees, residential gardens, fish hatcheries, crop production, wildflowers, osprey eagles, herrings, white tailed deer, raccoons, skunks, ring-tailed cats, possums, rabbits, foxes, coyotes, armadillos, squirrels, turtles, lizards, snakes, birds, endangered species, general topography, caverns, and nearby vegetation.

RESPONSE 2: 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. In addition, 30 TAC § 101.4 prohibits the discharge of contaminants which may be injurious to, or adversely affect, animal life.

Compliance with rules and regulations regarding endangered species is handled at the state level by the Texas Parks and Wildlife Department and at the federal level by the United States Fish and Wildlife Service. It is incumbent upon an applicant to request and acquire any additional authorizations that may be required under state or federal law. However, if operated in accordance with the requirements of the permit, adverse impacts from the proposed plant are not expected.

COMMENT 3: Dust Control/Nuisance/Winds

Commenters expressed concern that the proposed site would create nuisance dust conditions near the facility, which could be exacerbated by winds. Commentors were concerned with the distance that nuisance dust would travel and the adverse impacts on the adjacent properties. A commenter asked if the permit accounts for dust emissions and asks if residents will see dust plumes. A commenter asked how the permit will limit opacity at the fence line and during the evening hours.

RESPONSE 3: The primary activities that have the potential to emit particulate matter (i.e. dust) resulting from this project are vehicle traffic within the plant, material handling, and material storage. 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 federal criteria mentioned above.

The Air Quality Standard Permit for Rock and Concrete Crushers requires adequate control processes to minimize dust. The Applicant is required to utilize proper dust control processes such as equipping permanently-mounted water sprays at all inlets and outlets of the crusher, screens, and all material transfer points. The Applicant represented that in-plant roads and stockpiles will also be sprayed with water to minimize emissions.

When a company operates in compliance with the Standard Permit requirements, there should be no deterioration of air quality or the generation of odors or dust such that it impacts visibility or accumulates on water in fields. 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." The Applicant has represented in its application materials that its operations will be protective of human health and the environment and meet the protective requirements of the Permanent Rock and Concrete Crusher Standard Permit.

Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with terms of any permit or other environmental regulation by contacting the TCEQ Austin Regional Office at 512-339-2929 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. *See Response 9* regarding complaints.

COMMENT 4: Environmental Impact Study

Commenters requested that additional environmental impact studies be conducted prior to authorization of this project. Commenters ask what additional testing and studies have been conducted on the materials that will be used.

RESPONSE 4: 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 development of the Standard Permit, and the Standard Permit was found to be protective of human health and the environment. *See* Response 1 regarding health effects and air quality, Response 2 regarding environmental concerns, and Response 5 regarding water concerns.

COMMENT 5: Water Concerns, Water Availability, and Other Required Authorizations

Commenters expressed concern that the proposed project would negatively impact water resources in the area, including surface water, water wells, groundwater, lakes, creeks, streams, wastewater, water contamination, soil contamination, water runoff, aquifers, watersheds, and impact rainwater collection systems nearby. Commenters expressed specific concern regarding the quality of nearby bodies of water, including those located within Camp Longhorn and Inks Lake State Park. Commenters also expressed concern regarding water availability as it relates to the proposed project. Commenters asked if other authorizations are required for this project. One commenter asked if the Applicant would be required to shut down until ample water is recovered if nearby water wells run dry. A commenter asked for monitors to be installed to monitor the groundwater in the area. A commenter expressed concern that there is not a published plan to deal with used water.

RESPONSE 5: Although TCEQ is responsible for the environmental protection of all media, including water, the TCAA specifically addresses air-related issues. This registration, if issued, will regulate the control and abatement of air emissions only. Therefore, issues regarding water quality, water availability, radon, fluoride, or discharge and the handling of waste are not within the scope of this review. Additionally, depending on the nature of the facility's operation, the Applicant may be required to apply for separate authorizations that regulate water quality, water usage, or the handling of hazardous waste. The issuance of an air quality registration does not negate the responsibility of an applicant to apply for any additional required authorizations prior to operating a facility.

Additionally, 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 or injurious discharge to human health and welfare.

Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with terms of any permit or other environmental regulation by contacting the TCEQ Austin Regional Office at 512-339-2929, or the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. *See* Response 9 regarding the complaint process.

COMMENT 6: Monitors

Commenters asked about air quality monitors in the area and expressed concern about the distance between the proposed facilities and the closest monitor. Commentors inquired about the process to have regional air monitors placed in Burnet County. A commenter expressed concern that there are not monitoring facilities in their area.

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.

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."

Stationary air monitors are sited to measure air quality that is representative of a broader area or region, so monitors are not typically placed to measure the impacts from specific industrial facilities.

COMMENT 7: Permit Review Process/Application Representations

Commenters expressed concern regarding the application review process, as well as what requirements are included in the Standard Permit. A commenter expressed concern that the process is too easy for an Applicant to obtain a permit. One commenter questioned why the permit is being issued to Lone Star Paving when they no longer own this company, stating that they were acquired earlier this year by a huge corporation in Alabama.

RESPONSE 7: TCEQ conducted a review and verified the representations in the application meet the standard permit requirements. This review included both an administrative and technical review. During the administrative review, TCEQ verified the following:

- The correct application was submitted;
- The application form and TCEQ Core Data Form have been signed by the Responsible Official;
- The company is an entity legally entitled to do business in Texas;

- The information is accurately recorded in TCEQ's Central Registry;
- The appropriate application fee was received;
- The mailing addresses for the company and site are USPS validated; and
- There are no delinquent fees owed by the company.

The application then undergoes a technical review. During the technical review, the permit reviewer evaluates the following:

- All sources of air contaminants at the proposed facility have been properly identified;
- Appropriate controls have been proposed for each emission source;
- Proposed operations meet all applicable Standard Permit requirements;
- Compliance history for the site and the operator; and
- Public notice requirements were fulfilled.

Based on this review, TCEQ determined the application meets the requirements of the standard permit. *See* Response 8 regarding demonstration of compliance with the permit.

TCEQ properly evaluated the Applicant during the administrative and technical review for this application. As stated previously, the applicant for this application is Asphalt Inc., LLC, and it is the entity receiving this permit. It is outside of the scope of this review for TCEQ to evaluate entities other than the applicant. Accordingly, an entity other than Asphalt Inc., LLC was not subject to evaluation during the review of this permit.

Application Representations

An applicant is bound by its representations in the 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. *See* Response 9 detailing the complaint and enforcement process for violations and suspected noncompliance.

COMMENT 8: Demonstrate Compliance with Permit

Commenters asked how the Applicant will demonstrate compliance with the terms of their permit on a continuous basis. A commenter expressed concern that regulated entities police themselves.

RESPONSE 8: 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.

Records must be made available upon request to representatives of TCEQ, EPA, or any local air pollution control program having jurisdiction. The Regional Office may perform investigations of the plant as required. The investigation may include an inspection of the site, including all equipment, control devices, monitors, and a review of all required recordkeeping. *See* Response 9 regarding complaints, violations, and enforcement.

COMMENT 9: Complaints/Violations/Enforcement

Commenters asked how to make complaints and how complaints are handled and expressed concerns regarding the citizen complaint process. Commenters asked about the consequences of violating the terms of the permit, as well as Applicant's responsibility for complying with the permit.

RESPONSE 9: TCEQ regional offices prioritize their responses to complaints based on the potential for adverse health effects associated with the alleged violation. For example, a "priority one" case means serious health concerns exist, and the case will be investigated immediately. A "priority four" case, on the other hand, means no immediate health concerns exist; therefore, it will be investigated within 30 days. Staff from TCEQ regional office reviews all complaints, and regional investigations are not limited by media. 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 Austin Regional Office at 512-339-2929 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. If a facility is found to be out of compliance with the terms and conditions of its registration, it may be subject to investigation and possible enforcement action.

Citizen-collected evidence may be used in such an enforcement 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. For additional information, see TCEQ publication, "Do You Want to Make an Environmental Complaint? Do You Have Information or Evidence"? This booklet is available in English and Spanish from TCEQ Publications office at 512-239-0028 and may be downloaded from the agency website at www.tceq.texas.gov (under Publications, search for Publication Number 278).

There are a number of mechanisms by which TCEQ monitors compliance with permit conditions and state and federal regulations. To the extent that personnel, time, and resources are available, TCEQ investigates permit operations to ensure compliance with applicable rules and regulations. Although specific to each site, investigations generally explore the entire operation of the plant. The investigation schedule may be increased if violations are found, repeated, or if a regulated entity is classified as an unsatisfactory performer. Notices of Violation (NOVs) are public information. Additionally, the public is able to track complaints on TCEQ website by complaint tracking number, date, county, TCEQ region, or regulated entity/customer name or number (<http://www2.tceq.texas.gov/oce/waci/index.cfm>).

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. Compliance history ratings are considered during permit application reviews.

COMMENT 10: Compliance History

Commenters expressed concern regarding the compliance history of the Applicant and site.

RESPONSE 10: During the technical review of the permit application, a compliance history review of both the company and the site is conducted based on the criteria in 30 TAC Chapter 60. These rules may be found at the following website: <https://www.tceq.texas.gov/rules/index.html>. The compliance history is reviewed for the five-year period prior to the date the permit application was received and includes multimedia compliance-related components about the site under review. These components include: enforcement orders, consent decrees, court judgments, criminal convictions, chronic excessive emissions events, investigations, notices of violations, audits and violations disclosed under the Audit Act, environmental management systems, voluntary on-site compliance assessments, voluntary pollution reduction programs, and early compliance. However, TCEQ does not have jurisdiction to consider violations outside of the State of Texas.

A company and site may have one of the following classifications and ratings:

- High: rating below 0.10 - complies with environmental regulations extremely well;
- Satisfactory: rating 0.10 - 55.00 - generally complies with environmental regulations;
- Unsatisfactory: rating greater than 55.00 - fails to comply with a significant portion of the relevant environmental regulations.

The site and the company rating have a rating of N/A and classification of 'Unclassified', as both the site and company have been in operation for less than the five-year review period. The company rating reflects the average of the ratings for all sites the company owns in Texas.

COMMENT 11: Location/Zoning/Historic Sites/Local Economy

Commenters expressed concern regarding the location of the facility as it relates to current zoning ordinances and the proximity to residential and public areas, including schools, a children's camps, daycares, homes, wineries, vineyards, ranches, churches, and state parks. Commenters expressed concern that the proposed facility would potentially affect historic sites. Commenters also expressed concern about the potential impact to tourism, local business, and the local economy as a result of the proposed project.

RESPONSE 11: 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. Additionally, 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. Commenters may wish to contact local (i.e., city or county) zoning authorities with questions or concerns relating to the location of the facility. TCEQ also does not consider the location of historic sites or conduct a land use review of historic sites for air quality permit applications.

TCEQ does not have jurisdiction to consider local economic impacts or community improvements in the surrounding areas when determining whether to approve or deny a permit application. Commenters may direct concerns regarding economic effects from the facility to local groups that focus on economic development (e.g., city or county economic development departments).

COMMENT 12: Truck Traffic/Roads/Public Infrastructure

Commenters expressed concern regarding truck traffic, diesel emissions, spillage of debris from the truck traffic, and damage to roads. Commenters expressed safety concerns from truck traffic as well as the potential impact on the existing infrastructure. Commenters expressed specific concern that truck traffic brought by the proposed project would degrade existing roads and result in unsafe conditions for vehicle passengers and bikers.

RESPONSE 12: 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.

COMMENT 13: Quality of Life/Property Values/Aesthetics

Commenters expressed concern about the effect of the proposed project and area growth on their quality of life, on the aesthetics of the hill country area, and on their property value. Commenters voiced concern that they and their children will no longer be able to enjoy outdoor activities and play outside, hindering their quality of life. Commenters expressed concern that the proposed project will negatively impact the tranquility of the area, and that they will no longer be able to enjoy their retirement.

RESPONSE 13: 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.

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. 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.

COMMENT 14: Noise/Light/Operating Hours

Commenters expressed concern regarding potential noise pollution from the proposed project, including noise from machinery. Commentors expressed concerns about the operation of the facility during nighttime activities.

RESPONSE 14: TCEQ does not have authority to require or enforce any noise abatement measures, as noise ordinances are normally enacted by cities or counties and enforced by local law enforcement authorities. TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statute. Accordingly, 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. This standard permit authorizes activities during daylight hours only, being one hour before sunrise to one hour after sunset.

TCEQ does not have the authority to address issues regarding light pollution as part of the permitting process. Commenters may wish to contact local (i.e., city or county) authorities with questions or concerns about light pollution, including whether there are any applicable local ordinances in the area of the proposed project.

COMMENT 15: Quarry/Mining/Blasting

Commenters expressed concerns regarding the quarry activity and blasting. Commenters expressed concerns about the effects of the blasting on safety, structural integrity, and preservation of the nearby Longhorn Caverns. Commenters expressed specific concern regarding seismic activity from blasting operations. A commenter expressed concern regarding the number of quarries already operating in the area. Commenters expressed concern regarding dust emissions from blasting operations. A commenter asks if residents will hear and feel the ground shake.

RESPONSE 15: TCEQ does not have jurisdiction to regulate mines, quarries, or associated blasting. Mines and quarries are specifically excluded from the definition of "facility" in the TCAA § 382.003(6). Concerns regarding noise and vibrations should be directed to local officials. Further, blasting is regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the Mine Safety and Health Administration (MSHA) and the Office of Surface Mining (OSM).

Emissions of PM from the quarry, however, 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 condition of nuisance. Individuals are encouraged to report any concerns about nuisance issues by contacting the TCEQ Austin Regional Office at 512-339-2929 or by calling the 24-hour toll free Environmental Complaints Hotline at 1-888-777-3186. See Response 9 for information on making a citizen complaint.

COMMENT 16: Financial Gain/Corporate Profits

Commenters expressed concern that the Applicant was only interested in profit without concern for impacts to neighbors. Commenters voiced concern that the Applicant and TCEQ have proposed the facility for reasons pertaining to financial gain.

RESPONSE 16: 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 authorization 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. As explained in previous responses, 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 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. TCEQ is not authorized to consider an applicant's experience with a particular facility type. Although, as described in Response 10, TCEQ does consider an applicant's compliance history.

COMMENT 17: 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. Commenters ask that TCEQ uphold their mission statement and slogan to Take Care of Texas. A commenter stated that TCEQ is becoming more of a permit entity than an enforcement authority.

RESPONSE 17: 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. As stated in previous responses, TCEQ cannot deny authorization of a facility if a permit application contains a demonstration that all applicable statutes, rules, and regulations will be met.

ATTACHMENT A

Senator Peter Flores, Representative Ellen Troxclair, Sara Allen Abbott, Fred Abbott, Tami Ables, Mikell Abney, Michael Absmeier, Liz Ackley, James Acosta, Lela W. Adams, Hayley Adams, Kristen Adams, Michelle Adams, Wilson Adams, Anne Adams, Erin Adams, Angela Adamson, Makenna Adamson, Mallory Adamson, Richard Von Aday, Katherine Adelman, Betsy Admire, Will Adney, Ron Adwers, Bud Nichols Ag, Katie Ahlgrim, Ella M. Ainsworth, Suzanne Tett Ainsworth, Laura Ainsworth, Marla Kay Akin, Tara Akins, Darcy Albee, F Hausser Albert, Jacob Albin, Mary Frances Albright, Jerry G. Albright, Stefanie Albright, Julie Albritton, Pam Alden, Robert Aldrich, Ayden Aldridge, Leigh Alexander, Kurt Alfred, Lauren Alfred, Joy Janet Al-Jazrawi, Renee J. Allen, Jennifer M. Allen, Lauren M. Allen, Adison Allen, Amberly Allen, Avery Allen, Buffy Allen, Donald Allen, Cindy Allen-Lott, Lisa Alley, Brian Allison, Candice C Allmand, Rebecca Almgren, Al Alnutt, Sunni Alperti, Cecilia Alvarado, Melissa Alworth, Lillian Rogers Ameen, Henry Ames, Dianna Amescua, Gloria Amescua, Mike Amescua, Mike Amescua, Edmund M. Andel, Sharon L. Andersen, Jeff George Anderson, Genolia Anderson, Jennifer Anderson, Jordan Anderson, Lily Anderson, Susan Anderson, Tarra Anderson, Joy J. Anderson, Kori Kay Anderson, Murray Lynn Anderson, Kevin M. Anderson, Jennifer McNtyre Anderson, Mary Stewart Anderson, Amber Anderson, Courtney Anderson, Cynthia Anderson, Eugenio Anderson, Gabe Anderson, Kay Jacobs Andrea, Haynes Tomerlin Andrea, Jerry D. Andrews, Audrey Andrews, Claire Andrews, William Andrews, Sophie Angelone, Alice Anglin, Lisa Ansari, Verle Ansley, Franklin Surko Anthony, Amy Anton, Lucy L. Armbrister, Cody Armbrister, Brooke Armbrister, Molly Armstrong, Mary Miller Arnold, Alan Arnold, Kelley Arnold, Michelle Arnold, Angie Arrambide, Mauro Arrambide, Alma Arredondo, Alonso Arredondo, Yolanda Arrey, Jarome Arrington, Katie Arrington, Madelyn Arrington, Stone Arrington, Susan Arrington, Emily Ashland, Jane Askins, Travis Atkins, Tyler Atkins, Janice Atkinson, Leah Attaya, Mary A. Atwood, Jamilyn Aubel, Virginia S. Auer, Ansley Austin, Janis Austin, Jenny Austin, Melanie Austin, Aimee Avera, Iva Avery, Kenda Avery, Tara Axley, David Axley, Joshua Axley, Terri Axley, Emily Azar, Dan Lynn Bailey, Dan Bailey, Rebecca Bailey, Sarah Bailey, Irby Bair, Cassidy Baird, Lily Bajor, Jeannette M. Baker, Derek Baker, Stephen Baker, Walter Baker, Claire Zivley Baker, Dusty Bakke, Mandi Baladez, Craig A. Balcom, Liz Baldo, Terra Balentine, Savannah Ball, John Ballantyne, Thomas Melinda Ballard, Barbara Ballard, Kaitlyn Ballard, Steve Ballard, Susan Wheat Ballard, John Balluck, Julie Balluck, Anna Balthazar, Kathe Balusek, Jennifer Banda, Nancy Bandy, Brian T. Banigan, Clay Banner, Shannon Banner, Daniel Zion Bannister, Charlene Bannister, Shaynah Bannister, J. Lee Barbara, Brittany Barbee, Lauren C Barclay, Joey Barclay, John Barclay, Mark Barclay, Sharon Barclay, Miki Barho, Donna Barker, Mary Jane Barksdale, Ashley Barneby, Henson Barnes, Katie Barnes, Cary Barnett, Mark Barnett, Susan Barnett, Susan Barnwell, Thomas L. Barrett, Valerie T. Barrett, Amanda Barringer, Maria Suarez Barrio, S. Barron, Theodore O. Bartholow, M. P. Bartholow, Mary Bartlett, Heather Bartos, John Basham, Mary M. Bass, Jessica Bassett, Steven Bassett, Kim Batchelor, John Bates, Kenzie Bates, Patty Bates, Catherine Dale Battle, Mary Batts, Trey Bauchman, Patricia Bauerlein, Christina Baugher, Jeff Bauknight, Katharine W. Bayer, Alex Beal, Jack Beard, Robert Beard, Stephanie Beardsley, Courtney A. Beasley, Charley Beasley, Anna J. Beasley, Judi Beauford, Clare Beck, Lori Becker, Cindy Beckham, Shayne Beckham, Gary Beckman, Kriss Beckman, Juli Bedgood, Courtney Bedoya, Brooke Ballases Beebe, Damon Beierle, Kara Bell, Nash Bell, Margaret Kathy Bellamy, Hilary Bellm, Lindsay Bellow, Jessica Benitz, Katie Alexis Bennett, Avery Bennett, Kelley Bennett, Stacy Bennett, Sarah Hill Bennett, David Keith Bennett, Denise Benningfield, John Bent, Rita Bent, Hall Benton, Emilia Berg, David

Berger, Alma Nadine Bergey, Karen Bergstrom, KarenM Bergstrom, Camille Bermann, Alan Bern, Sheila Bernhardt, Dan Berra, Darby Berra, Sarah Berry, David Bertrand, Marsha Best, Scott Betton, F Carter Betty, Ann Matejowsky Betty, Allison Beversdorf, Amanda Bezner, Kyla Bible, Brooke Bieber, Amy Bieberdorf, Lauren Biegler, Allen Biehle, Carol Bielamowicz, Elizabeth Bielamowicz, John Bielamowicz, Mark Bielamowicz, Pamela Gayle Bielefeld, Maralou Billig, Dawn Bilsten, Michael Bilsten, Trixie Bind, Blythe Kaela Binder, Carter Bird, Wes Birdwell, Reyna G. Bishop, Karen A. Bizzak, Truitt Powell Bjerke, Gretchen Bjerke, Kari Konikowski Blackman, Bryan Blackmur, Elizabeth Blackmur, Suzanne D. Blackwell, Shirley Blair, James Gilbert Blakey, Ivy Isabella Blalock, Anne Louise Blanchard, Randi Blasienz, Claire Blecher, Sally Blecher, Emily Blessinger, Kelsey Blevins, Nicolaas T. Blom, Alan Andrew Blomgren, Robert Blossman, Suzanne Blume, Charles Bock, Patricia Bock, Teresa Boehm-Cole, Dave Boerner, David Boes, Lou Arthur Boffa, Blair Boghetich, Jessica Bolander, Suzanne Bolden, Elizabeth Boldrick, Bonnie Bolin Bolin, Miranda Bolton, Edwin J. Bomer, Patrick A. Bonner, Diana Bonnet, John Book, Corey S. Booker, Thomas Dale Boone, Farrell Boone, Lauren Boone, Dianna Boorman, Ede Booth, Sharon Booth, Douglas Borgman, Julie Borho, Hadley Bornemann, Katie Bosman, Andrew Botond, Torrey Boucher, Mary Bourke, Lisa Bovermann, Meghan Robertson Bowen, Blair Bowen, Patrick Bowen, Patty Bowen, Patty Sam Bowen, Kristy Bowers, Samantha Bowers, Ruth Ann Bowland, Jeff Bowman, David Bowmaster, Abigail Boyce, Bradley Boyce, Alexandria Boychuk, Tanner Boychuk, Shely Boyd, Zachary Boyd, Mary Claire Bracken, Patricia Brackendorff, Lee Churchill Brad, Caroline Bradford, Katie Brading, Lisle Elizabeth Bradley, Robert Bradley, Sharon Bradley, Patrick J. Brady, Laura Brady, Nancy Peak Brady, Kathryn Bragan, Preston Bragg, Claire Brandani, David Brandl, Monica L. Brandt, Terri Brannon, Joan Branson, Rose M. Brasuel, Kendall Bratton, John A. Braun, Denise R. Braun, Kirsten M. Breckinridge, Corey Breed, Brent Breithaupt, Brittyn Brender, Donna Brent, Paul Brent, Brian Bressler, Christy Brewer, Rachael Briant, Diana Dunlap Bridger, Elliott Bridger, Erica Briggs, Mace Benjamin Brindley, Lance Brinkley, Robin Brinkley, Shay Brinkley, Philip Troy Brinkmeyer, Amy Brizendine, Kathleen Tyson Broad, Kathleen Broad, Tyson Broad, Robert Weber Broadnax, Joyce E. Brooks, Angela Brooks, Kevin Brooks, Matt Brooks, Oran Brooks, Parker Brooks, Katie Broom, Elizabeth Broussard, Garrett Broussard, Spencer Broussard, Susan Anne Brown, London Summer Brown, Albert Brown, Cindy Brown, Frank Brown, Lexi Brown, Nicole Brown, Stacy Brown, William Brown, Kevin F. Browne, Cy Bruce, Bonnie Sue Brumley, Allison Brundidge, April Bruneau, Catherine Bruni, Garu Bruton, Karen Bruton, Laurence Bruton, Jesse Bry, Cole Bryan, Courtney Bryan, Kendall Bryant, Troy Bryant, Steve Bryson, Anne Buchanan, Rachel Buchanan, Brittany Buck, Sutton Buck, Vicki Buckelew, Rebecca Buell, Brooke Bukosky, Alicia Bull, Catherine Bullard, Wesley Bullock, Cynthia Bumba, Elizabeth Weeks Bumpas, Jon Cody Bunch, Sheridan D. Bunch, John Schofield Bundy, Linda W. Bundy, Jason Bunn, Travis Bunn, Jordan Burgess, Lauren Mohn Burgher, Lyndsay Pickett Burgoyne, Courtney Burk, Gary Burk, Hannah Burk, Kennedy Burk, Lindsay Burke, Kim Burkes, Mary Burkett, Erin Nicole Burkhalter, Kent Burkhart, Harlea Burleson, Donna Burnett, Esther Burnett, Rhonda Kay Burns, Kenneth Lynn Burns, Andrew Burns, Ba'leigh Burns, Charlotte Burns, Janet Burns, Ken Burns, Sydni Burns, Traci Burns, Dalana Burnstad, Robert Burnstad, Roy Burnstad, Matthew Burris, Peggylee Burthold, Monica L. Burton, Ashley Burton, Shannkn Burton, Jakeb Reece Busby, Jackie Busfield, Amanda Bush, Sofia Buss, Robert Lee Butchofsky, Albert Butler, Kyle Butler, Laura Butler, Marianina Butler, Robert Butler, Emily Buttermore, Jenny Buttweiler, Natalie Buttweiler, Todd Buttweiler, Anthony Buzbee, Brandon Byrd, Amy Caballero,

Jason Cables, Don Cadden, Scott Cahill, Ml Calcote, Ricardo Calderon, Samantha Calderon, Brandon Caldwell, John Call, Jonesy Camacho, Paul Eugene Cameron, Allyson Campbell, Ryan Campbell, Pat Camphree, Mark Jennifer Canada, Camille Canales, Mayra Canales, Lauren Cancienne, Michael Cancienne, P. Smith Candice, Grace Cannan, Knox Cannon, Sophia Cantu, Annie Cappadonna, Maria Cardenas, David Cardiff, Mary Cardiff, Mollie Carl, Julia Carleton, Mary Carlson, Mayve Carlton, Rebecca Lynn Carmack, David Carmack, Lois Carmona, Richard Carmona, Brian Carney, G. Patterson Carol, Amanda Carothers, Tinsley Carothers, Owen P. Carpenter, Amanda Carpenter, Blythe Carpenter, Bonnie Carpenter, Brian Carpenter, Casey Carpenter, Claire Carpenter, Elizabeth Carpenter, Fiona Carpenter, Harry Carpenter, Julia Carpenter, Trey Carpenter, Cody Carper, Stefanie Carper, Christian P. Carr, Margie Carr, Richard Carr, Shannon Carr, Will Carr, Christine Carradine, B. Patton Carrie, James Kelly Carta, Trudy Carta, Diane Ficke Carter, Curtis Ryan Carver, Lacey Carver, Natasha Casamassa, Janie Casares, Nancy Cashion, Landon M. Casillas, William Cason, Mandy Cassagne, Bonnie Casseb, Brittany Cassin, Travis Cassin, Daniel M. Castaneda, Brian Casteel, Matthew L. Castillo, Anthony Castillo, Kailey Castillo, Katarina Castillo, Christian Castle, Jennifer Casula, Colleen S. Catlett, Trace Catlin, Joe Cava, Rose Cavanaugh, Savannah Cavanaugh, Joel Cavell, Carolyn Cayson, Lesa Cearley, Christianne Cecil, Jeanette E. Cemper, Luke Centanni, Margaret Cervin, Olga Cervnates, Clare Chachere, Dianne Chalmers, Camille Chamberlain, Heather Chambers, Kevin Chambers, Lydia Chambers, Ronald Glenn Champion, Aubrey Mika Chancellor, Leah Chandler, Betty Chaney, Debbie Chaney, Kylie Chapman, Chandler Chappell, Natalie Charbonnet, D. Zinsmeyer Charles, Maddy Charley, Leslie Chasnoff, Kara Chasteen, Victoria Chenault, Bryant Cherry, Carolyn Cherry, Jana Chester, Scott Chick, Henry Chidgey, Mary Chidgey, Elizabeth Ann Childress, John Frank Childress, Elizabeth Scott Childress, Marilyn Chladil, Cheryl Chrisco, M. Schott Chrism, Cipp Christensen, Deborah Luann Christian, David Christian, Jeanine Christian, Kathy Christian, Kathleen Christy, Trina Church, Brad Lee Churchill, Gretchen Churchill, Donna M. Cizunas, Michael Davis Clark, Brooke Clark, Catherine Clark, Diane Clark, James Clark, Kassandra Clark, Kevin Clark, Sharon Rainbolt Clark, Julie Wilson Clark, Kingsley Clary, Ashley Stallard Classen, Weston Classen, Dan Clawson, Suzanne Clawson, Reda F. Clay, Catherine Clay, Elizabeth K. Clements, Jennie Clemons, James Click, James R. Clifton, Jamie Clifton, Chelsea Cline, Kenneth Cline, Caity Clinton, Cleve Clinton, Tres Clinton, Laura Cloud, Thomas Cloud, Barbara Sue Cobern, Kiera Cochran, Betty J. Cockle, Alayne Cockrell, Denise Cockrell, Claressa Cockrill, Linda Royall Coffey, Caroline Cohen, Katalina Cohen, Kay A. Colapret, Kim Colbeck, Alyssa Cole, Dillon Cole, Duane Cole, Melissa Coleman, Ruby Coleman, Merle Ann Collier, Kendall Collier, Steven Collier, Susan Collier, Cynthia Davis Collier, Johnny Ray Collier, Amber Parker Collins, James Collins, Lila Collins, Lisa Collins, Ilyas Colombowala, William Colon, Hayley Colvard, Mariann Colvin, Larry G. Black (on behalf of SaveBurnet.com), Maddy Combest, Lorin Williams Combs, Rupert D. Compton, Dana Compton, Tracee Conder, Douglas Read Connally, Michelle Conner, Heather Consoli, Meridith Constant, Riley Constant, Richard Conticello, Tara M. Conway, Kristi Conway, Nick Conway, Susan Conway, Pamela S. Cook, Cathleen Cook, Stacey Cook, Baileigh Cooper, Kathleen Cooper, Katie Cooper, Patrick Cooper, Ryan Cooper, Daniel Coots, Emma Cope, Jennifer Cope, Patty Cope, Penni Mecham Copeland, Zac Copp, Daniel Corbell, Olivia Faith Corbett, Julie Corbett, Brian Corder, Amy Corley, Christy Cornet, Chloe Cortes, Tonya Cortez, Teresa Cosgrove, Chris Patrick Costanzo, April Cothran, Kathy Cotner, Whitney Wills Cotten, Chris Cotten, Ralph Long Cousins, Allison Cowden, Randiann Cowden, Haley Cowey,

Donna Cox, Cindy Cox, Elise Cox, Mindy Cox, Rick Cox, Shawna Cox, Susan Cox, George W. Cox, Kim Baker Cozby, Brian Craft, Donna Craft, Anna Craig, Hayley Craig, Renee Craig, Summer Craig, Hunter Cole Cramer, Anita Crane, Kaley Crane, Ryan C Cranfield, Kelcy Cranford, W. L. Crawford, Clayton Crawford, Donna Crawford, George Crawford, Hunter Crawford, Gary Leon Crawford, Greg P. Creacy, Travis Creech, Julie Creighton, Ryan Criswell, Courtney M. Crocker, Felice Crocker, Candace Crockett, William Crosby, Alexandra Crosnoe, Carolyn Cross, Flora R. Crosswell, Brittany Crow, Sarah Crow, Ashley Crump, Ashley Crumpler, Mike Cruse, Anita Csizmadia, Jason Cuellar, Robert Culp, Adam Culver, Anne Cummins, Bridget Cunha, John Cunha, Benjamin Conner Cupit, Jared Todd Curless, David R. Current, Dustin Ray Current, Katie Currie, Amber Curtice, Sarah Cypert, Marie Cyr, Sarah Daddario, Bob Daemmrich, Janis Daemmrich, Ava Daetwyler, Jamie Dahler, Mignon Daly, Helena Damato, Luis Damato, Kirstin L. D'amico, Melissa Daniel, Kristian Daniels, Matthew Daniels, T. Embry Danny, Devin Dansby, Lee Dansby, Betty A. Danzi, Lynette Neidert Darby, Finley Palmer Darby, Alden Lorraine D'asaro, Santo D'Asaro, Jamie Lorraine D'asaro, Fulton J. Davenport, Alden Davenport, Davy H. David, Ethan Michael David, Lee Patton David, Ella Davidson, Jackie Davidson, Mason Alexander Davis, Ashley Davis, Cheryl Davis, Clair Davis, Colleen Davis, Jon Davis, Leigh Davis, Natalie Davis, Kristin Davis Davis, Donna R. Davis, Joshua Scott Davis, Denver Davison, Angie Davlin, Terry Davlin, Freddy Dawson, Jill Dawson, Stephany Dawson, Elaine Day, Emily Day, Blake Deady, Gary Deal, Jacy M. Dearmond, Emily Deaton, Jennifer Deaton, Blake Deberry, Lynn Haberer Deborah, Jennifer Debow, Carl Debower, Ellen Decareau, Jacquelyne Maddox Deegan, Kiely Deen, Megan Deen, Jason Deere, Luci Deere, Sarah Deering, Anthony Defino, Diane Defino, Kathryn Dehlinger, Liza Dehnel, Brenda Deines, Charles Deiterich, Holly Deleon, Stevan Deleon, Taylor Delz, Rachel Demoss, Larsen Dempsey, Nicholas William Dennett, Harold Woldhagen Dennis, Anna Marie Denniston, Karen Denny, Olivia Nicole Desmond, L. Devega, Mandi Laine Dever, Benjamin Devierville, Caraline Johnson Dewald, Julie Dewine, George Griffin Dewitt, Raquel Dewitt, Jacques Deysel, Megan Dibartolo, Asael Dickson, Cindy Dietz, Ashley Dietze, Suzan Dillahunty, Gloria Dilley, Joseph Dindinger, Lauren Dipaolo, Lee Ellen Dixon, Shena Janene Dixon, Deborah Doan, William Dockery, Laura Dodd, Lloyd Dodge, Luanne Dodge, Stephanie Holley Dolan, Carmen Dominguez, Emily Katherine Donachie, Joe Donahue, Britt Donaldson, Dennis Donley, David Donnell, Ann Jo Donnelly, Maggie L. Donovan, Britany Dooley, Derek Dooley, Jason Doornbos, Mary Salamone Doran, Kate Dorff, Hallie Doucet, Kristi Dow, Mary Morgan Baker Dowell, Debbie Downs, Doug Downs, Hollister Fuller Doyel, Elizabeth Dozier, Angelyn Kay Drake, Dillard Drake, Kristy Drake, Bruce Drees, Lydia Duarte, Marc Dube, Price Dubose, Julia Duckett, Wanda L. Duda, George Thoma Duda, Jessica Duff, Shelly Duignan, Linda Dumas, Jared Ryan Dunahoe, Ricci A. Dunn, Cheraina Dunn, Shawn Dunn, Julie Elizabeth Dunn, Kyndall Dupre, Angele Dupre-Butchart, Amanda Duran, Carissa Duran, Robert Durbin, Jay Dwyer, Jenna Dwyer, Kathleen Dwyer, Dylan Dycus, Jennifer Dye, Terry Dye, William Dye, James Dyke, H Colleen E, Maureen Eachus, Garrett Eadie, James Eadie, Anna Eason, Dustin East, James East, Kara East, Thomas F. Eastman, Patricia J. Eastman, Jayne Eaves, Marianne Ebeling, Mark Ebeling, Steve Ebeling, Lainey Economides, Randy L. Edgar, Jeffrey Duncan Edwards, Ann Edwards, Jaine Edwards, Mary Edwards, Susan Edwards, William Edwards, Alyssa Renae Edwards, Kelly Egliht, Dan Eickenhorst, Susan Eickenhorst, Carrie Eickenroht, Zeina El-Azzi, Jane B. Eleuterius, Lloyd Eleuterius, Stacy Eleuterius, C. Franke Elizabeth, Lauren Ellington, Louis Elliott, Weslie Elliott, Amanda Nelson Ellis, Donna Ellis, Lynn Ellis, Mack Ellis, Ellen L. Ely, Jessica Embrey, Pam Embrey, Jennifer Emerson, John

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Michael Golden, Doug Golding, Fallon Goldsmith, Tim Goles, Rachel M. Gollnick, Susan K. Gonzales, Trish Gonzales, Sammy L. Goodloe, Toni Goodloe, Scott Matthew Goodman, Anne M. Goodwin, Carrie Goolsby, Traylon Goolsby, Kirby Gor, April C Gordon, Meredith Goss, Mike L. Gossett, Catherine Gossett, Anne Gottschall, Helen Govaars, Marylinda Govaars, Geri Melissa Gowan, Felice Grabowski, Caroline Grace, Andrew Graczyk, Katy Graczyk, Nicole Graf, Pamela L-C Graham, Beverly Graham, Bill Graham, Hilary Graham, Kenneth Graham, John P. Graham, Stephen W. Grant, Kathy Graves, Parker Elizabeth Green, Charles Green, Jeff Green, Kim Green, Lane Green, Raven Green, Sophie Green, Meagan Greene, Ramsey Greene, Teresa Greene, Matthew Greenfield, Stuart Greenfield, William D. Greenhill, Kate Greenleaf, Chad Greenway, Jennifer Greenwell, L Haynes Gregory, Amy Lynn Gregory, Bobbie Gresham, George Gresham, Conway Grethel, Erich Grethel, Shannon Grethel, Beth King Griess, Allison Griffin, Emily Griffin, Jordan Griffin, Janet Griffis, Jean Marie Griffith, Cathleen Griffith, Rachel Griffith, M. Thomas Griffith, Mark Griggs, Steven Grigsby, Nelson Grimes, Judy Grin, Paul Grinager, Deborah Grissam, Sandra Grist, Guy Grivas, Kass Grosinsky, Shelly Groves, Judi Guastella, Daniele Gudgen, Caitlyn Guenter, Dorothy Guerrero, Cullen Guglielmo, Laura Guglielmo, Chelsea Guidry, George M. Gullett, Michael Gulley, Ashley Gumbert, John Gump, Keira Annelise Gunn, Delaney Gunn, Jim Gunn, Tracey Gunn, Mary Clay Gupton, Mauro Gusman, Corinne Gute, Gerald Gute, D Choate Guy, M. H., Elissa Haas, Davey Haberer, Debbie Haberer, Tatum M. Haberer, Ryan Michael Haberer, Kathleen Ann Haffner, Scot M. Hafley, Lilly Grace Hagen, Julie Hagen, Kenneth Hagen, Renee Hagen, Connie L. Haines, Jennifer Haines, Elizabeth Hairston, Amy Hoge Hajdu, Justin Hakker, Lisa Hakker, Addi Olivia Hale, Rebecca Hale, Samantha Hale, Braden Hall, Carolyn Hall, Danielle Hall, Jeff Hall, Katie Hall, Lacy Hall, Steven Hall, Willard Hall, Gary Halverson, Pamela Halverson, Steve Ham, Allison Hamilton, Brian Hamilton, David Hamilton, Kristin Hamilton, Amy Sladczyk Hancock, Olivia Hancock, Leah Handy, Janell C Hanlon, Patrick Hanlon, Ashley M. Hanna, Howard Hanna, Susan A. Hansen, Daniel Hansen, William L. Hansen, April Hanson, Allison Harbin, Lilly Grace Hardaway, Ben Hardaway, Houston Kate Hardaway, Lue Harden, Mary Hardenbergh, Kristen Harder, Charlotte Lynn Hardig, Ara Hardig, Charlotte Hardig, Dwight Mark Hardin, Karen Hardin, Amanda Harding, Randy Harding, Gail Hardy, Kim Hardy, Philip Aaron Harms, Darbi C Harms, Coley Tonya Harned, Melanie Harper, Paige Harper, Sahara Harper, Shelbie Harper, Stephen Harrigan, Emma Lance Harris, Cortni Harris, Elizabeth Harris, Justin Harris, Kathleen Harris, Kira Harris, Mark Harris, Miranda Rachael Harrison, Ray Harrison, James Hart, Michael Hart, Rhonda Hart, Kira H. Hartgrove, Todd Hartgrove, Luna H. Hartgrove, Jennifer Hartley, Beri Hartwell, Larry Hartwell, Sarah A. Harty, Stephen Harty, Lindsey Harvel, Robin Harvel, Renee C Harvey, Lloyd R. Harvey, Beth Harwood, Steve Harycki, Kathleen S. Haskin, Sherri Hassinger, June Aubrey Hastings, Dana Hastings, Jeff Hastings, Katie Hastings, Jerome M. Hastings, Keith A. Haswell, Carla Hatler, Rachael Hausman, Rachel Havins, Lindsey Mohan Hawkins, Jay Franklin Hawthorn, Catherine Hawthorn, James Hawthorn, Lillie Hawthorn, Cassie Hay, Clarissa Hay, Jenny R. Hayes, Brandon Hayes, Karlyn Hayes, Michele Hayes, Elizabeth Steger Hayes, Lisa Haygood, Bennie Haynes, Lisa Haynes, Paula Haynes, Victoria Haynes, Marsha A. Hays, Bill Hays, Suzanne Hays, Delean Hazlewood, Sara Hazlewood, Ashley Heacock, Charles Heard, Helen Heard, Christine Hearn, David Hearn, Colleen Heartsill, L. Lingle Heather, Casey Hedges, Will Hedges, Cathryn R. Heffington, Ann E. Heide, Emily Heide, Abby Heidt, Chadd Heiligmann, Bailey Heintz, Heather R. Heintschel, Barton Hejny, Alexis Grace Helal, Susan Helm, Greg Helsel, Bobby Hempfling, Lesley Hempfling, Margot Warren Hemphill, Lucy

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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

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REPRESENTING THE
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ENVIRONMENTAL QUALITY