

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



November 19, 2018

Bridget Bohac, Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087, MC 105
Austin, Texas 78711-3087

Re: Executive Director's Response to Hearing Requests and Requests for
Reconsideration Brief for Vulcan Construction Materials, LLC
Permit No. 147392L001
TCEQ Docket No. 2018-1303-AIR

Dear Ms. Bohac:

Enclosed please find a copy of the Executive Director's Response to Hearing Requests brief for the above referenced item. If you have any questions, please do not hesitate to call me at extension 1320.

Sincerely,

A handwritten signature in blue ink that reads "Nicolas Parke".

Nicolas Parke
Attorney
Environmental Law Division

Enclosures

TCEQ AIR QUALITY PERMIT NUMBER 147392L001
TCEQ DOCKET NUMBER 2018-1303-AIR

APPLICATION BY VULCAN	§	BEFORE THE TEXAS
CONSTRUCTION MATERIALS, LLC	§	COMMISSION ON
ROCK CRUSHING PLANT	§	
BULVERDE, COMAL COUNTY	§	ENVIRONMENTAL QUALITY

**EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUESTS AND REQUESTS FOR
RECONSIDERATION**

I. INTRODUCTION

The Executive Director (ED) of the Texas Commission on Environmental Quality (commission or TCEQ) files this response (Response) to the requests for a contested case hearing submitted by persons listed herein regarding the above-referenced matter. The Texas Clean Air Act (TCAA), Texas Health & Safety Code (THSC) § 382.056(n), requires the Commission to consider hearing requests in accordance with the procedures provided in Tex. Water Code (TWC) § 5.556.¹ This statute is implemented through the rules in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter F.

Maps showing the location of the plant are included with this Response and have been provided to all hearing requesters listed on the mailing list for this application. In addition, a current compliance history report, technical review summary, and draft permit prepared by the Executive Director's staff have been filed as backup material for the commissioners' agenda. The Executive Director's Response to Public Comment (RTC), which was mailed by the chief clerk to all persons on the mailing list, is on file with the chief clerk for the commission's consideration.

II. PLANT DESCRIPTION

Vulcan Construction Materials, LLC (Applicant) has applied to the TCEQ for a New Source Review Authorization under TCAA § 382.0518. This will authorize the construction of a new plant that may emit air contaminants.

This permit will authorize the Applicant to construct a rock crushing plant. The plant will be located on property whose northeast corner is the southwest corner of the intersection of Highway 46 and Farm-to-Market Road 3009, Bulverde, Comal County, Texas. Contaminants authorized under this permit include particulate matter (PM), including particulate matter with diameters of 10 microns or less (PM₁₀) and 2.5 microns or less (PM_{2.5}), carbon monoxide, nitrogen oxides (NO_x), organic compounds, and sulfur dioxide (SO₂).

¹ Statutes cited in this response may be viewed online at www.statutes.legis.state.tx.us. Relevant statutes are found primarily in the THSC and the TWC. The rules in the TAC may be viewed online at www.sos.state.tx.us/tac/index.shtml, or follow the "Rules" link on the TCEQ website at www.tceq.texas.gov.

III. PROCEDURAL BACKGROUND

Before work begins on the construction of a new plant that may emit air contaminants, the person planning the construction must obtain a permit from the commission. This permit application is for an initial issuance of Air Quality Permit Number 147392L001.

The permit application was received on June 27, 2017, and declared administratively complete on July 5, 2017. The Notice of Receipt and Intent to Obtain an Air Quality Permit (first public notice) for this permit application was published in English on July 31, 2017, in the *San Antonio Express-News* and in Spanish on July 28, 2017, in *La Prensa Comunidad del Valle*. A combined Notice of Application and Preliminary Decision for an Air Quality Permit (second public notice) and notice of public meeting was published in English on January 26, 2018, in the *San Antonio Express-News* and in Spanish on January 26, 2018, in *La Prensa Comunidad del Valle*. A public meeting was held on February 27, 2018, in New Braunfels, Texas. The public comment period ended on February 27, 2018. Because this application was received after September 1, 2015, it is subject to the procedural requirements of and rules implementing Senate Bill 709 (84th Legislature, 2015).

IV. APPLICABLE LAW FOR REQUESTS FOR RECONSIDERATION

Any person may file a request for reconsideration of the Executive Director's decision. However, for the commission to consider the request, it must substantially comply with the following requirements set forth in 30 TAC § 55.201(e): give the name, address, daytime telephone number and, when possible, fax number of the person who files the request; expressly state that the person is requesting reconsideration of the ED's decision; and give reasons why the decision should be reconsidered.

V. RESPONSE TO REQUESTS FOR RECONSIDERATION

Kyra Faught requested reconsideration of the ED's decision to approve the permit. Although the ED determined that the permit application meets the applicable rules and requirements, a final decision to approve the proposed permit has not been made. The application must be considered by the commissioners of the TCEQ at a regularly scheduled public meeting before any final action can be taken on the application.

Further, Ms. Faught did not state any of the ED's responses in the ED's RTC that she is specifically requesting to be reconsidered. Because the request raises concerns about the monitoring required for this plant and requests that fence line monitoring be installed, the ED is interpreting those statements as requesting reconsideration of response 28 regarding monitoring requirements. The ED provides the following response to the request for reconsideration.

REQUEST FOR RECONSIDERATION OF RESPONSE 28: Kyra Faught stated that there are no requirements in the permit to have monitors installed to measure particle emissions at the fence line and requested that the permit require the installation of fence line monitoring to ensure protection of sensitive populations.

TCEQ RESPONSE: As discussed in Response 28, consistent with other plants of this type, the draft permit does not require property line monitors for particulate

emissions. However, the draft permit does require the Applicant to keep records that document throughput at the plant, and this requirement serves as a means of ensuring that the Applicant complies with all applicable rules and regulations. These throughput records can be combined with U.S. EPA AP-42 emission factors for the crushed stone industry to calculate emission rates from facilities. The production rates and the associated emission rates represented in the application were used in an air dispersion model, which predicted concentrations at the property line and beyond. Compliance with the conditions in the draft permit is therefore expected to result in emission rate concentrations at the property line that are in accordance with all applicable state and federal requirements.

Additionally, the Applicant is required to make records available at the request of personnel from the commission or any local air pollution agency having jurisdiction over the site. Accordingly, the ED expects that compliance with these requirements will ensure that authorized emissions from the plant meet all applicable rules and regulations and will ensure that there are no adverse impacts to human health or welfare, including sensitive members of the population.

VI. THE EVALUATION PROCESS FOR HEARING REQUESTS

House Bill 801 established statutory procedures for public participation in certain environmental permitting proceedings, specifically regarding public notice and public comment and the Commission's consideration of hearing requests. Senate Bill 709 revised the requirements for submitting public comment and the Commission's consideration of hearing requests. The evaluation process for hearing requests is as follows:

A. Response to Requests

The Executive Director, the Public Interest Counsel, and the Applicant may each submit written responses to a hearing requests. 30 TAC §55.209(d).

Responses to hearing requests must specifically address:

- 1) whether the requestor is an affected person;
- 2) which issues raised in the hearing request are disputed;
- 3) whether the dispute involves questions of fact or of law;
- 4) whether the issues were raised during the public comment period;
- 5) whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the ED's Response to Comment;
- 6) whether the issues are relevant and material to the decision on the application; and

- 7) a maximum expected duration for the contested case hearing.

30 TAC § 55.209(e).

B. Hearing Request Requirements

In order for the Commission to consider a hearing request, the Commission must first determine whether the request meets certain requirements:

Affected persons may request a contested case hearing. The request must be made in writing and timely filed with the chief clerk. The request must be based only on the requestor's timely comments, and may not be based on an issue that was raised solely in a public comment that was withdrawn by the requestor prior to the filing of the ED's Response to Comment.

30 TAC § 55.201(c).

A hearing request must substantially comply with the following:

- 1) give the time, address, daytime telephone number, and where possible, fax number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime telephone number, and where possible, fax number, who shall be responsible for receiving all official communications and documents for the group;
- 2) identify the person's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public;
- 3) request a contested case hearing;
- 4) list all relevant and material disputed issues of fact that were raised during the public comment period and that are the basis of the hearing request. To facilitate the commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the ED's responses to comments that the requestor disputes and the factual basis of the dispute and list any disputed issues of law; and
- 5) provide any other information specified in the public notice of application.

30 TAC § 55.201(d).

C. Requirement that Requestor be an Affected Person/"Affected Person" Status

In order to grant a contested case hearing, the Commission must determine that a requestor is an "affected" person. Section 55.203 sets out who may be considered an affected person.

- a) For any application, an affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest.
- b) Except as provided by 30 TAC § 55.103, governmental entities, including local governments and public agencies with authority under state law over issues raised by the application may be considered affected persons.
- c) In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:
 - 1) whether the interest claimed is one protected by the law under which the application will be considered;
 - 2) distance restrictions or other limitations imposed by law on the affected interest;
 - 3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
 - 4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;
 - 5) likely impact of the regulated activity on use of the impacted natural resource by the person;
 - 6) whether the requestor timely submitted comments on the application which were not withdrawn; and
 - 7) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

30 TAC § 55.203

In regard specifically to air quality permits, the activity the commission regulates is the emissions of air contaminants into the atmosphere. Any person who plans to construct or modify a facility that may emit air contaminants must receive authorization from the commission. Commission rules also include a general prohibition against causing a nuisance. Further, for air quality permits, distance from the proposed facility is particularly relevant to the issue of whether there is a likely impact of the regulated

activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility.

For applications filed on or after September 1, 2015, 30 TAC § 55.201(d) allows the commission to consider, to the extent consistent with case law:

1. the merits of the underlying application and supporting documentation in the commission's administrative record, including whether the application meets the requirements for permit issuance;
2. the analysis and opinions of the ED; and
3. any other expert reports, affidavits, opinions, or data submitted by the ED, the applicant, or hearing requestor.

D. Referral to the State Office of Administrative Hearings

"When the commission grants a request for a contested case hearing, the commission shall issue an order specifying the number and scope of the issues to be referred to SOAH for a hearing." 30 TAC § 50.115(b). The commission may not refer an issue to SOAH for a contested case hearing unless the commission determines that the issue:

- 1) involves a disputed question of fact or a mixed question of law and fact;
- 2) was raised during the public comment period by an affected person whose hearing request is granted; and
- 3) is relevant and material to the decision on the application.

30 TAC § 50.115(c).

VII. ANALYSIS OF THE REQUESTS

A. Analysis of the Hearing Requests

The Executive Director has analyzed the hearing requests to determine whether they comply with Commission rules, if the requestors qualify as affected persons, what issues may be referred for a contested case hearing, and what is the appropriate length of the hearing.

B. Whether the Individual Requesters Meet the Affected Person Requirements

a. Persons the ED Recommends the Commission Find are Affected Persons

1. Rebecca (Becky) L. Cox

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Rebecca Cox is an affected person.

Rebecca Cox submitted a hearing request as part of a timely filed comment. Ms. Cox also submitted timely requests for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission and some of the issues raised in this hearing request were based on her timely filed comments. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of her hearing requests. In her hearing requests she stated that the proposed plant would negatively affect her vegetable garden, which she grows to feed her family. Ms. Cox also stated that due to the proximity of the proposed plant to her residence, her health will be negatively affected.

In her hearing requests, Ms. Cox stated that she lives across the street from the property on which the plant will be located. Based on the address provided, the ED determined that she lives approximately 1 mile from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location, issues raised, and interests affected by the application, Rebecca Cox has identified personal justiciable interests not common to members of the general public. Therefore, the ED recommends that the commission find that Rebecca Cox is an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Rebecca Cox raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

Issue 26: *Whether mobile source emissions from trucks associated with the proposed plant will negatively impact human health and welfare.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 69: *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*

Issue 77: *Whether the Applicant will utilize eminent domain to obtain surrounding property.*

Issue 81: *Whether local zoning ordinances were considered in the review of the permit application.*

Issue 82: *Whether the proposed plant will negatively impact the property rights of surrounding landowners.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

Rebecca Cox also raised the following issue in her hearing request; however, this issue was not raised in her timely filed public comments:

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

As analyzed further in Section VII.E. below, of the issues raised by Rebecca Cox, the ED recommends referring the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 69: *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*

2. Milann and Pru Guckian

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Milann and Pru Guckian are affected persons.

Milann and Pru Guckian both submitted multiple hearing requests as part of timely filed comments. The Guckians also submitted timely requests for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission and some of the issues raised in this hearing request were based on their timely filed

comments. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of their hearing requests. The Guckians stated that the proposed plant would negatively affect the use of their property. The Guckians also stated that due to the proximity of the proposed plant to their residence, their health will be negatively affected.

According to their hearing requests, the Guckians live approximately 1 mile from the proposed location of the plant and roughly 250 feet from the property line of the proposed facility. Based on the address provided, the ED confirmed that they live approximately 1 mile from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on their location, issues raised, and the interests affected by the application, the Guckians have identified personal justiciable interests not common to the general public. Therefore, the ED recommends that the commission find that Milann and Pru Guckian are affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing requests, the Guckians raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 13: *Whether the proposed plant will cause adverse economic impacts on the local community, including future tourism.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

Issue 22: *Whether the Applicant complied with TCEQ's public notice requirements related to sign-posting and newspaper notice.*

- Issue 23:** *Whether the proposed plant will increase future industrial development in the area.*
- Issue 25:** *Whether the proposed plant will negatively impact endangered species.*
- Issue 26:** *Whether mobile source emissions from trucks associated with the proposed plant will negatively impact human health and welfare.*
- Issue 30:** *Whether an Environmental Impact Study (EIS) or independent study regarding human health and welfare should have been conducted as part of the review of the application.*
- Issue 31:** *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*
- Issue 37:** *Whether the TCEQ's enforcement and compliance process is adequate to ensure companies comply with applicable rules and requirements.*
- Issue 41:** *Whether the proposed permit is in line with TCEQ's mission statement.*
- Issue 43:** *Whether the proposed permit should require controls that exceed BACT.*
- Issue 50:** *Whether the background concentrations used in the air dispersion modeling are representative of the proposed location of the plant.*
- Issue 56:** *Whether ambient air quality is adequately monitored in Comal County.*
- Issue 57:** *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*
- Issue 64:** *Whether the proposed permit should include requirements for reclamation of the quarry.*
- Issue 69:** *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*
- Issue 78:** *Whether an economic impact study regarding the proposed plant's impact to surrounding areas should have been required.*
- Issue 81:** *Whether local zoning ordinances were considered in the review of the permit application.*
- Issue 82:** *Whether the proposed plant will negatively impact the property rights of surrounding landowners.*
- Issue 87:** *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*
- Issue 88:** *Whether the quarry will negatively impact water quality and availability.*
- Issue 89:** *Whether the quarry will negatively impact human health and welfare.*
- Issue 90:** *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

Milann and Pru Guckian also raised the following issues in their hearing request; however, these issues were not raised in their timely filed public comments:

- Issue 9:** *Whether the controls in the proposed permit constitute Best Available Control Technology (BACT).*
- Issue 20:** *Whether the permit application should be evaluated under more stringent standards.*
- Issue 49:** *Whether an adequate site review was conducted for this application.*
- Issue 70:** *Whether the ED gave the comments and resolutions adopted by local governments maximum consideration in accordance with TCAA § 382.112.*
- Issue 71:** *Whether Comal County is in attainment with the National Ambient Air Quality Standards (NAAQS).*

Issue 80: *Whether the TCEQ can prohibit the Applicant from obtaining future authorizations at the proposed site.*

As analyzed further in Section VII.E. below, of the issues raised by Milann and Pru Guickian, the ED recommends referring the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 22: *Whether the Applicant complied with TCEQ's public notice requirements related to sign-posting and newspaper notice.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 50: *Whether the background concentrations used in the air dispersion modeling are representative of the proposed location of the plant.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 69: *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*

3. Ruby Hartmann

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Ruby Hartmann is an affected person.

Ruby Hartmann submitted a hearing request as part of a timely filed comment during the comment period. Ruby Hartmann also submitted a request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission and some the issues raised in this hearing request were based on her timely filed comments. The hearing requests were in writing and provided the required contact information. In her hearing requests, she stated that the proposed plant would negatively affect her property, including the daily outdoor activities in which she partakes throughout her property. Ms. Hartmann also stated that due to the proximity of the proposed plant to her residence, her health will be negatively affected.

According to her hearing requests, Ms. Hartmann stated that she lives approximately 1 mile from the proposed plant location. Based on the address provided, the ED determined that she lives approximately 1 mile from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location, issues raised, and interests affected by

the application, Ruby Hartmann has identified personal justiciable interests not common to the general public. Therefore, the ED recommends that the commission find that Ruby Hartmann is an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing requests, Ruby Hartmann raised the following issues and these issues were raised in her timely filed public comments:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 69: *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Ruby Hartmann also raised the following issues in her hearing request; however, these issues were not raised in her timely filed comments:

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 18: *Whether the proposed operating hours of the rock crusher ensure that there will be no adverse impacts to human health, welfare, and the environment.*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

Issue 28: *Whether the proposed permit should include conditions to require seismic monitoring.*

Issue 29: *Whether the proposed permit should include a condition to require noise monitoring.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 37: *Whether the TCEQ's enforcement and compliance process is adequate to ensure companies comply with applicable rules and requirements.*

Issue 39: *Whether the proposed permit complies with Dark Skies ordinances.*

Issue 43: *Whether the proposed permit should require controls that exceed BACT.*

Issue 58: *Whether the proposed permit conditions, including emissions limitations, are enforceable.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

As analyzed further in Section VII.E. below, of the issues raised by Ruby Hartmann, the ED recommends referring the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 69: *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*

4. Kenneth and Diane Higby

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Kenneth and Diane Higby are affected persons.

Diane Higby submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. Kenneth Higby submitted multiple hearing requests as part of timely filed comments. Their hearing requests were in writing, provided the required contact information, and included issues that are the basis of their hearing requests. In both Kenneth and Diane Higby's hearing requests they stated that given the close proximity of the proposed plant, they are concerned about their health, especially the health of Mrs. Higby, who suffers from pulmonary and cardiovascular problems. Mr. Higby is also concerned about the negative impacts the proposed plant will have on his livestock.

According to their hearing requests, Kenneth Higby stated that his property line is only 350-425 yards from the proposed site and Diane Higby stated that the proposed crusher could be located within 2500 feet of their property. Based on the address provided, the ED determined that the Higbys live within 1 mile from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this

permit is the ambient air an individual breathes. Based on their location, issues raised, and interests affected by the application, the Higbys have identified personal justiciable interests not common to the general public. Therefore, the ED recommends that the commission find that Kenneth and Diane Higby are affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing requests, the Higbys raised the following issues and these issues were raised in their filed comments:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 26: *Whether mobile source emissions from trucks associated with the proposed plant will negatively impact human health and welfare.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 47: *Whether emissions from on-site diesel engines are adequately calculated and adequately controlled.*

Issue 65: *Whether the applicable standards, including the National Ambient Air Quality Standards (NAAQS), under which the permit application was reviewed, are set at levels that are protective of human health and welfare.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

Diane Higby also raised the following issues in her hearing request; however, these issues were not raised in a timely filed public comment:

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

As analyzed further in Section VII.E. below, of the issues raised by the Higbys, the ED recommends referring the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 47: *Whether emissions from on-site diesel engines are adequately calculated and adequately controlled.*

5. Liz James

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Liz James is an affected person.

Liz James submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. Ms. James also submitted multiple hearing requests as part of timely filed comments and the issues raised in her hearing request were based on her timely filed comments. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of her hearing requests. She stated that the proposed plant would negatively affect her property, specifically her organic garden in which she spends a significant amount of time working. Ms. James also stated that due to the proximity of the proposed plant to her residence, her health and that of her grandmother, who lives on the property, will be negatively affected.

According to her hearing request, Liz James stated that she lives approximately 1 mile from the proposed location of the plant. Based on the address provided, the ED determined that Ms. James lives approximately 1 mile from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location, issues raised, and interests affected by the application, Liz James has identified personal justiciable interests not common to the general public. Therefore, the ED recommends that the commission find that Liz James is an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing requests, Liz James raised the following issues and these issues were raised in her timely filed public comments:

- Issue 1:** *Whether the proposed plant will negatively affect air quality.*
- Issue 2:** *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*
- Issue 3:** *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*
- Issue 4:** *Whether the location of the proposed plant is suitable for a rock crusher.*
- Issue 5:** *Whether the proposed plant will negatively impact the quality of life of nearby residents.*
- Issue 7:** *Whether the proposed plant will negatively impact water quality.*
- Issue 8:** *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*
- Issue 10:** *Whether the quarry will negatively impact air quality.*
- Issue 11:** *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*
- Issue 12:** *Whether trucks associated with the plant will negatively impact road infrastructure.*
- Issue 16:** *Whether the proposed plant will negatively impact local property values and taxes.*
- Issue 17:** *Whether the quarry will create a nuisance.*
- Issue 21:** *Whether the Applicant's compliance history was properly evaluated.*
- Issue 22:** *Whether the Applicant complied with TCEQ's public notice requirements related to sign-posting and newspaper notice.*
- Issue 24:** *Whether corporate profits were considered in the review of this application.*
- Issue 31:** *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*
- Issue 37:** *Whether the TCEQ's enforcement and compliance process is adequate to ensure companies comply with applicable rules and requirements.*
- Issue 50:** *Whether the background concentrations used in the air dispersion modeling are representative of the proposed location of the plant.*
- Issue 54:** *Whether the proposed plant will negatively affect indoor air quality.*
- Issue 56:** *Whether ambient air quality is adequately monitored in Comal County.*
- Issue 57:** *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*
- Issue 69:** *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*
- Issue 87:** *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*
- Issue 88:** *Whether the quarry will negatively impact water quality and availability.*
- Issue 89:** *Whether the quarry will negatively impact human health and welfare.*
- Issue 90:** *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

Liz James also raised the following issues in her hearing request following the 30-day period after the RTC, however, these issues were not raised in her timely filed comments:

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 18: *Whether the proposed operating hours of the rock crusher ensure that there will be no adverse impacts to human health, welfare, and the environment.*

Issue 28: *Whether the proposed permit should include conditions to require seismic monitoring.*

Issue 29: *Whether the proposed permit should include a condition to require noise monitoring.*

Issue 39: *Whether the proposed permit complies with Dark Skies ordinances.*

Issue 43: *Whether the proposed permit should require controls that exceed BACT.*

As analyzed further in Section VII.E. below, of the issues raised by Liz James, the ED recommends referring the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 22: *Whether the Applicant complied with TCEQ's public notice requirements related to sign-posting and newspaper notice.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 50: *Whether the background concentrations used in the air dispersion modeling are representative of the proposed location of the plant.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 69: *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*

6. Craig Johnson

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Craig Johnson is an affected person.

Craig Johnson submitted a request for a public hearing as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. According to his hearing request, Mr. Johnson stated he is concerned about that the proposed plant will cause pollution.

Craig Johnson stated he and his family bought property in the early 2000s, but did not specifically state where his property is located in proximity to the proposed plant. Based on the address provided, the ED determined that Mr. Johnson lives within 1 mile from the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on his location, issues raised, and interests affected by the application, Craig Johnson has identified personal justiciable interests not common to the general public. Therefore, the ED recommends that the commission find that Craig Johnson is an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Craig Johnson raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

As analyzed further in Section VII.E. below, of the issues raised by Craig Johnson, the ED recommends referring the following issue:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

7. Pamela Seay

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Pamela Seay is an affected person.

Pamela Seay submitted multiple requests for a public hearing as part of timely filed comments. Pamela Seay also submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission and some of the issues raised in this hearing request were based on her timely filed comments. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of her hearing requests. In her hearing requests, Ms. Seay stated that the proposed plant would negatively affect her property, specifically her livestock, garden, and other outdoor activities associated with her ranch. Ms. Seay also stated that due to the proximity of the proposed plant to her residence, her health and that of her family, who live on the property, will be negatively affected.

Pamela Seay stated that she lives on the Seay Ranch, which is located across the street from the property on which the plant will be located. Based on the address provided, the ED determined that Ms. Seay lives within 1 mile from the location of the proposed

plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location, issues raised, and interests affected by the application, Pamela Seay has identified personal justiciable interests not common to the general public. Therefore, the ED recommends that the commission find that Pamela Seay is an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing requests, Pamela Seay raised the following issues:

- Issue 1:** *Whether the proposed plant will negatively affect air quality.*
- Issue 2:** *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*
- Issue 3:** *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*
- Issue 5:** *Whether the proposed plant will negatively impact the quality of life of nearby residents.*
- Issue 7:** *Whether the proposed plant will negatively impact water quality.*
- Issue 8:** *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*
- Issue 10:** *Whether the quarry will negatively impact air quality.*
- Issue 11:** *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*
- Issue 12:** *Whether trucks associated with the plant will negatively impact road infrastructure.*
- Issue 15:** *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*
- Issue 16:** *Whether the proposed plant will negatively impact local property values and taxes.*
- Issue 17:** *Whether the quarry will create a nuisance.*
- Issue 54:** *Whether the proposed plant will negatively affect indoor air quality.*
- Issue 72:** *Whether the TCEQ's monitoring budget is adequate.*
- Issue 87:** *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*
- Issue 88:** *Whether the quarry will negatively impact water quality and availability.*
- Issue 89:** *Whether the quarry will negatively impact human health and welfare.*
- Issue 90:** *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

Pamela Seay also raised the following issues in her hearing request; however, these issues were not raised in her timely filed public comments:

- Issue 21:** *Whether the Applicant's compliance history was properly evaluated.*
- Issue 57:** *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

As analyzed further in Section VII.E. below, of the issues raised by Pamela Seay, the ED recommends referring the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

8. Renee Wilson

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Renee Wilson is an affected person.

Renee Wilson submitted multiple requests for a public hearing as part of timely filed comments. Renee Wilson also submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission and some of the issues raised in this hearing request were based on her timely filed comments. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of her hearing requests. In her hearing requests, Ms. Wilson stated that the proposed plant would negatively affect her property, specifically her livestock and crops she grows. Ms. Wilson also stated that due to the proximity of the proposed plant to her residence, her health and that of her family, who live on the property and suffer from heart and lung problems, will be negatively affected.

Renee Wilson stated that she lives approximately 3394 feet across from the location of the proposed plant. Based on the address provided, the ED determined that Ms. Wilson lives within 1 mile from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location, issues raised, and interests affected by the application, Renee Wilson has identified personal justiciable interests not common to the general public. Therefore, the ED recommends that the commission find that Renee Wilson is an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing requests, Renee Wilson raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 6: *Whether cumulative impacts of nearby operations were adequately considered.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 13: *Whether the proposed plant will cause adverse economic impacts on the local community, including future tourism.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 18: *Whether the proposed operating hours of the rock crusher ensure that there will be no adverse impacts to human health, welfare, and the environment.*

Issue 20: *Whether the permit application should be evaluated under more stringent standards.*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

Issue 24: *Whether corporate profits were considered in the review of this application.*

Issue 26: *Whether mobile source emissions from trucks associated with the proposed plant will negatively impact human health and welfare.*

Issue 28: *Whether the proposed permit should include conditions to require seismic monitoring.*

Issue 30: *Whether an Environmental Impact Study (EIS) or independent study regarding human health and welfare should have been conducted as part of the review of the application.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 37: *Whether the TCEQ's enforcement and compliance process is adequate to ensure companies comply with applicable rules and requirements.*

Issue 41: *Whether the proposed permit is in line with TCEQ's mission statement.*

Issue 49: *Whether an adequate site review was conducted for this application.*

Issue 54: *Whether the proposed plant will negatively affect indoor air quality.*

Issue 55: *Whether chemical dust suppressant is safe to use as a control for emissions from the proposed plant.*

Issue 56: *Whether ambient air quality is adequately monitored in Comal County.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 69: *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*

Issue 80: *Whether the TCEQ can prohibit the Applicant from obtaining future authorizations at the proposed site.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

Renee Wilson also raised the following issues in her hearing request; however, these issues were not raised in her timely filed public comments:

Issue 22: *Whether the Applicant complied with TCEQ's public notice requirements related to sign-posting and newspaper notice.*

Issue 67: *Whether the meteorological data used in the air dispersion model is representative of the local area.*

As analyzed further in Section VII.E. below, of the issues raised by Renee Wilson, the ED recommends referring the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 6: *Whether cumulative impacts of nearby operations were adequately considered.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 18: *Whether the proposed operating hours of the rock crusher ensure that there will be no adverse impacts to human health, welfare, and the environment.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 49: *Whether an adequate site review was conducted for this application.*

Issue 55: *Whether chemical dust suppressant is safe to use as a control for emissions from the proposed plant.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 69: *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*

b. *Persons the ED Recommends the Commission Find are NOT Affected Persons*

1. Individuals that did not meet the requirements of 30 TAC § 55.201

Betty and Mark Abolafia-Rosenzweig, Adrah Lea Anzalotta, Thomas Martin Chaney, Brigitte Deyle, Kyra N. Faught, Ora Lee Frisch, Carol and Bruce Glover, Kendall Jaroszewski, Kevin MacDonald, Brittany McCullar on behalf of Comal

ISD, Michael McCullar on behalf of Comal ISD, Dr. Meredith McGuire, Connie Reyes, Edrick Reyes, Eugene Reyes, Dennis Seay, Julie Seay, Travis Seay, James V. Spickard, Rick Shimon, Laura and Stephen Terrell.

These individuals submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. However, these individuals did not submit any timely comments during the public comment period. For applications submitted after September 1, 2015, a hearing request must be based only on the requestor's timely filed comments. Because the requesters did not submit any timely filed comments, the ED recommends that they are not affected persons because they did not meet the criteria set out in 30 TAC § 55.201.

2. Individuals that did not meet the requirements of 30 TAC § 55.203.

Sean Vincent Azzaro, Hugo Carvajal, Nicole Geiger.

These individuals requested a public hearing; however, their only comment was that they oppose the permit. These individuals did not state that they have justiciable interest related to a legal right, duty, privilege, power or economic interest affected by the application. The ED recommends that the Commission find that these individuals are not affected persons because they do not meet the criteria set out in 30 TAC § 55.203.

3. Karen Albright

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Karen Albright is not an affected person.

Karen Albright submitted a request for a hearing as part of a timely filed comment. The request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Ms. Albright stated that the proposed plant will negatively impact every living thing, humans, animals, and plants. Additionally, she states that the proposed permit will not meet current air quality standards. However, Karen Albright does not identify how or why she specifically will be affected in a way not common to members of the general public.

Karen Albright did not specifically indicate in her hearing request where she lives relative to the proposed plant. Using the address provided, the ED determined that Ms. Albright lives more than 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because she failed to state a personal justiciable interest in her hearing request and because she lives more than 2 miles from the proposed location of the plant, the ED recommends that the Commission find that Karen Albright is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Karen Albright raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 20: *Whether the permit application should be evaluated under more stringent standards.*

4. Melissa Alonzo

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Melissa Alonzo is not an affected person.

Melissa Alonzo requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Melissa Alonzo stated that the proposed plant will negatively impact the air that she breathes and that her physical property will be damaged.

Melissa Alonzo does not specifically indicate where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives more than 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on Ms. Alonzo's health and safety or property in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Melissa Alonzo is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Melissa Alonzo raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

5. Hector Amaya and Sabrina Houser Amaya

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Hector Amaya and Sabrina Houser Amaya are not affected persons.

Hector Amaya and Sabrina Houser Amaya submitted several requests that a hearing be allowed as part of timely filed comments. The Amayas also submitted timely requests for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission and some of the issues raised in this hearing request were based on their timely filed comments. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of their hearing requests. In their hearing requests, Hector Amaya and Sabrina Houser Amaya stated that the proposed plant will negatively impact their air quality and destroy their physical property.

The Amayas did not specifically indicate in their hearing requests where they live relative to the proposed plant. The Amayas provided both a residential address and a business address. Using the addresses provided, the ED determined that both of the addresses provided by the Amayas are more than 2 miles away from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on the location of the address given to the proposed plant, the ED does not expect the regulated activity to have an impact on the Amayas' health and safety in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Hector Amaya and Sabrina Houser Amaya are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing requests, Hector Amaya and Sabrina Houser Amaya raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 6: *Whether cumulative impacts of nearby operations were adequately considered.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 9: *Whether the controls in the proposed permit constitute Best Available Control Technology (BACT).*

Issue 10: *Whether the quarry will negatively impact air quality.*

- Issue 11:** *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*
- Issue 12:** *Whether trucks associated with the plant will negatively impact road infrastructure.*
- Issue 15:** *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*
- Issue 17:** *Whether the quarry will create a nuisance.*
- Issue 19:** *Whether the air quality modeling conducted as part of this application adequately incorporated the local prevailing winds.*
- Issue 20:** *Whether the permit application should be evaluated under more stringent standards.*
- Issue 21:** *Whether the Applicant's compliance history was properly evaluated.*
- Issue 26:** *Whether mobile source emissions from trucks associated with the proposed plant will negatively impact human health and welfare.*
- Issue 30:** *Whether an Environmental Impact Study (EIS) or independent study regarding human health and welfare should have been conducted as part of the review of the application.*
- Issue 31:** *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*
- Issue 37:** *Whether the TCEQ's enforcement and compliance process is adequate to ensure companies comply with applicable rules and requirements.*
- Issue 41:** *Whether the proposed permit is in line with TCEQ's mission statement.*
- Issue 43:** *Whether the proposed permit should require controls that exceed BACT.*
- Issue 46:** *Whether independent air dispersion modeling should have been conducted for this application.*
- Issue 47:** *Whether emissions from on-site diesel engines are adequately calculated and adequately controlled.*
- Issue 49:** *Whether an adequate site review was conducted for this application.*
- Issue 50:** *Whether the background concentrations used in the air dispersion modeling are representative of the proposed location of the plant.*
- Issue 55:** *Whether chemical dust suppressant is safe to use as a control for emissions from the proposed plant.*
- Issue 56:** *Whether ambient air quality is adequately monitored in Comal County.*
- Issue 61:** *Whether the permit application, and associated air dispersion modeling, included and properly evaluated all applicable emissions.*
- Issue 64:** *Whether the proposed permit should include requirements for reclamation of the quarry.*
- Issue 87:** *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*
- Issue 88:** *Whether the quarry will negatively impact water quality and availability.*
- Issue 89:** *Whether the quarry will negatively impact human health and welfare.*
- Issue 90:** *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

The Amayas also raised the following issues in their hearing requests; however, these issues were not raised in their timely filed public comments:

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 42: *Whether there are errors in the permit application.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

6. Rick D. Aristeguieta

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Rick Aristeguieta is not an affected person.

Rick Aristeguieta requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In his hearing request, Rick Aristeguieta stated that the proposed plant will negatively impact the air quality and have a permanent impact on his health and physical property.

Mr. Aristeguieta did not indicate where he lives relative to the proposed plant. Using the address provided, the ED determined that he lives more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Due to Mr. Aristeguieta's location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on Mr. Aristeguieta's health and safety that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Rick Aristeguieta is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Rick Aristeguieta raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

7. Gary B. Armstrong

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Gary Armstrong is not an affected person.

Gary Armstrong requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In his hearing request, Gary

Armstrong stated that he has many concerns regarding the proposed plant, including whether a study has been done about the effects of the proposed plant on bats and caves on the property, the effects of blasting, and negative impacts on the property values in the community. However, Mr. Armstrong did not state how or why he specifically will be affected in a way not common to members of the general public.

Mr. Armstrong did not indicate where he lives relative to the proposed plant. Using the address provided, the ED determined that he lives more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because he failed to state a personal justiciable interest in his hearing request and because Mr. Armstrong lives over 2 miles from the proposed plant, the ED recommends that the Commission find that Gary Armstrong is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Gary Armstrong raised the following issues:

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 30: *Whether an Environmental Impact Study (EIS) or independent study regarding human health and welfare should have been conducted as part of the review of the application.*

Issue 33: *Whether the proposed permit complies with applicable requirements for portable rock crushers.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

8. Lauri S. Azzaro

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Lauri Azzaro is not an affected person.

Lauri Azzaro requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and

included issues that are the basis of her hearing request. In her hearing request, Ms. Azzaro stated that she has COPD and is concerned that the proposed plant will compromise the air quality, due to silica PM.

Ms. Azzaro did not specifically state in her hearing request where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Due to Ms. Azzaro's location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her health and safety in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Lauri Azzaro is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Lauri Azzaro raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 69: *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

9. Gary Baker

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Gary Baker is not an affected person.

Gary Baker requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In his hearing request, Gary Baker stated that the proposed plant will have a negative impact on the community's health and physical property. However, Mr. Baker did not state how or why he specifically will be affected in a way not common to members of the general public.

Mr. Baker did not state in his hearing request where he lives relative to the proposed plant. Using the address provided, the ED determined that he lives more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact

of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because Mr. Baker failed to state a personal justiciable interest in his hearing request and because he lives over 2 miles from the location of the proposed plant, the ED recommends that the Commission find that Gary Baker is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Gary Baker raised the following issue:

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

10. Kathleen Banse

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Kathleen Banse is not an affected person.

Kathleen Banse requested that a hearing be allowed as part of a timely filed comment. Kathleen Banse also submitted an additional hearing request during the 30-day period after the RTC was mailed out by the Commission. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Kathleen Banse stated that the proposed plant will negatively impact her health and air quality.

Ms. Banse stated that she lives approximately 2 miles away from the proposed plant. Using the address provided, the ED confirmed that she lives approximately 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on Ms. Banse's location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her health and safety in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Kathleen Banse is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Kathleen Banse raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 42: *Whether there are errors in the permit application.*

11. Clifford G. Barr

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Clifford Barr is not an affected person.

Clifford Barr requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In his hearing request, Clifford Barr stated that the proposed plant will negatively impact his health and physical property.

Mr. Barr indicated that he lives less than 2 miles from the proposed plant. Using the address provided, the ED determined that he lives more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on Mr. Barr's location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on his health and safety in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Clifford Barr is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Clifford Barr raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

12. Ali Baugh

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Ali Baugh is not an affected person.

Ali Baugh requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Ali Baugh stated that the proposed plant will negatively impact the community's health and physical property. However, Ms. Baugh did not state how or why she specifically will be affected in a way not common to members of the general public.

Ms. Baugh did not indicate where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because she failed to state a personal justiciable interest in her hearing request and because she lives more than 2 miles from the location of the proposed plant, the ED recommends that the Commission find that Ali Baugh is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Ali Baugh raised the following issues:

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 86: *Whether the proposed plant will negatively impact the cultural heritage of the local area.*

13. Devin Bell

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Devin Bell is not an affected person.

Devin Bell requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In his hearing request, Devin Bell stated that the proposed plant will negatively impact the air that he and his horses breathe.

Mr. Bell did not state where he lives relative to the proposed plant. Using the address provided, the ED determined that he lives approximately 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on Mr. Bell's location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on his health and safety in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Devin Bell is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Devin Bell raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

14. Michael Anthony Bell

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Michael Anthony Bell is not an affected person.

Michael Anthony Bell submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. Mr. Bell also filed timely comments during the comment period and the issues raised in his hearing request were based on his timely filed comment. Additionally, his wife Deborah Bell also filed multiple timely filed comments during the public comment period. The request was in writing and provided the required contact information. In his hearing request, Michael Bell stated that he is concerned the proposed plant will negatively impact the air quality near where he lives. Further, Mr. Bell also noted in one of his comments that his mother will be moving in to his home and that she suffers from severe emphysema. As a result, he is concerned that the proposed plant will negatively impact her health.

Mr. Bell stated that he lives 1 mile from the proposed plant. Mr. Bell also provided different addresses in his comments and hearing request. Using the address provided in his hearing request, the ED determined that Mr. Bell lives over 1 mile from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on his location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on the air quality or the health of Mr. Bell or his family in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Mr. Bell is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Michael Anthony Bell raised the following issues and these issues were raised in his timely filed public comments:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 47: *Whether emissions from on-site diesel engines are adequately calculated and adequately controlled.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

15. Katherine Beshore

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Katherine Beshore is not an affected person.

Katherine Beshore requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Katherine Beshore stated that the quarry will negatively impact her health and physical property.

Ms. Beshore did not indicate where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on Ms. Beshore's location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her health and safety in a way that is not common to members of the general public. Further, the issues raised by Ms. Beshore are related to a proposed quarry at the site. Quarries are specifically excluded from regulation under the TCAA. As a result, concerns regarding the quarry are beyond the scope of this application.

Accordingly, the ED recommends that the Commission find that Katherine Beshore is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Katherine Beshore raised the following issues:

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

16. Nancy and Larry Beward

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Nancy and Larry Beward are not affected persons.

Nancy and Larry Beward requested that a hearing be allowed as part of timely filed comments. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of their hearing requests. In their hearing requests, Nancy and Larry Beward stated that the proposed plant will negatively impact their health, air quality, and ability to do outdoor activities.

The Bewards did not indicate where they live relative to the proposed plant. Using the address provided, the ED determined that the Bewards live more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on the Bewards' location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on the Bewards' health and safety in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Nancy and Larry Beward are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing requests, Nancy and Larry Beward raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

17. Elaine and Ron Bigbee

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Elaine and Ron Bigbee are not affected persons.

Elaine and Ron Bigbee submitted timely filed comments. The Bigbees submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission and some of the issues raised in this hearing request were based on their timely filed comments. The hearing requests were in writing, provided the required contact information. In their hearing requests, the Bigbees stated that the proposed plant will negatively affect their health and business. However, while the Bigbees raised a personal justiciable interest in their timely filed hearing request, the only issues raised in their hearing request that were also raised in their timely filed comments are not referable to SOAH.

Elaine and Ron Bigbee stated that they live 2851 feet from the proposed plant. Using the address provided, the ED confirmed that the Bigbees live within 1 mile from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because they failed to state a referable issue in their hearing request that was based on their timely filed public comment, the ED recommends that the Commission find that Elaine and Ron Bigbee are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing request, Elaine and Ron Bigbee raised the following issues and these issues were raised in their timely filed public comment:

Issue 13: *Whether the proposed plant will cause adverse economic impacts on the local community, including future tourism.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Elaine and Ron Bigbee also raised the following issues in their hearing request; however, these issues were not raised in their timely filed public comments:

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

Issue 22: *Whether the Applicant complied with TCEQ's public notice requirements related to sign-posting and newspaper notice.*

Issue 26: *Whether mobile source emissions from trucks associated with the proposed plant will negatively impact human health and welfare.*

Issue 42: *Whether there are errors in the permit application.*

Issue 47: *Whether emissions from on-site diesel engines are adequately calculated and adequately controlled.*

Issue 56: *Whether ambient air quality is adequately monitored in Comal County.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 69: *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*

Issue 74: *Whether mobile source emissions associated with the proposed plant should be monitored.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

18. Kathryn A. Black

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Kathryn Black is not an affected person.

Kathryn Black requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Kathryn Black stated that the proposed plant will negatively impact the surrounding air quality and the excavation of the quarry will contribute to erosion and flooding in the area. However, Ms. Black did not state how or why she specifically will be affected in a way not common to members of the general public.

Ms. Black did not indicate where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because she failed to state a personal justiciable interest in her hearing request and because she lives over 2 miles from the location of the proposed plant, the ED recommends that the

Commission find that Kathryn Black is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Kathryn Black raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 6: *Whether cumulative impacts of nearby operations were adequately considered.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

19. Troy Calvin Brand

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Troy Brand is not an affected person.

Troy Brand requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In the hearing request, Troy Brand stated that the proposed plant will negatively impact his personal health and the health of his family.

Mr. Brand did not indicate where he lives relative to the proposed plant. Using the address provided, the ED determined that he lives approximately 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on Mr. Brand's location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on his health and safety in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Troy Brand is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Troy Brand raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

20. Dawson Bremer (on behalf of Bremer Ranch)

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Dawson Bremer is not an affected person.

Dawson Bremer requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In his hearing request, Dawson Bremer stated that the proposed plant will negatively impact his land and his livestock.

Mr. Bremer indicated that he lives approximately 2 miles from the proposed plant. Using the address provided, the ED confirmed that he lives approximately 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on Mr. Bremer's location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on his health and safety in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Dawson Bremer is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Dawson Bremer raised the following issues:

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 19: *Whether the air quality modeling conducted as part of this application adequately incorporated the local prevailing winds.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

21. Harold Broth

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Harold Broth is not an affected person.

Harold Broth requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In his hearing request, Harold Broth stated that the proposed plant will have a negative impact on the community's health, physical property, and natural resources with very little property tax revenue benefit. However, Mr. Broth did not state how or why he specifically will be affected in a way not common to members of the general public.

Mr. Broth did not indicate where he lives relative to the proposed plant. Using the address provided, the ED determined that he lives more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because Mr. Broth failed to state a personal justiciable interest in his hearing request and because he lives more than 2 miles from the proposed location of the plant, the ED recommends that the Commission find that Harold Broth is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Harold Broth raised the following issues:

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

22. Kelly Brown

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Kelly Brown is not an affected person.

Kelly Brown submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. Ms. Brown also filed a timely comment during the comment period and some of the issues raised in her hearing request were based on her timely filed comment. The request was in writing and provided the required contact information. In her hearing request, Kelly Brown stated that her children and mother have compromised immune systems and that they would have to move from their property if the proposed plant is built.

Ms. Brown stated that her property is less than .5 miles from the proposed plant. However, using the address provided, the ED determined that Ms. Brown lives over 10 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on Ms. Brown's location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her or her family's health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Kelly Brown is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Kelly Brown raised the following issue and she raised the issue in her timely filed public comment:

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Kelly Brown also raised the following issue in her hearing request; however, this issue was not raised in her timely filed public comments:

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

23. Ginger Browning

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Ginger Browning is not an affected person.

Ginger Browning requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Ginger Browning stated that the proposed quarry will negatively impact air quality and her and her family's health.

Ms. Browning indicated that she lives approximately 2 miles away from the proposed plant. Using the address provided, the ED determined that she lives more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact

of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on Ms. Browning's location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her health and safety in a way that is not common to members of the general public. Further, the issues raised by Ms. Browning are related to a proposed quarry at the site. Quarries are specifically excluded from regulation under the TCAA. As a result, concerns regarding the quarry are beyond the scope of this application. Accordingly, the ED recommends that the Commission find that Ginger Browning is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Ginger Browning raised the following issues:

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 53: *Whether the Applicant should have been allowed to utilize the expedited permitting process.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

24. Barbara Brunson

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Barbara Brunson is not an affected person.

Barbara Brunson requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Barbara Brunson stated that the proposed plant will negatively impact the surrounding air quality and the health of the residents of the community. However, Ms. Brunson did not state how or why she specifically will be affected in a way not common to members of the general public.

Ms. Brunson did not indicate where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because Ms. Brunson failed to state a personal justiciable interest in her hearing request and because she lives more than 2 miles from the location of the proposed plant, the ED recommends that the Commission find that Barbara Brunson is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Barbara Brunson raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

25. Katy Bryant

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Katy Bryant is not an affected person.

Katy Bryant requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Katy Bryant stated that the proposed plant will negatively impact the surrounding air quality. However, Ms. Bryant did not state how or why she specifically will be affected in a way not common to members of the general public.

Ms. Bryant did not indicate where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because Ms. Bryant failed to state a personal justiciable interest in her hearing request and because she lives more than 2 miles from the location of the proposed plant, the ED recommends that the Commission find that Katy Bryant is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Katy Bryant raised the following issue:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

26. Alyssa D. Brysch

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Alyssa Brysch is not an affected person.

Alyssa Brysch requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Alyssa Brysch stated that the proposed plant will negatively impact air quality, her family's health, and her physical property.

Ms. Brysch did not indicate where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on Ms. Brysch's location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her health and safety in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Alyssa Brysch is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Alyssa Brysch raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

27. Kristine Brzozowski

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Kristine Brzozowski is not an affected person.

Kristine Brzozowski requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Kristine Brzozowski stated that she is concerned that the proposed plant will negatively impact the air quality for the surrounding neighborhoods and schools. However, Ms. Brzozowski did not state how or why she specifically will be affected in a way not common to members of the general public.

Ms. Brzozowski did not indicate where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because Ms.

Brzozowski failed to state a personal justiciable interest in her hearing request and because she lives more than 2 miles from the location of the proposed plant, the ED recommends that the Commission find that Kristine Brzozowski is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Kristine Brzozowski raised the following issue:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

28. David Bullock

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that David Bullock is not an affected person.

David Bullock requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In his hearing request, David Bullock stated that the air pollution from the proposed quarry will have a negative impact on surrounding residents' property values and quality of life. However, Mr. Bullock did not state how or why he specifically will be affected in a way not common to members of the general public.

Mr. Bullock did not indicate where he lives relative to the proposed plant. Using the address provided, the ED determined that he lives more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because Mr. Bullock failed to state a personable justiciable interest in his hearing request and because he lives more than 2 miles from the location of the proposed plant, the ED recommends that the Commission find that David Bullock is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, David Bullock raised the following issues:

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

29. Julie Burbank

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Julie Burbank is not an affected person.

Julie Burbank submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. Ms. Burbank also filed a timely comment during the comment period and some of the issues raised in her hearing request were based on her timely filed comment. The request was in writing and provided the required contact information. In her hearing request, Julie Burbank stated that her husband's health would be negatively affected by the proposed plant.

Ms. Burbank stated that she lives 7.55 miles from the proposed plant. Using the address provided, the ED confirmed that Ms. Burbank lives approximately 7.5 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on Ms. Burbank's location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her or her family's health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Julie Burbank is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Julie Burbank raised the following issues and she raised the issues in her timely filed public comment:

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 17: *Whether the quarry will create a nuisance.*

Julie Burbank also raised the following issue in her hearing request; however, this issue was not raised in her timely filed public comments:

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

30. Billy Wayne Burton

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Bill Burton is not an affected person.

Bill Burton requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In his hearing request, Bill Burton stated that the proposed plant will increase the potential for health issues and

that he is concerned about noise, hours of operation, blasting, traffic, zoning, and property values.

Mr. Burton indicated that he lives between 1 and 2 miles from the proposed plant. Based on the address provided, the ED determined that he lives approximately 1.5 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on Mr. Burton's location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on his health and safety in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Bill Burton is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Bill Burton raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 18: *Whether the proposed operating hours of the rock crusher ensure that there will be no adverse impacts to human health, welfare, and the environment.*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

Issue 40: *Whether the Applicant's Mine Safety and Health Administration violations at other quarry locations were considered as part of this application.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

31. Teri Callihan

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Teri Callihan is not an affected person.

Teri Callihan requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Teri Callihan stated that she is concerned that the proposed plant will negatively impact the traffic, noise, light pollution, and Edwards Aquifer recharge zone. However, Ms. Callihan did not state how or why she specifically will be affected in a way not common to members of the general public.

Ms. Callihan did not indicate where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because Ms. Callihan failed to state a personal justiciable interest in her hearing request and because she lives more than 2 miles from the location of the proposed plant, the ED recommends that the Commission find that Teri Callihan is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Teri Callihan raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

32. Windell Cannon

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Windell Cannon is not an affected person.

Windell Cannon submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. Mr. Cannon also filed a timely comment during the comment period and some of the issues raised in his hearing request were based on his timely filed comments. The request was in writing and provided the required contact information. In his hearing request, Mr. Cannon stated that he suffers from allergies and his wife has lung disease and that both will be adversely affected by the dust from the proposed plant.

William Cannon stated that his fence line is .2 miles from the property line of the proposed plant. However, using the address provided, the ED determined that Mr.

Cannon lives more than 1 mile from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on his location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on Mr. Cannon's health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Windell Cannon is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Windell Cannon raised the following issues and he raised these issues in his timely filed public comments:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 30: *Whether an Environmental Impact Study (EIS) or independent study regarding human health and welfare should have been conducted as part of the review of the application.*

Windell Cannon also raised the following issues in his hearing request; however, these issues were not raised in his timely filed public comments:

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

33. Robert Carrillo

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Robert Carrillo is not an affected person.

Robert Carrillo requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In his hearing request, Robert Carrillo questions what type of impact the proposed quarry will have on plant photosynthesis, human health, ozone, and air quality. However, Mr. Carrillo did not

state how or why he specifically will be affected in a way not common to members of the general public.

Mr. Carrillo did not indicate where he lives relative to the proposed plant. Using the address provided, the ED determined that he lives more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because Mr. Carrillo failed to state a personal justiciable interest in his hearing request and because he lives more than 2 miles from the location of the proposed plant, the ED recommends that the Commission find that Robert Carrillo is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Robert Carrillo raised the following issues:

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

34. Russell Cason

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Russell Cason is not an affected person.

Russell Cason submitted a timely request for a contested case hearing on behalf of himself and his wife, Dian C. Cason, during the 30-day period after the RTC was mailed out by the Commission. Mr. Cason also filed a timely comment during the comment period and some of the issues raised in his hearing request were based on his timely filed comment. The request was in writing and provided the required contact information. In his hearing request, Russell Cason stated that dust from the proposed plant will be carried by the local winds to his property and will further aggravate the respiratory allergies from which he and his wife suffer. Further, the proposed plant will reduce his property value and have a direct impact on the safety of his family while driving on local roads.

Mr. Cason stated that he lives approximately 3.6 miles from the proposed location of the rock crusher. Using the address provided, the ED confirmed that he lives over 3 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on Mr. Cason's location relative to the proposed plant, the ED does

not expect the regulated activity to have an impact on his or his wife's health or their property in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Russell Cason is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Russell Cason raised the following issues and these issues were raised in his timely filed public comment:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 30: *Whether an Environmental Impact Study (EIS) or independent study regarding human health and welfare should have been conducted as part of the review of the application.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 56: *Whether ambient air quality is adequately monitored in Comal County.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 82: *Whether the proposed plant will negatively impact the property rights of surrounding landowners.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

Russell Cason also raised the following issues in his hearing request; however, these issues were not raised in his timely filed public comment:

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 26: *Whether mobile source emissions from trucks associated with the proposed plant will negatively impact human health and welfare.*

Issue 47: *Whether emissions from on-site diesel engines are adequately calculated and adequately controlled.*

Issue 61: *Whether the permit application, and associated air dispersion modeling, included and properly evaluated all applicable emissions.*

Issue 69: *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*

35. Mason Cawley

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Mason Cawley is not an affected person.

Mason Cawley requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In his hearing request, Mason Cawley stated that the proposed plant will have a negative impact on the air quality in the surrounding area. However, Mr. Cawley did not state how or why he specifically will be affected in a way not common to members of the general public.

Mr. Cawley did not indicate where he lives relative to the proposed plant. Using the address provided, the ED determined that he lives more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because Mr. Cawley failed to state a personal justiciable interest in his hearing request and because he lives more than 2 miles from the location of the proposed plant, the ED recommends that the Commission find that Mason Cawley is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Mason Cawley raised the following issue:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

36. Lynn Chapman

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Lynn Chapman is not an affected person.

Lynn Chapman requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Lynn Chapman stated that she is concerned that the proposed plant will negatively impact the air quality, traffic, noise, light pollution, and habitat. However, Ms. Chapman did not state how or why she specifically will be affected in a way not common to members of the general public.

Ms. Chapman did not indicate where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because Ms. Chapman failed to state a personal justiciable interest in her hearing request and because she lives more than 2 miles from the location of the proposed plant, the ED recommends that the Commission find that Lynn Chapman is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Lynn Chapman raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

37. Yvonne L. Chapman

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Yvonne Chapman is not an affected person.

Yvonne Chapman requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Yvonne Chapman stated that the proposed quarry will negatively impact the air quality, exacerbating existing breathing issues, and thus will negatively impact the health of the surrounding community. However, Ms. Chapman did not state how or why she specifically will be affected in a way not common to members of the general public.

Ms. Chapman did not indicate where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because Ms. Chapman failed to state a personal justiciable interest in her hearing request and because she

lives more than 2 miles from the location of the proposed plant, the ED recommends that the Commission find that Yvonne Chapman is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Yvonne Chapman raised the following issues:

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

38. James Albert Chew

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that James Chew is not an affected person.

James Chew requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In his hearing request, James Chew stated that he is concerned that the proposed plant will negatively impact his air quality. Additionally, Mr. Chew states that he is concerned that the proposed plant will negatively impact the health of elderly residents in the area.

Mr. Chew did not indicate where he lives in relation to the proposed plant. Based on the address provided, the ED determined that he lives approximately 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on Mr. Chew's location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on his health and safety in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that James Chew is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, James Chew raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

39. Wes Clark

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Wes Clark is not an affected person.

Wes Clark requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In his hearing request, Wes Clark stated that the proposed plant will have a negative impact on the air quality, neighboring ranches and livestock, noise, road destruction, and traffic concerns. However, Mr. Clark did not state how or why he specifically will be affected in a way not common to members of the general public.

Mr. Clark did not indicate where he lives relative to the proposed plant. Using the address provided, the ED determined that he lives more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because Mr. Clark failed to state a personal justiciable interest in his hearing request and because he lives more than 2 miles from the location of the proposed plant, the ED recommends that the Commission find that Wes Clark is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Wes Clark raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

40. William B. Cobb

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that William Cobb is an affected person.

William Cobb submitted multiple requests for a public hearing as part of timely filed comments. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of his hearing requests. In his hearing requests, William Cobb stated that the proposed plant will have a negative

impact on his health and the air quality at his home, which is downwind from the plant, due to nuisance dust.

Mr. Cobb indicated that he lives approximately 2 miles from the proposed plant. Using the address provided, the ED determined that Mr. Cobb lives approximately 1.5 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on Mr. Cobb's location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on his health and safety in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that William Cobb is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, William Cobb raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 47: *Whether emissions from on-site diesel engines are adequately calculated and adequately controlled.*

Issue 56: *Whether ambient air quality is adequately monitored in Comal County.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 59: *Whether the proposed permit complies with applicable requirements in 30 Tex. Admin. Code, Chapter 111.*

Issue 60: *Whether the proposed plant is subject to 30 Tex. Admin. Code Chapter 113.*

Issue 69: *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

41. Herbert A. Coley

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Herbert Coley is not an affected person.

Herbert Coley requested that a hearing be allowed as part of a timely filed comment. Herbert Coley also submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. Mr. Coley also filed a timely comment during the comment period and some of the issues raised in his hearing request were based on his timely filed comments. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In his hearing request, Herbert Coley stated that the proposed plant will have a negative impact on his physical property due to the dust that will travel to his home, and traffic and noise pollution from increased truck traffic and blasting.

Mr. Coley indicated that he lives approximately 2 miles from the proposed plant. Using the address provided, the ED confirmed that he lives approximately 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on Mr. Coley's location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on his health and safety in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Herbert Coley is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Herbert Coley raised the following issues and he raised the issues in his timely filed public comments:

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

Herbert Coley also raised the following issues in his hearing request; however, these issues were not raised in his timely filed public comments:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

42. Shirley Corkill

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Shirley Corkill is not an affected person.

Shirley Corkill requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Shirley Corkill stated that she is concerned that the proposed plant will negatively impact the air quality of the neighboring properties. However, Ms. Corkill did not state how or why she specifically will be affected in a way not common to members of the general public.

Ms. Corkill did not indicate where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because Ms. Corkill failed to state a personal justiciable interest in her hearing request and because she lives more than 2 miles from the location of the proposed plant, the ED recommends that the Commission find that Shirley Corkill is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Shirley Corkill raised the following issue:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

43. Belinda, Mark, Noah, Ayden, and Evan Correa

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that the Correas are not affected persons.

The Correas requested that a hearing be allowed as part of timely filed comments. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of their hearing requests. In the hearing requests, the

Correas stated that the proposed plant will negatively impact their health, air quality, and quality of life.

The Correas indicated that they live approximately 2 to 3 miles from the proposed plant. Using the address provided, the ED confirmed that the Correas live more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on the Correas' location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on their health and safety in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that the Correas are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing requests, the Correas raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 41: *Whether the proposed permit is in line with TCEQ's mission statement.*

44. Catherine Croom

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Catherine Croom is not an affected person.

Catherine Croom requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Catherine Croom stated that she is concerned that the proposed plant will negatively impact her and her family's health, the air quality, and her outdoor activities.

Ms. Croom did not indicate where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Due to Ms. Croom's location relative to the proposed plant, the ED does not expect the regulated activity to

have an impact on her health and safety in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Catherine Croom is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Catherine Croom raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 47: *Whether emissions from on-site diesel engines are adequately calculated and adequately controlled.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

45. Joel Cunningham

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Joel Cunningham is not an affected person.

Joel Cunningham requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In his hearing request, Joel Cunningham stated that the proposed quarry will have a negative impact on the environment, including the land, water, and air quality. However, Mr. Cunningham did not state how or why he specifically will be affected in a way not common to members of the general public.

Mr. Cunningham did not indicate where he lives relative to the proposed plant. Using the address provided, the ED determined that he lives more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because Mr. Cunningham failed to state a personal justiciable interest in his hearing request and because he lives more than 2 miles from the location of the proposed plant, the ED

recommends that the Commission find that Joel Cunningham is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Joel Cunningham raised the following issues:

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

46. Rocco Defelice

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Rocco Defelice is not an affected person.

Rocco Defelice requested that a hearing be allowed as part of timely filed comments. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of his hearing request. In his hearing request, Rocco Defelice stated that the proposed plant will have a negative impact on his health, physical property, and natural resources.

Mr. Defelice did not indicate where he lives relative to the proposed plant. Using the address provided, the ED determined that he lives more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on Mr. Defelice's location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on his health and safety that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Rocco Defelice is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Rocco Defelice raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

Issue 26: *Whether mobile source emissions from trucks associated with the proposed plant will negatively impact human health and welfare.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

47. Donna H. Gibson Dell

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Donna Dell is not an affected person.

Donna Dell submitted a timely request for a contested case hearing on behalf of herself and as the trustee of the Robert P. and Shirley D. Gibson Living Trust during the 30-day period after the RTC was mailed out by the Commission. Ms. Dell and Robert P. Gibson, Ms. Dell's father, also filed timely comments during the comment period and some of the issues raised in Ms. Dell's hearing requests were based on her and her father's timely filed comments. The requests were in writing and provided the required contact information. In her hearing requests, Donna Dell stated that the proposed plant and quarry will cause negative health issues for herself and her family. Further, Ms. Dell is concerned that dust from the proposed plant will negatively impact their air quality.

Ms. Dell stated that she and her father live approximately 1.35 miles from the proposed location of the rock crusher. Ms. Dell provided both a Georgia address and a New Braunfels address and stated that she has resided at the New Braunfels address for the past 5 years. Using the New Braunfels address provided by Ms. Dell, the ED confirmed that she and her father live over 1 mile from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on their location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on Ms. Dell and her family's health or air quality in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Donna Dell is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing requests, Donna Dell raised the following issues and these issues were raised in her timely filed public comment:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

Donna Dell also raised the following issues in her hearing requests; however, these issues were not raised in her or her father's timely filed public comments:

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 19: *Whether the air quality modeling conducted as part of this application adequately incorporated the local prevailing winds.*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

Issue 49: *Whether an adequate site review was conducted for this application.*

48. Teresa Dophied

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Teresa Dophied is not an affected person.

Teresa Dophied requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Teresa Dophied stated that she is concerned that the proposed plant will negatively impact her family's health and her physical property.

Ms. Dophied did not indicate where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on Ms. Dophied's location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her health and safety in a way that is not common to

members of the general public. Accordingly, the ED recommends that the Commission find that Teresa Dophied is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Teresa Dophied raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

49. Michele M. and James Kevin Drake

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Michele and James Drake are not affected persons.

Michele and James Drake requested that a hearing be allowed as part of timely filed comments. The Drakes also submitted timely requests for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission and some of the issues raised in this hearing request were based on their timely filed comments. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of their hearing requests. In their hearing requests, Michele and James Drake stated that the proposed plant will negatively impact their health, their family's health, physical property, air quality, the environment, and traffic. The Drakes are also concerned that the permit application is incomplete as it does not account for all sources of dust associated with the proposed plant and there was no benchmark study done to establish current levels of emissions. Additionally, the Drakes are stated that the proposed plant will negatively impact the water quality and water supply of their well.

In their hearing requests, the Drakes indicated that they live directly south of the proposed plant. Using the address provided, the ED determined that the Drakes live approximately 1.5 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on the Drakes' location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on the Drakes' health and safety that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Michele and James Drake are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing requests, Michele and James Drake raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 6: *Whether cumulative impacts of nearby operations were adequately considered.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 19: *Whether the air quality modeling conducted as part of this application adequately incorporated the local prevailing winds.*

Issue 26: *Whether mobile source emissions from trucks associated with the proposed plant will negatively impact human health and welfare.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 36: *Whether the Applicant is liable for property damages from blasting.*

Issue 51: *Whether emissions from maintenance, start-up, and shutdown activities are adequately addressed in the proposed permit.*

Issue 56: *Whether ambient air quality is adequately monitored in Comal County.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 61: *Whether the permit application, and associated air dispersion modeling, included and properly evaluated all applicable emissions.*

Issue 69: *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

Michele and James Drake also raised the following issues in their hearing request; however, these issues were not raised in their timely filed public comments:

Issue 9: *Whether the controls in the proposed permit constitute Best Available Control Technology (BACT).*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 25: *Whether the proposed plant will negatively impact endangered species.*

50. Tiffany and David A. Drewa

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Tiffany and David Drewa are not affected persons.

Tiffany and David Drewa submitted multiple requests that a hearing be allowed as part of timely filed comments. David Drewa also submitted a request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission and some of the issues raised in this hearing request were based on their timely filed comments. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of their hearing requests. In their hearing requests, Tiffany and David Drewa stated that the proposed plant will negatively impact the air quality and their health, their family's health, and their physical property, including their property value. Additionally, the Drewas state that the proposed plan will cause noise, air, and light pollution which will negatively impact the nearby bat colony.

The Drewas indicated that they will be moving nearby to the proposed plant on Beck Road in Bulverde. Using the address identified for the Beck Road property, the ED determined that the Drewas will live more than 3 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on the Drewas' location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on the Drewas' health and safety that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Tiffany and David Drewa are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing requests, Tiffany and David Drewa raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

Issue 26: *Whether mobile source emissions from trucks associated with the proposed plant will negatively impact human health and welfare.*

Issue 30: *Whether an Environmental Impact Study (EIS) or independent study regarding human health and welfare should have been conducted as part of the review of the application.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 37: *Whether the TCEQ's enforcement and compliance process is adequate to ensure companies comply with applicable rules and requirements.*

Issue 41: *Whether the proposed permit is in line with TCEQ's mission statement.*

Issue 47: *Whether emissions from on-site diesel engines are adequately calculated and adequately controlled.*

Issue 56: *Whether ambient air quality is adequately monitored in Comal County.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 69: *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*

Issue 70: *Whether the ED gave the comments and resolutions adopted by local governments maximum consideration in accordance with TCAA § 382.112.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

David Drewa also raised the following issue; however, this issue was not raised in any of the Drewas' timely submitted public comments:

Issue 49: *Whether an adequate site review was conducted for this application.*

51. Susan L. Dunlap

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Susan Dunlap is not an affected person.

Susan Dunlap requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Susan Dunlap stated that she is concerned that the proposed plant will have a human and environmental impact on her and her neighbors, including on her air quality.

Ms. Dunlap did not indicate where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on Ms. Dunlap's location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her health and safety in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Susan Dunlap is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Susan Dunlap raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

52. Robin Ecks

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Robin Ecks is not an affected person.

Robin Ecks requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Robin Ecks stated that the proposed plant will negatively impact the surrounding air quality and the health of humans, livestock, flora, and fauna. However, Ms. Ecks did not state how or why she specifically will be affected in a way not common to members of the general public.

Ms. Ecks did not indicate where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because Ms. Ecks failed to state a personal justiciable interest in her hearing request and because she lives more than 2 miles from the location of the proposed plant, the ED recommends that

the Commission find that Robin Ecks is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Robin Ecks raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 20: *Whether the permit application should be evaluated under more stringent standards.*

53. D. Lee Edwards

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that D. Lee Edwards is not an affected person.

D. Lee Edwards requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In his hearing request, D. Lee Edwards stated that the proposed plant will have a negative impact on the environment and traffic. However, Mr. Edwards did not state how or why he specifically will be affected in a way not common to members of the general public.

Mr. Edwards did not indicate where he lives relative to the proposed plant. Using the address provided, the ED determined that he lives more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because Mr. Edwards failed to state a personal justiciable interest in his hearing request and because he lives more than 2 miles from the location of the proposed plant, the ED recommends that the Commission find that D. Lee Edwards is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, D. Lee Edwards raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

54. Dillon Ellis

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Dillon Ellis is not an affected person.

Dillon Ellis requested that a hearing be allowed as part of timely filed comments. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of his hearing request. In his hearing request, Dillon Ellis stated that the proposed quarry will have a negative impact on air quality, water quality, and noise and light pollution for himself and his neighbors.

Mr. Ellis did not indicate where he lives relative to the proposed plant. The address Mr. Ellis provided is for Natural Bridge Caverns, which the ED determined is more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on Mr. Ellis' location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on his health and safety in a way that is not common to members of the general public. Further, the issues raised by Mr. Ellis are related to a proposed quarry at the site. Quarries are specifically excluded from regulation under the TCAA. As a result, concerns regarding the quarry are beyond the scope of this application. Accordingly, the ED recommends that the Commission find that Dillon Ellis is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Dillon Ellis raised the following issues:

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

55. Kim and Thomas Banon Ellison

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Kim and Thomas Ellison are not affected persons.

Kim and Thomas Ellison requested that a hearing be allowed as part of timely filed comments. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of their hearing requests. In their hearing requests, Kim and Thomas Ellison stated that the proposed plant will negatively impact their health, air quality, and the environment.

The Ellisons indicated that they live directly south of the proposed plant. Using the address provided, the ED determined that the Ellisons live more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on the Ellisons' location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on the Ellisons' health and safety in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Kim and Thomas Ellison are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing requests, Kim and Thomas Ellison raised the following issues:

- Issue 1:** *Whether the proposed plant will negatively affect air quality.*
- Issue 2:** *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*
- Issue 3:** *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*
- Issue 4:** *Whether the location of the proposed plant is suitable for a rock crusher.*
- Issue 6:** *Whether cumulative impacts of nearby operations were adequately considered.*
- Issue 7:** *Whether the proposed plant will negatively impact water quality.*
- Issue 8:** *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*
- Issue 9:** *Whether the controls in the proposed permit constitute Best Available Control Technology (BACT).*
- Issue 10:** *Whether the quarry will negatively impact air quality.*
- Issue 11:** *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*
- Issue 12:** *Whether trucks associated with the plant will negatively impact road infrastructure.*
- Issue 13:** *Whether the proposed plant will cause adverse economic impacts on the local community, including future tourism.*
- Issue 15:** *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*
- Issue 16:** *Whether the proposed plant will negatively impact local property values and taxes.*
- Issue 17:** *Whether the quarry will create a nuisance.*
- Issue 19:** *Whether the air quality modeling conducted as part of this application adequately incorporated the local prevailing winds.*
- Issue 23:** *Whether the proposed plant will increase future industrial development in the area.*
- Issue 25:** *Whether the proposed plant will negatively impact endangered species.*
- Issue 27:** *Whether the proposed permit should include conditions to ensure compliance with blasting and mining regulations.*
- Issue 28:** *Whether the proposed permit should include conditions to require seismic monitoring.*

Issue 29: *Whether the proposed permit should include a condition to require noise monitoring.*

Issue 30: *Whether an Environmental Impact Study (EIS) or independent study regarding human health and welfare should have been conducted as part of the review of the application.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 32: *Whether the proposed permit complies with Edwards Aquifer rules in 30 Texas Administrative Code Chapter 213.*

Issue 33: *Whether the proposed permit complies with applicable requirements for portable rock crushers.*

Issue 34: *Whether the TCEQ can grant authority to local governmental entities to regulate quarry and blasting operations.*

Issue 36: *Whether the Applicant is liable for property damages from blasting.*

Issue 37: *Whether the TCEQ's enforcement and compliance process is adequate to ensure companies comply with applicable rules and requirements.*

Issue 38: *Whether the Applicant has shown an immediate need for the project.*

Issue 39: *Whether the proposed permit complies with Dark Skies ordinances.*

Issue 81: *Whether local zoning ordinances were considered in the review of the permit application.*

Issue 82: *Whether the proposed plant will negatively impact the property rights of surrounding landowners.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

56. Linda and Don Everingham

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Linda and Don Everingham are not affected persons.

Linda and Don Everingham requested that a hearing be allowed as part of timely filed comments. The Everinghams also both submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission and some of the issues raised in these hearing requests were based on their timely filed comments. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of their hearing requests. In their hearing requests, Linda and Don Everingham stated that Don Everingham has bone marrow cancer and that silica dust from the proposed plant will negatively affect his compromised immune system.

The Everinghams indicated that they live directly south of the proposed plant, approximately 2.33 miles. Using the address provided, the ED confirmed that the Everinghams live more than 2 miles from the proposed location of the plant. For air

authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on the Everinghams' location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on the Everinghams' health and safety in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Linda and Don Everingham are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing requests, Linda and Don Everingham raised the following issues:

- Issue 1:** *Whether the proposed plant will negatively affect air quality.*
- Issue 2:** *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*
- Issue 3:** *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*
- Issue 4:** *Whether the location of the proposed plant is suitable for a rock crusher.*
- Issue 5:** *Whether the proposed plant will negatively impact the quality of life of nearby residents.*
- Issue 6:** *Whether cumulative impacts of nearby operations were adequately considered.*
- Issue 7:** *Whether the proposed plant will negatively impact water quality.*
- Issue 8:** *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*
- Issue 10:** *Whether the quarry will negatively impact air quality.*
- Issue 11:** *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*
- Issue 12:** *Whether trucks associated with the plant will negatively impact road infrastructure.*
- Issue 15:** *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*
- Issue 16:** *Whether the proposed plant will negatively impact local property values and taxes.*
- Issue 17:** *Whether the quarry will create a nuisance.*
- Issue 22:** *Whether the Applicant complied with TCEQ's public notice requirements related to sign-posting and newspaper notice.*
- Issue 24:** *Whether corporate profits were considered in the review of this application.*
- Issue 42:** *Whether there are errors in the permit application.*
- Issue 49:** *Whether an adequate site review was conducted for this application.*
- Issue 56:** *Whether ambient air quality is adequately monitored in Comal County.*
- Issue 52:** *Whether the proposed plant should be subject to non-attainment permitting requirements.*
- Issue 57:** *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*
- Issue 61:** *Whether the permit application, and associated air dispersion modeling, included and properly evaluated all applicable emissions.*

Issue 64: *Whether the proposed permit should include requirements for reclamation of the quarry.*

Issue 68: *Whether the permit application included an adequate map of the site.*

Issue 69: *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

Linda and Don Everingham also raised the following issue in their hearing requests; however, this issue was not raised in their timely filed public comments:

Issue 41: *Whether the proposed permit is in line with TCEQ's mission statement.*

57. Deborah Farrar

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Deborah Farrar is not an affected person.

Deborah Farrar requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Deborah Farrar stated that the proposed plant will negatively impact the health of her granddaughters who live with her and her livestock.

Ms. Farrar did not indicate where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives approximately 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Due to Ms. Farrar's location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her health and safety in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Deborah Farrar is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Deborah Farrar raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

58. David Fletcher

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that David Fletcher is not an affected person.

David Fletcher submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. Mr. Fletcher also filed a timely comment during the comment period and some of the issues raised in his hearing request were based on his timely filed comment. The request was in writing and provided the required contact information. In his hearing request, David Fletcher stated that he and his wife suffer from allergic reactions to dust and the proposed plant and quarry will cause negative health issues for them. Further, Mr. Fletcher is concerned that dust from the proposed plant will negatively impact the vegetation on their property and the nearby nature preserve.

Mr. Fletcher stated that he lives approximately 4 miles from the proposed location of the rock crusher. Using the address provided, the ED confirmed that he lives approximately 4 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on Mr. Fletcher's location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on his or his wife's health or air quality in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that David Fletcher is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, David Fletcher raised the following issues and these issues were raised in his timely filed public comment:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

David Fletcher also raised the following issues in his hearing request; however, these issues were not raised in his timely filed public comment:

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 41: *Whether the proposed permit is in line with TCEQ's mission statement.*

Issue 56: *Whether ambient air quality is adequately monitored in Comal County.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

59. Deborah Foster

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Deborah Foster is not an affected person.

Deborah Foster requested that a hearing be allowed as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In the hearing request, Deborah Foster stated that the proposed plant will negatively impact her air quality.

Ms. Foster did not indicate where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives approximately 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on Ms. Foster's location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her health and safety in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Deborah Foster is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Deborah Foster raised the following issue:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

60. Shirley Yvonne and Charles David Gerdes

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Shirley and Charles Gerdes are not affected persons.

Shirley and Charles Gerdes requested a public hearing as part of timely filed comments. The Gerdes also submitted timely requests for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission and some of the issues raised in this hearing request were based on their timely filed comments. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of their hearing requests. In their hearing requests, the Gerdes stated that the proposed plant will negatively affect their health and their physical property.

Shirley and Charles Gerdes stated that they live 1.4 miles from the proposed plant. Using the address provided, the ED confirmed that the Gerdes live approximately 1.5 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on their location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on their health and safety in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Shirley and Charles Gerdes are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing requests, Shirley and Charles Gerdes raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 36: *Whether the Applicant is liable for property damages from blasting.*

Issue 41: *Whether the proposed permit is in line with TCEQ's mission statement.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

Shirley and Charles Gerdes also raised the following issues in their hearing requests; however, these issues were not raised in their timely filed public comments:

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 13: *Whether the proposed plant will cause adverse economic impacts on the local community, including future tourism.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 26: *Whether mobile source emissions from trucks associated with the proposed plant will negatively impact human health and welfare.*

Issue 42: *Whether there are errors in the permit application.*

Issue 49: *Whether an adequate site review was conducted for this application.*

Issue 56: *Whether ambient air quality is adequately monitored in Comal County.*

Issue 82: *Whether the proposed plant will negatively impact the property rights of surrounding landowners.*

61. Kathy and Alan Gibbs

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Kathy and Alan Gibbs are not affected persons.

Kathy and Alan Gibbs submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. The Gibbs also filed a timely comment during the comment period and one of the issues raised in their hearing request were based on their timely filed comments. The request was in writing and provided the required contact information. In their hearing request, the Gibbs stated that they are afraid that their air quality will be contaminated by the site.

Kathy and Alan Gibbs did not state where they live in relation to the proposed plant. However, using the address provided, the ED determined that the Gibbs live over 5 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on their location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on the Gibbs' health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Kathy and Alan Gibbs are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing request, Kathy and Alan Gibbs raised the following issue and they raised the issue in their timely filed public comments:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Kathy and Alan Gibbs also raised the following issues in their hearing requests; however, these issues were not raised in their timely filed public comments:

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

62. Cheryl Gilpin

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Cheryl Gilpin is not an affected person.

Cheryl Gilpin submitted a public hearing request as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In the hearing request, Cheryl Gilpin stated that dust and air contaminants from the proposed plant will negatively impact her and her family's health. Ms. Gilpin also raised issues regarding TCEQ's modeling analysis for the proposed plant and commented that the draft permit's proposed production limits will negatively affect air quality.

Ms. Gilpin stated that she is a New Braunfels resident but does not specifically state where she lives relative to the proposed plant. Using the address provided, the ED determined that Ms. Gilpin lives more than 5 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location relative to the proposed plant, the ED recommends that the Commission find that Cheryl Gilpin is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Cheryl Gilpin raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 6: *Whether cumulative impacts of nearby operations were adequately considered.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 9: *Whether the controls in the proposed permit constitute Best Available Control Technology (BACT).*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 13: *Whether the proposed plant will cause adverse economic impacts on the local community, including future tourism.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 18: *Whether the proposed operating hours of the rock crusher ensure that there will be no adverse impacts to human health, welfare, and the environment.*

Issue 19: *Whether the air quality modeling conducted as part of this application adequately incorporated the local prevailing winds.*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

Issue 22: *Whether the Applicant complied with TCEQ's public notice requirements related to sign-posting and newspaper notice.*

Issue 24: *Whether corporate profits were considered in the review of this application.*

Issue 25: *Whether the proposed plant will negatively impact endangered species.*

Issue 26: *Whether mobile source emissions from trucks associated with the proposed plant will negatively impact human health and welfare.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 37: *Whether the TCEQ's enforcement and compliance process is adequate to ensure companies comply with applicable rules and requirements.*

Issue 40: *Whether the Applicant's Mine Safety and Health Administration violations at other quarry locations were considered as part of this application.*

Issue 50: *Whether the background concentrations used in the air dispersion modeling are representative of the proposed location of the plant.*

Issue 56: *Whether ambient air quality is adequately monitored in Comal County.*

Issue 61: *Whether the permit application, and associated air dispersion modeling, included and properly evaluated all applicable emissions.*

Issue 76: *Whether trucks hauling products from the proposed plant need to be covered.*

Issue 77: *Whether the Applicant will utilize eminent domain to obtain surrounding property.*

Issue 81: *Whether local zoning ordinances were considered in the review of the permit application.*

Issue 82: *Whether the proposed plant will negatively impact the property rights of surrounding landowners.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

63. Cece Given

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Cece Given is not an affected person.

Cece Given submitted requested a public hearing as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In the hearing request, Ms. Given expressed concerns with traffic and air quality. However, Ms. Given did not state how or why she specifically will be affected in a way not common to members of the general public.

Ms. Given did not state where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives over 5 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because she failed to state a personal justiciable interest in her hearing request and because she lives over 5 miles from the location of the proposed plant, the ED recommends that the Commission find that Cece Given is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Cece Given raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

64. Andrea Gonzalez

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Andrea Gonzalez is not an affected person.

Andrea Gonzalez submitted a public hearing request as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In the hearing request, Andrea Gonzalez stated that the proposed quarry would impact her health and physical property. However, Ms. Gonzalez did not state how or why she specifically will be affected in a way not common to members of the general public.

Ms. Gonzalez did not indicate where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives more than 2 miles from the

location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because she failed to state a personal justiciable interest in her hearing request and because she lives over 2 miles from the location of the proposed plant, the ED recommends that the Commission find that Andrea Gonzalez is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Andrea Gonzalez raised the following issues:

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

65. Terry Graham

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Terry Graham is not an affected person.

Terry Graham submitted a public hearing request as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In the hearing request, Terry Graham stated that the proposed plant would negatively affect Comal County residents' health by contaminating air and water and would displace and disturb wildlife. However, Mr. Graham did not state how or why he specifically will be affected in a way not common to members of the general public.

Mr. Graham did not indicate where he lives relative to the proposed plant. Using the address provided, the ED determined that he lives more than 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because he failed to state a personal justiciable interest in his hearing request and because he lives over 2 miles from the location of the proposed plant, the ED recommends that the Commission find that Terry Graham is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Terry Graham raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

66. David and Debbie Granato

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that David and Debbie Granato are not affected persons.

David and Debbie Granato both submitted requests for a contested case hearing as part of timely filed comments. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of their hearing requests. In their hearing requests, the Granatos stated that the proposed plant would lead to health issues for the public, including children and the elderly. The Granatos also raised concern about the proposed plant location being nearby several schools and neighborhoods with families. However, the Granatos did not state how or why they specifically will be affected in a way not common to members of the general public.

The Granatos did not indicate in their hearing requests where they live relative to the location of the proposed plant. Using the address provided, the ED determined the Granatos live more than 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because they failed to state a personal justiciable interest in their hearing request and because they live over 2 miles from the location of the proposed plant, the ED recommends that the Commission find that David and Debbie Granato are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing requests, David and Debbie Granato raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 41: *Whether the proposed permit is in line with TCEQ's mission statement.*

67. Thomas Greneaux

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Thomas Greneaux is not an affected person.

Thomas Greneaux requested a public hearing as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In the hearing request, Thomas Greneaux raised concern about the impact of the proposed plant on his quality of life. However, Mr. Greneaux did not state how or why he specifically will be affected in a way not common to members of the general public.

Mr. Greneaux did not indicate where he lives relative to the proposed plant. Using the address provided, the ED determined that he lives more than 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because he failed to state a personal justiciable interest in his hearing request and because he lives over 2 miles from the location of the proposed plant, the ED recommends that the Commission find that Thomas Greneaux is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Thomas Greneaux raised the following issue:

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

68. Debbie Sabins and Edward Grun

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Edward Grun and Debbie Sabins Grun are not affected persons.

Edward Grun and Debbie Sabins Grun both submitted requests for a contested case hearing as part of timely filed comments. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of their hearing requests. In their hearing requests, the Gruns expressed concerns about air quality from the proposed plant negatively affecting humans, livestock and wildlife. Edward Grun expressed concern that the proposed plant would significantly degrade air quality for nearby homes and ranch operations. Debbie Sabins Grun stated that the dust from the proposed plant will affect their land and water.

Debbie Sabins Grun stated that the Gruns reside less than one tenth of a mile from the proposed plant location. Using the address provided, the ED determined the Gruns live approximately 1.5 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on their location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on their air quality or health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Edward Grun and Debbie Sabins Grun are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing requests, Edward Grun and Debbie Sabins Grun raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 13: *Whether the proposed plant will cause adverse economic impacts on the local community, including future tourism.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 24: *Whether corporate profits were considered in the review of this application.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

69. Duane Hall

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Duane Hall is not an affected person.

Duane Hall requested a public hearing as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In the hearing request, Duane Hall expressed concern about air quality impacting his family's health and the health of his neighbors.

Mr. Hall did not indicate where he lives relative to the proposed plant. Using the address provided, the ED determined that he lives more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because he lives over 2 miles from the location of the proposed plant, the ED recommends that the Commission find that Duane Hall is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Duane Hall raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

70. Jacey Hall

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Jacey Hall is not an affected person.

Jacey Hall submitted multiple hearing requests as part of a timely filed comments. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of her hearing request. In the hearing requests, Jacey Hall stated that she suffers from asthma and is concerned that dust from the quarry will affect her health and the health of other members of her family living near the proposed plant. She also stated that she is concerned about the effect of dust from the proposed plant.

Ms. Hall stated that she resides about five miles from the proposed plant. Using the address provided, the ED confirmed that she lives approximately 5 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her air quality or health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Jacey Hall is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Jacey Hall raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

Issue 26: *Whether mobile source emissions from trucks associated with the proposed plant will negatively impact human health and welfare.*

Issue 37: *Whether the TCEQ's enforcement and compliance process is adequate to ensure companies comply with applicable rules and requirements.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 69: *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

71. Jaclyn Hall

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Jaclyn Hall is not an affected person.

Jaclyn Hall submitted multiple hearing requests as part of a timely filed comments. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of her hearing request. In the hearing requests, Jaclyn Hall expressed concern that the dust from the proposed plant will cause health problems for residents near the proposed location, including members of her family who suffer from respiratory health problems.

Ms. Hall stated that she resides about five miles from the location of the proposed plant. Using the address provided, the ED confirmed that she lives approximately 5

miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her air quality or health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Jaclyn Hall is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Jaclyn Hall raised the following issues:

- Issue 1:** *Whether the proposed plant will negatively affect air quality.*
- Issue 2:** *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*
- Issue 3:** *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*
- Issue 4:** *Whether the location of the proposed plant is suitable for a rock crusher.*
- Issue 7:** *Whether the proposed plant will negatively impact water quality.*
- Issue 8:** *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*
- Issue 10:** *Whether the quarry will negatively impact air quality.*
- Issue 12:** *Whether trucks associated with the plant will negatively impact road infrastructure.*
- Issue 16:** *Whether the proposed plant will negatively impact local property values and taxes.*
- Issue 17:** *Whether the quarry will create a nuisance.*
- Issue 21:** *Whether the Applicant's compliance history was properly evaluated.*
- Issue 26:** *Whether mobile source emissions from trucks associated with the proposed plant will negatively impact human health and welfare.*
- Issue 57:** *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*
- Issue 69:** *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*
- Issue 87:** *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*
- Issue 88:** *Whether the quarry will negatively impact water quality and availability.*
- Issue 89:** *Whether the quarry will negatively impact human health and welfare.*
- Issue 90:** *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

72. McKenna Hall

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that McKenna Hall is not an affected person.

Mckenna Hall submitted multiple hearing requests as part of a timely filed comments. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of her hearing request. In the hearing requests, Mckenna Hall stated that she recently was diagnosed with asthma and is concerned that particulate matter in the silica dust will cause health effects for her and her siblings.

Ms. Hall stated that she resides about five miles from the proposed plant. Using the address provided, the ED confirmed that she lives approximately 5 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her air quality or health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Mckenna Hall is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Mckenna Hall raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 69: *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*

73. Nathanael Hall

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Nathanael Hall is not an affected person.

Nathanael Hall submitted multiple hearing requests as part of a timely filed comments. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of his hearing request. In the hearing requests, Nathanael Hall stated that he suffers from asthma and is concerned that particulate matter in dust from the proposed quarry may cause additional damage to his health.

Mr. Hall stated that he resides and is homeschooled about five miles from the proposed plant location. Using the address provided, the ED confirmed that he lives approximately 5 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there

is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on Mr. Hall's location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on his air quality or health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Nathanael Hall is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Nathanael Hall raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 69: *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

74. Terri Lynn Hall

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Terri Lynn Hall is not an affected person.

Terri Lynn Hall submitted multiple hearing requests as part of a timely filed comments. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of her hearing request. In the hearing requests, Terri Lynn Hall stated that she has six children with severe asthma and is concerned that the proposed plant will negatively impact air and water quality. Terri Lynn Hall is also concerned about the cumulative effects of this proposed plant with a cement plant nearby.

Ms. Hall stated that she lives nearby and traverses the area of the proposed plant almost daily. Using the address provided, the ED determined that she lives

approximately 5 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her air quality or health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Terri Lynn Hall is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Terri Lynn Hall raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 6: *Whether cumulative impacts of nearby operations were adequately considered.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

Issue 26: *Whether mobile source emissions from trucks associated with the proposed plant will negatively impact human health and welfare.*

Issue 37: *Whether the TCEQ's enforcement and compliance process is adequate to ensure companies comply with applicable rules and requirements.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 69: *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

75. Susan Halsell

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Susan Halsell is not an affected person.

Susan Halsell requested a public hearing as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In the hearing request, Susan Halsell expressed concern about the proposed plant's impact on air quality and the environment. However, Ms. Halsell did not state how or why she specifically will be affected in a way not common to members of the general public.

Ms. Halsell did not indicate where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives more than 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because she failed to state a personal justiciable interest in her hearing request and because she lives over 2 miles from the location of the proposed plant, the ED recommends that the Commission find that Susan Halsell is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Susan Halsell raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

76. Alan and Kathryn Hammack

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Alan and Kathryn Hammack are not affected persons.

Alan and Kathryn Hammack both submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. The Hammacks also provided timely public comments and some of the issues raised in their hearing request were based on timely provided comments. The requests were in writing and provided the required contact information. In their hearing requests, the Hammacks expressed concern about dust emissions from the proposed plant causing health problems.

The Hammacks stated that they live approximately 1.20 miles from the proposed location of the rock crusher. Using the address provided, the ED determined that

they live over 1 mile from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on their location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on their health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Alan and Kathryn Hammack are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing requests, Alan and Kathryn Hammack raised the following issues and these issues were raised in timely submitted public comments:

- Issue 1:** *Whether the proposed plant will negatively affect air quality.*
- Issue 2:** *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*
- Issue 3:** *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*
- Issue 7:** *Whether the proposed plant will negatively impact water quality.*
- Issue 8:** *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*
- Issue 12:** *Whether trucks associated with the plant will negatively impact road infrastructure.*
- Issue 16:** *Whether the proposed plant will negatively impact local property values and taxes.*
- Issue 36:** *Whether the Applicant is liable for property damages from blasting.*
- Issue 69:** *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*
- Issue 74:** *Whether mobile source emissions associated with the proposed plant should be monitored.*
- Issue 77:** *Whether the Applicant will utilize eminent domain to obtain surrounding property.*
- Issue 90:** *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

Alan and Kathryn Hammack raised the following issues in their hearing requests; however, these issues were not raised in their timely submitted public comments:

- Issue 10:** *Whether the quarry will negatively impact air quality.*
- Issue 11:** *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*
- Issue 15:** *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*
- Issue 17:** *Whether the quarry will create a nuisance.*
- Issue 57:** *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

77. Grace Hannemann

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Grace Hannemann is not an affected person.

Grace Hannemann submitted a public hearing request as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In the hearing request, Grace Hannemann expressed concern about the adverse effects of the proposed plant on her health and physical property.

Ms. Hannemann did not indicate where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives more than 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her air quality or health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Grace Hannemann is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Grace Hannemann raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

78. Edward and Denise Harris

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Edward and Denise Harris are not affected persons.

Edward and Denise Harris both submitted multiple hearing requests as part of timely filed comments. Edward and Denise Harris also submitted multiple hearing requests on behalf of FDCC and the issues raised in those hearing requests were attributed to FDCC. The hearing request for FDCC is discussed below. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of their hearing requests. In the hearing requests, Edward Harris expressed concern about dust from the proposed quarry will impact air quality. Denise Harris expressed concern about the proposed location of the proposed plant being located

near several homes and ranches. Both Edward and Denise Harris expressed concern about the proposed plant affecting water quality and water supply.

Neither Edward or Denise Harris indicated in their hearing requests where they live relative to the proposed plant. Using the address provided, the ED determined the Harrises live approximately 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on their location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on their air quality or health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Edward and Denise Harris are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing requests, Edward and Denise Harris raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 18: *Whether the proposed operating hours of the rock crusher ensure that there will be no adverse impacts to human health, welfare, and the environment.*

Issue 19: *Whether the air quality modeling conducted as part of this application adequately incorporated the local prevailing winds.*

Issue 81: *Whether local zoning ordinances were considered in the review of the permit application.*

Issue 82: *Whether the proposed plant will negatively impact the property rights of surrounding landowners.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

79. Rhonda Harris

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Rhonda Harris is not an affected person.

Rhonda Harris submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. Ms. Harris also filed timely comments during the comment period. Some of the issues raised in her hearing request were based on her timely filed comments. The request was in writing and provided the required contact information. In her hearing request, Rhonda Harris stated that she suffers from asthma and that particulate matter and dust from the proposed plant will negatively impact her health.

Ms. Harris stated that she lives approximately 4 miles from the proposed location of the plant. Using the address provided, the ED confirmed that she lives over 3 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Rhonda Harris is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Rhonda Harris raised the following issues and these issues were raised in her timely filed public comments:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Rhonda Harris also raised the following issues in her hearing request; however, these issues were not raised in her timely filed public comments:

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

80. Douglas Harrison

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Douglas and Susanna Harrison are not affected persons.

Douglas Harrison submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. Mr. Harrison also submitted multiple hearing requests as part of timely filed comments and some of the issues raised in his hearing request were based on his timely provided comments. Susanna Harrison submitted a timely filed comment. The hearing requests submitted by Mr. Harrison were in writing, provided the required contact information, and included issues that are the basis of his hearing requests. In the hearing requests, Douglas Harrison expressed concern that emissions from the proposed plant will cause serious health effects for him and his family who live nearby the proposed plant location. Douglas Harrison also stated that Vulcan has a history of recurring violations and expressed concern that Vulcan will not comply with TCEQ's rules and regulations if this permit is issued.

Mr. Harrison indicated that he shares a property boundary with the proposed plant site. Using the address provided, the ED determined that he lives approximately 1.5 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on his location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on his air quality or health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Douglas and Susanna Harrison are not affected persons based on the criteria set out in 30 TAC § 55.203.

In his hearing requests, Douglas Harrison raised the following issues and these issues were raised in his timely filed public comments:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 37: *Whether the TCEQ's enforcement and compliance process is adequate to ensure companies comply with applicable rules and requirements.*

Issue 53: *Whether the Applicant should have been allowed to utilize the expedited permitting process.*

Issue 56: *Whether ambient air quality is adequately monitored in Comal County.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Douglas Harrison also raised the following issues in his hearing request; however, these issues were not raised in the timely filed public comments:

Issue 19: *Whether the air quality modeling conducted as part of this application adequately incorporated the local prevailing winds.*

Issue 46: *Whether independent air dispersion modeling should have been conducted for this application.*

Issue 69: *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*

81. Matthew Harrison

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Matthew Harrison is not an affected person.

Matthew Harrison requested a public hearing as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In the hearing request, Matthew Harrison expressed concern that the proposed plant would emit large amounts of air contaminants that would negatively impact the surrounding community. However, Mr. Harrison did not state how or why he specifically will be affected in a way not common to members of the general public.

Mr. Harrison did not indicate where he lives relative to the proposed plant. Using the address provided, the ED determined that he lives more than 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because he failed to state a personal justiciable interest in his hearing request and because he lives over 2 miles from the location of the proposed plant, the ED recommends that the Commission find that

Matthew Harrison is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Matthew Harrison raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

82. Sally Harvey

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Sally Harvey is not an affected person.

Sally Harvey submitted a request for a public hearing as part of a timely filed comment. The request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In the hearing request, Sally Harvey expressed concern that the proposed plant would impact her family's health and physical property.

Ms. Harvey stated that she lives 1.3 miles from the proposed site. Using the address provided, the ED determined that she lives more than 3 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on Ms. Harvey's location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her air quality or health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Sally Harvey is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Sally Harvey raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 19: *Whether the air quality modeling conducted as part of this application adequately incorporated the local prevailing winds.*

83. Veronica Hawk

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Veronica Hawk is not an affected person.

Veronica Hawk submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. Ms. Hawk also filed a timely comment during the comment period and some of the issues raised in her hearing request were based on her timely filed comment. The request was in writing and provided the required contact information. In her hearing request, Ms. Hawk expressed concern that particulates from the proposed plant will be carried by the prevailing winds to her home and will negatively affect her health.

Ms. Hawk stated that she lives approximately 13 miles from the proposed plant. Using the address provided, the ED confirmed that Ms. Hawk lives approximately 13 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her health, air quality, or garden in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Veronica Hawk is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Veronica Hawk raised the following issues and these issues were raised in her timely filed public comments:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Veronica Hawk also raised the following issues in her hearing request; however, these issues were not raised in her timely filed public comment:

Issue 6: *Whether cumulative impacts of nearby operations were adequately considered.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

84. Lynda Heikes

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Lynda Heikes is not an affected person.

Lynda Heikes submitted a hearing request as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In the hearing request, Lynda Heikes expressed concern that particulate matter from the proposed plant will cause health effects for residents in the area. However, Ms. Heikes did not state how or why she specifically will be affected in a way not common to members of the general public.

Ms. Heikes did not indicate where she lives relative to the proposed plant and the address Ms. Heikes provided appears to be a business address. The ED determined that she lives more than 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because she failed to state a personal justiciable interest in her hearing request and because she lives over 2 miles from the location of the proposed plant, the ED recommends that the Commission find that Lynda Heikes is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Lynda Heikes raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

85. Eric Hermann

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Eric Hermann is not an affected person.

Eric Hermann submitted a public hearing request as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In the hearing request, Eric Hermann expressed concern with air quality from the proposed quarry. However, Mr. Hermann did not state how or why he specifically will be affected in a way not common to members of the general public.

Mr. Hermann did not indicate where he lives relative to the proposed plant. Using the address provided, the ED determined that he lives more than 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because he failed to state a personal justiciable interest in his hearing request and because he lives over 2 miles from the location of the proposed plant, the ED recommends that the Commission find that Eric Hermann is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Eric Hermann raised the following issues:

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

86. Prentis Otis Hibler

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Prentis Otis Hibler is not an affected person.

Prentis Otis Hibler submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. Mr. Hibler also filed a timely comment during the comment period and some of the issues raised in his hearing request were based on his timely filed comment. The request was in writing and provided the required contact information. In his hearing request, Prentis Otis Hibler stated that he is 79 years old is concerned about his health due to the contaminants that will be emitted from the proposed plant. He also raised concerns about the health of his livestock because his property shares a common property boundary with Vulcan.

Mr. Hibler stated that his house is 1.38 miles from the proposed location of the rock crusher. Using the address provided, the ED confirmed that he lives over 1 mile from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on his location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on his health, property, or livestock in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Prentis Otis Hibler is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Prentis Otis Hibler raised the following issues and these issues were raised in his timely filed public comment:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Prentis Otis Hibler also raised the following issues in his hearing request; however, these issues were not raised in his timely filed public comment:

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 61: *Whether the permit application, and associated air dispersion modeling, included and properly evaluated all applicable emissions.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

87. Chris Hopmann

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Chris Hopmann is not an affected person.

Chris Hopmann submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. Mr. Hopmann also submitted multiple hearing requests as part of a timely filed comments. The hearing

requests were in writing, provided the required contact information, and included issues that are the basis of his hearing requests. In his hearing requests, Chris Hopmann expressed concern that the proposed plant would cause silica dust that would be harmful to people, animals, birds, and livestock. Chris Hopmann also stated concerns that the proposed quarry would be a public nuisance and requested additional air monitoring for the area.

Mr. Hopmann stated that he lives 60 feet from the south side of the property line of the proposed plant. Using the address provided, the ED determined that he lives approximately 1.5 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on his location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on his air quality or health in a way that is not common to members of the general public. Further, some of the concerns raised by Mr. Hopmann's hearing request are related to a quarry at the proposed plant and are beyond the scope of this application. Accordingly, the ED recommends that the Commission find that Chris Hopmann is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Chris Hopmann raised the following issues and these issues were raised in his timely filed public comments:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 6: *Whether cumulative impacts of nearby operations were adequately considered.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 9: *Whether the controls in the proposed permit constitute Best Available Control Technology (BACT).*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 14: *Whether the proposed plant will negatively affect the health and safety of plant employees.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 26: *Whether mobile source emissions from trucks associated with the proposed plant will negatively impact human health and welfare.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 36: *Whether the Applicant is liable for property damages from blasting.*

Issue 38: *Whether the Applicant has shown an immediate need for the project.*

Issue 47: *Whether emissions from on-site diesel engines are adequately calculated and adequately controlled.*

Issue 54: *Whether the proposed plant will negatively affect indoor air quality.*

Issue 56: *Whether ambient air quality is adequately monitored in Comal County.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 61: *Whether the permit application, and associated air dispersion modeling, included and properly evaluated all applicable emissions.*

Issue 69: *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*

Issue 73: *Whether the TCEQ should impose a moratorium on air quality permits until an investigation is completed on the impact of quarries in the surrounding area.*

Issue 74: *Whether mobile source emissions associated with the proposed plant should be monitored.*

Issue 75: *Whether the proposed permit complies with nearby residential deed restrictions.*

Issue 76: *Whether trucks hauling products from the proposed plant need to be covered.*

Issue 81: *Whether local zoning ordinances were considered in the review of the permit application.*

Issue 82: *Whether the proposed plant will negatively impact the property rights of surrounding landowners.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

Chris Hopmann also raised the following issues in his hearing request; however, these issues were not raised in his timely filed public comment:

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

Issue 22: *Whether the Applicant complied with TCEQ's public notice requirements related to sign-posting and newspaper notice.*

Issue 24: *Whether corporate profits were considered in the review of this application.*

Issue 30: *Whether an Environmental Impact Study (EIS) or independent study regarding human health and welfare should have been conducted as part of the review of the application.*

Issue 35: *Whether individual notice of the application to nearby landowners should have been required.*

Issue 37: *Whether the TCEQ's enforcement and compliance process is adequate to ensure companies comply with applicable rules and requirements.*

Issue 41: *Whether the proposed permit is in line with TCEQ's mission statement.*

Issue 42: *Whether there are errors in the permit application.*

Issue 78: *Whether an economic impact study regarding the proposed plant's impact to surrounding areas should have been required.*

88. Jeanne Howe

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Jeanne Howe is not an affected person.

Jeanne Howe requested a public hearing as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In the hearing request, Jeanne Howe expressed concern about air quality being compromised from dust emitted from the proposed plant. However, Ms. Howe did not state how or why she specifically will be affected in a way not common to members of the general public.

Ms. Howe did not indicate where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because she failed to state a personal justiciable interest in her hearing request and because she lives over 2 miles from the location of the proposed plant, the ED recommends that the Commission find that Jeanne Howe is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Jeanne Howe raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

89. Steven and Sarah Izzat

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Steven and Sarah Izzat are not affected persons.

Steven and Sarah Izzat both submitted requests for a contested case hearing as part of timely filed comments. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of their hearing requests. In their hearing requests, the Izzats stated they are concerned with potential air contamination affecting the health of their family and their physical property.

Sarah Izzat indicated in her hearing request that they own land within 2 miles of the proposed plant. Using the address provided by Steven and Sarah Izzat, the ED determined the Izzats live more than 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because they live over 2 miles from the location of the proposed plant, the ED recommends that the Commission find that Steven and Sarah Izzat are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing requests, Steven and Sarah Izzat raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

90. Mary Lou Jenkins

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Mary Lou Jenkins is not an affected person.

Mary Lou Jenkins submitted a public hearing request as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In the hearing request, Mary Lou Jenkins expressed concern that people with health

problems, such as asthma and allergies, will be put at risk if the proposed plant is approved. However, Ms. Jenkins did not state how or why she specifically will be affected in a way not common to members of the general public.

Ms. Jenkins did not state where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives more than 5 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because she failed to state a personal justiciable interest in her hearing request and because she lives over 5 miles from the location of the proposed plant, the ED recommends that the Commission find that Mary Lou Jenkins is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Mary Lou Jenkins raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

91. Kendra Johnson

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Kendra Johnson is not an affected person.

Kendra Johnson submitted a public hearing request as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In the hearing request, Kendra Johnson expressed concern about the proposed location of the plant. However, Ms. Johnson did not state how or why she specifically will be affected in a way not common to members of the general public.

Ms. Johnson indicated that she purchased a lot in the Vintage Oaks neighborhood. Using the address provided, the ED determined that she lives more than 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because she failed to state a personal justiciable interest in her hearing request and because she lives over 2 miles from the location of the proposed plant, the ED recommends that the Commission find that Kendra Johnson is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Kendra Johnson raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 30: *Whether an Environmental Impact Study (EIS) or independent study regarding human health and welfare should have been conducted as part of the review of the application.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

92. Richard Keady

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Richard Keady is not an affected person.

Richard Keady submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. Mr. Keady also filed a timely comment during the comment period and some of the issues raised in his hearing request were based on his timely filed comment. The request was in writing and provided the required contact information. In his hearing request, Richard Keady stated that he lives in a nearby neighborhood and that dust from the proposed plant will impact the air quality that he and his wife breathe. Further, Mr. Keady stated that his wife suffers from a pulmonary issue and dust from the proposed plant would require her to remain indoors.

Mr. Keady stated that he lives approximately 2 miles from the proposed location of the rock crusher. Using the address provided, the ED confirmed that he lives approximately 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on his location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on his or his

wife's health or air quality in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Richard Keady is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Richard Keady raised the following issues and these issues were raised in his timely filed public comment:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Richard Keady also raised the following issues in his hearing request; however, these issues were not raised in his timely filed public comment:

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

Issue 37: *Whether the TCEQ's enforcement and compliance process is adequate to ensure companies comply with applicable rules and requirements.*

Issue 41: *Whether the proposed permit is in line with TCEQ's mission statement.*

93. Kilian Kean

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Kilian Kean is not an affected person.

Kilian Kean submitted a request for a public hearing as part of a timely filed comment. The request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In the hearing request, Kilian Kean expressed concern about the proposed quarry mine will negatively impact his health and physical property.

Mr. Kean did not indicate where he lives relative to the proposed plant. Using the address provided, the ED determined that he lives more than 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of

individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on his location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on his air quality or health in a way that is not common to members of the general public. Further, the issues raised by Mr. Kean are related to a proposed quarry mine at the site. Quarries are specifically excluded from regulation under the TCAA. As a result, concerns regarding the quarry are beyond the scope of this application. Accordingly, the ED recommends that the Commission find that Kilian Kean is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Kilian Kean raised the following issues:

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

94. Richard Michael "Mike" Krup

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Mike Krup is not an affected person.

Mike Krup submitted a hearing request as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In the hearing request, Mike Krup stated that he is concerned that the dust and particulate from the proposed plant will affect his respiratory health and the health of nearby residents.

Mr. Krup did not state where he lives relative to the proposed plant. Using the address provided, the ED determined that he lives more than 5 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because he lives over 5 miles from the location of the proposed plant, the ED recommends that the Commission find that Mike Krup is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Mike Krup raised the following issues:

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 19: *Whether the air quality modeling conducted as part of this application adequately incorporated the local prevailing winds.*

Issue 20: *Whether the permit application should be evaluated under more stringent standards.*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

95. Daniel Laroe

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Daniel Laroe is not an affected person.

Daniel Laroe submitted a public hearing request as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In the hearing request, Daniel Laroe expressed concern about emissions from the proposed plant and other plants in the area contributing to a degradation of air quality. However, Mr. Laroe did not state how or why he specifically will be affected in a way not common to members of the general public.

Mr. Laroe did not state where he lives relative to the proposed plant. Using the address provided, the ED determined that he lives approximately 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because he failed to state a personal justiciable interest in his hearing request and because he lives over a mile from the location of the proposed plant, the ED recommends that the Commission find that Daniel Laroe is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Daniel Laroe raised the following issues:

Issue 6: *Whether cumulative impacts of nearby operations were adequately considered.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 52: *Whether the proposed plant should be subject to non-attainment permitting requirements.*

Issue 56: *Whether ambient air quality is adequately monitored in Comal County.*

96. Melissa and Paul Laster

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Melissa and Paul Laster are not affected persons.

Melissa and Paul Laster both submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. Ms. Laster also filed a timely comment during the comment period and the issues raised in her hearing request were based on her timely filed comment. The request was in writing and provided the required contact information. In her hearing request, Melissa Laster stated that she is concerned the proposed plant will negatively impact the health of their family, including her children who are homeschooled on their property.

Melissa and Paul Laster stated that they live 2.5 miles from the proposed plant. Using the address provided by the Lasters, the ED confirmed that they live approximately 2.5 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on their location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on the air quality or the health of Melissa and Paul Laster in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Melissa and Paul are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing requests, Melissa and Paul Laster raised the following issues and these issues were raised in a timely filed public comment by Melissa Laster:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Melissa and Paul Laster also raised the following issues in their hearing request; however, these issues were not raised in their timely filed public comment:

Issue 17: *Whether the quarry will create a nuisance.*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

Issue 37: *Whether the TCEQ's enforcement and compliance process is adequate to ensure companies comply with applicable rules and requirements.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

97. Clint Laubach

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Clint Laubach is not an affected person.

Clint Laubach submitted a hearing request as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In the hearing request, Clint Laubach expressed concern about the proposed quarry's effect on air and water quality.

Mr. Laubach did not indicate where he lives relative to the proposed plant. Using the address provided, the ED determined that he lives approximately 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on his location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on his air quality or health in a way that is not common to members of the general public. Further, some of the concerns raised by Mr. Laubach's hearing request are related to a quarry at the proposed plant and are beyond the scope of this application. Accordingly, the ED recommends that the Commission find that Clint Laubach is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Clint Laubach raised the following issues:

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

98. Byron Leonard

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Byron Leonard is not an affected person.

Byron Leonard submitted a public hearing request as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In the hearing request, Byron

Leonard stated that he has cancer is concerned that dust from the proposed plant may cause further adverse health effects, such as silicosis and cancer.

Mr. Leonard did not state where he lives relative to the proposed plant. Using the address provided, the ED determined that he lives more than 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on his location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on his air quality or health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Byron Leonard is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Byron Leonard raised the following issues:

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 13: *Whether the proposed plant will cause adverse economic impacts on the local community, including future tourism.*

Issue 25: *Whether the proposed plant will negatively impact endangered species.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

99. Roger Phelps Mabee

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Roger Phelps Mabee is not an affected person.

Roger Phelps Mabee submitted a public hearing request as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In the hearing request, Roger Phelps Mabee expressed concern about the size of particulate matter affecting the health of him and his wife.

Mr. Mabee did not indicate where he lives relative to the proposed plant. Using the address provided, the ED determined that he lives more than 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on his location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on his air quality or health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Roger Phelps Mabee is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Roger Phelps Mabee raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

100. Madeleine Maciula

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Madeleine Maciula is not an affected person.

Madeleine Maciula submitted a public hearing request as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In the hearing request, Madeleine Maciula expressed concern about the health risks and air quality from the proposed quarry.

Ms. Maciula did not state where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives more than 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her air quality or health in a way that is not common to members of the general public. Further, the issues and concerns raised in the hearing request are related to a quarry at the proposed plant. Quarries are specifically excluded from the TCAA and are beyond the scope of this application. Accordingly, the ED recommends that the Commission find that Madeleine Maciula is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Madeleine Maciula raised the following issues:

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

101. Christine Magers

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Christine Magers is not an affected person.

Christine Magers submitted a public hearing request as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In the hearing request, Christine Magers stated she opposes the proposed quarry due to the impact it will cause on her health and physical property.

Ms. Magers did not state where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives more than 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her air quality or health in a way that is not common to members of the general public. Further, the concerns raised by Ms. Magers are related to a quarry at the proposed plant and are beyond the scope of this application. Accordingly, the ED recommends that the Commission find that Christine Magers is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Christine Magers raised the following issues:

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

102. Elizabeth and Ted Martin

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Elizabeth Martin is not an affected person.

Elizabeth Martin submitted multiple hearing requests on behalf of Smithson Valley Heritage Oaks Association and that request is analyzed further below. Elizabeth and Ted Martin also submitted timely requests for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. Both Elizabeth and Ted Martin filed timely comments during the comment period and some of the issues raised in their hearing request were based on their timely filed comments. The hearing request was in writing, provided the required contact information, and included issues that are the basis of their hearing request. In the hearing request, Ted Martin stated that he is a disabled veteran and that the proposed plant will negatively impact his health and his ability to breathe. Further, blasting from the proposed quarry will cause him mental trauma and exacerbate his PTSD.

The Martins indicated that they live 4,301.71 feet from the Vulcan property line. Using the address provided, the ED determined that they live over 1 mile from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on their air quality or health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Elizabeth and Ted Martin are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing requests, Elizabeth and Ted Martin raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

Issue 26: *Whether mobile source emissions from trucks associated with the proposed plant will negatively impact human health and welfare.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 41: *Whether the proposed permit is in line with TCEQ's mission statement.*

Issue 42: *Whether there are errors in the permit application.*

Issue 58: *Whether the proposed permit conditions, including emissions limitations, are enforceable.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Elizabeth and Ted Martin also raised the following issues in their hearing request; however, these issues were not raised in their timely filed public comments:

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 56: *Whether ambient air quality is adequately monitored in Comal County.*

103. Maureen Martinez

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Maureen Martinez is not an affected person.

Maureen Martinez submitted a public hearing request as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In the hearing request, Maureen Martinez stated that the Vulcan quarry will negatively affect air quality and will impact her health and physical property

Ms. Martinez did not indicate where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives more than 5 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her air quality or health in a way that is not common to members of the general public. Further, the concerns raised by Ms. Martinez are related to a quarry at the proposed plant and are beyond the scope of this application. Accordingly, the ED recommends that the Commission find that Maureen Martinez is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Maureen Martinez raised the following issues:

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

104. Brian Mather

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Brian Mather is not an affected person.

Brian Mather submitted a hearing request as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In the hearing request, Brian Mather expressed concern that the proposed plant would impact his family's health and physical property. Mr. Mather also stated he is concerned with the impact on the community pool in his neighborhood.

Mr. Mather stated he lives approximately 4 miles from the proposed plant. Using the address provided, the ED determined that he lives approximately 2.5 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on his location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on his air quality or health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Brian Mather is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Brian Mather raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 13: *Whether the proposed plant will cause adverse economic impacts on the local community, including future tourism.*

105. Terressa Mathews

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Terressa Mathews is not an affected person.

Terressa Mathews submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. Mrs. Mathews also filed a timely comment during the comment period and the issues raised in her hearing request were based on her timely filed comment. The request was in writing and provided the required contact information. In her hearing request, Terressa Mathews stated that she lives in a nearby subdivision and that the proposed plant will negatively impact her health because she already suffers from allergy issues. She also mentioned that her husband recently retired from the military and that they moved to their current home because of a desire for a country lifestyle.

Mrs. Mathews stated that her house is 3.25 miles from the proposed plant. Using the address provided, the ED confirmed that Mrs. Matthews lives approximately 3 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her or her husband's health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Terressa Mathews is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Terressa Mathews raised the following issues:

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

106. Michael and Rose Maurer

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Michael and Rose Maurer are not affected persons.

Michael Maurer submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. Michael and Rose Maurer both submitted multiple requests for a contested case hearing as part of timely filed comments. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of their hearing requests. In the hearing requests, Michael Maurer stated that his health and welfare will likely suffer due to the long-term exposure of air contaminants, including particulate matter. Mr. Maurer also questioned whether the application submitted by Vulcan shows whether they will meet all requirements by the EPA and TCEQ. Both Michael and Rose Maurer expressed concern regarding the cumulative effects of the proposed plant in the surrounding area.

Michael Maurer stated that his family's property line is approximately 3.5 miles from the proposed plant and his home is approximately 4.5 miles from the proposed plant. Using the address provided, the ED confirmed that the Michael and Rose Maurer live more than 3 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on the Maurers' location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on their air quality or health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Michael and Rose Maurer are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing requests, Michael and Rose Maurer raised the following issues and these issues were raised in their timely filed comments:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 6: *Whether cumulative impacts of nearby operations were adequately considered.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 9: *Whether the controls in the proposed permit constitute Best Available Control Technology (BACT).*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 19: *Whether the air quality modeling conducted as part of this application adequately incorporated the local prevailing winds.*

Issue 20: *Whether the permit application should be evaluated under more stringent standards.*

Issue 24: *Whether corporate profits were considered in the review of this application.*

Issue 26: *Whether mobile source emissions from trucks associated with the proposed plant will negatively impact human health and welfare.*

Issue 41: *Whether the proposed permit is in line with TCEQ's mission statement.*

Issue 43: *Whether the proposed permit should require controls that exceed BACT.*

Issue 47: *Whether emissions from on-site diesel engines are adequately calculated and adequately controlled.*

Issue 50: *Whether the background concentrations used in the air dispersion modeling are representative of the proposed location of the plant.*

Issue 53: *Whether the Applicant should have been allowed to utilize the expedited permitting process.*

Issue 56: *Whether ambient air quality is adequately monitored in Comal County.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 61: *Whether the permit application, and associated air dispersion modeling, included and properly evaluated all applicable emissions.*

Issue 65: *Whether the applicable standards, including the National Ambient Air Quality Standards (NAAQS), under which the permit application was reviewed, are set at levels that are protective of human health and welfare.*

Issue 66: *Whether the emission rates relied upon in the proposed permit are appropriate.*

Issue 67: *Whether the meteorological data used in the air dispersion model is representative of the local area.*

Issue 69: *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

107. Carrie Mauthe

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Carrie Mauthe is not an affected person.

Carrie Mauthe submitted a public hearing request as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In the hearing request, Carrie Mauthe stated that the proposed rock crushing plant would cause an air quality issue. However, Ms. Mauthe did not state how or why she specifically will be affected in a way not common to members of the general public.

Ms. Mauthe did not state where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives more than 5 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because she failed to state a personal justiciable interest in her hearing request and because she lives

over 5 miles from the location of the proposed plant, the ED recommends that the Commission find that Carrie Mauthe is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Carrie Mauthe raised the following issue:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

108. Rachel and William Mayfield

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Rachel and William Mayfield are not affected persons.

Rachel and William Mayfield submitted hearing requests as part of timely filed comments. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of their hearing requests. In their hearing requests, Rachel and William Mayfield expressed that they have air quality concerns related to the proposed quarry. However, Rachel and William Mayfield did not state how or why they specifically will be affected in a way not common to members of the general public.

The Mayfields did not state where they live relative to the proposed plant. Using the address provided, the ED determined that the Mayfields live more than 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because the Mayfields failed to state a personal justiciable interest in their hearing requests and because they live over 2 miles from the location of the proposed plant, the ED recommends that the Commission find that Rachel and William Mayfield are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing requests, Rachel and William Mayfield raised the following issues:

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

109. Sheryl Lynn Mays

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Sheryl Lynn Mays is not an affected person.

Sheryl Lynn Mays submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. Ms. Mays also filed a timely comment during the comment period and the issues raised in her hearing

request were based on her timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In the hearing request, Sheryl Lynn Mays stated that the rock crushing quarry would have air, water, traffic, noise, and visual impacts to the area.

Ms. Mays stated that she lives approximately 3 miles to the proposed location of the plant. Using the address provided, the ED confirmed that she lives more than 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her air quality or health in a way that is not common to members of the general public. Further, some of the concerns raised by Ms. Mays' hearing requests are related to a quarry and are beyond the scope of this application. Accordingly, the ED recommends that the Commission find that Sheryl Lynn Mays is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Sheryl Lynn Mays raised the following issues and these issues were raised in her timely filed public comment:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

Sheryl Lynn Mays also raised the following issues in her hearing request; however, these issues were not raised in her timely filed public comment:

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 19: *Whether the air quality modeling conducted as part of this application adequately incorporated the local prevailing winds.*

Issue 41: *Whether the proposed permit is in line with TCEQ's mission statement.*

Issue 46: *Whether independent air dispersion modeling should have been conducted for this application.*

Issue 56: *Whether ambient air quality is adequately monitored in Comal County.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 61: *Whether the permit application, and associated air dispersion modeling, included and properly evaluated all applicable emissions.*

110. Ellen McClellan

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Ellen McClellan is not an affected person.

Ellen McClellan submitted a hearing request as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In the hearing request, Ellen McClellan stated that she is a mother of three children who would be affected by the contamination of air quality and destruction of their personal property.

Ms. McClellan did not indicate where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives approximately 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her air quality or health in a way that is not common to members of the general public. Further, some of the concerns raised by Ms. McClellan are related to a quarry at the proposed plant and are beyond the scope of this application. Accordingly, the ED recommends that the Commission find that Ellen McClellan is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Ellen McClellan raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

111. Robert and Debra McSweeney

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Robert and Debra McSweeney are not affected persons.

Robert and Debra McSweeney both submitted timely requests for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. Debra McSweeney also provided timely comment at the public meeting and some of the issues raised in her hearing request were based on her timely provided comment. The requests were in writing and provided the required contact information. In their hearing requests, both Robert and Debra McSweeney expressed concern that dust from the proposed plant will affect their health and property.

Robert and Debra McSweeney stated that they live approximately 2.5 miles from the proposed location of the rock crusher. Using the address provided, the ED confirmed that they live approximately 2.5 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on their location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on their health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Robert and Debra McSweeney are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing requests, Robert and Debra McSweeney raised the following issues and these issues were raised in their timely submitted public comments:

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Robert and Debra McSweeney raised the following issues in their hearing requests; however, these issues were not raised in their timely submitted public comments:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

Issue 54: *Whether the proposed plant will negatively affect indoor air quality.*

Issue 61: *Whether the permit application, and associated air dispersion modeling, included and properly evaluated all applicable emissions.*

112. Hilary McVicker

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Hilary McVicker is not an affected person.

Hilary McVicker submitted a hearing request during the 30-day period after the RTC was mailed out by the Commission. Hilary McVicker also submitted a hearing request as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In the hearing request, Hilary McVicker expressed concern about the contamination from the proposed quarry causing an impact on her family's health and physical property.

Ms. McVicker did not state where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives more than 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her air quality or health in a way that is not common to members of the general public. Further, the concerns raised by Ms. McVicker are related to a quarry at the proposed plant and are beyond the scope of this

application. Accordingly, the ED recommends that the Commission find that Hilary McVicker is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing requests, Hilary McVicker raised the following issues and these issues were raised in her timely filed public comment:

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

113. Dawn Medeiros

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Dawn Medeiros is not an affected person.

Dawn Medeiros submitted a public hearing request as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In the hearing request, Dawn Medeiros stated that she is concerned about the proposed plant's impact on air quality and the long-term effects of air borne particulate. However, Ms. Medeiros did not state how or why she specifically will be affected in a way not common to members of the general public.

Ms. Medeiros did not state where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives more than 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because she failed to state a personal justiciable interest in her hearing request and because she lives over 2 miles from the location of the proposed plant, the ED recommends that the Commission find that Dawn Medeiros is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Dawn Medeiros raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 26: *Whether mobile source emissions from trucks associated with the proposed plant will negatively impact human health and welfare.*

114. Daniel Meneilly

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Daniel Meneilly is not an affected person.

Daniel Meneilly submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. Mr. Meneilly also submitted a timely comment during the comment period and the issues raised in his hearing request were based on his timely filed comment. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of his hearing request. In his hearing request, Mr. Meneilly stated that he recently moved near the location of the proposed plant and he is concerned that the quarry will negatively impact the health of his children, his water, and his property.

Mr. Meneilly indicated that he lives within a 4-mile radius to the proposed plant. Using the address provided, the ED determined that he lives over 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on his location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on his health and safety in a way that is not common to members of the general public. Further, the concerns he raises in his hearing request are related to a quarry at the proposed plant. Quarries are specifically excluded from regulation under the TCAA. As a result, concerns regarding the quarry are beyond the scope of this application. Accordingly, the ED recommends that the Commission find that Daniel Meneilly is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Daniel Meneilly raised the following issues and these issues were raised in his timely filed public comment:

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

Daniel Meneilly also raised the following issues in his hearing request; however, these issues were not raised in his timely filed public comment:

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

115. Steve Middlecamp

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Steve Middlecamp is not an affected person.

Steve Middlecamp submitted a request for a hearing as part of a timely filed comment. Steve Middlecamp also submitted the same hearing request and comment after the comment period had closed. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In his hearing request, Mr. Middlecamp stated that he has small children and that their health will be negatively impacted by long-term exposure to emissions from the proposed plant.

Mr. Middlecamp did not indicate where he lives relative to the proposed plant. Using the address provided, the ED determined that he lives over 3 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on his location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on his health and safety in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Steve Middlecamp is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Steve Middlecamp raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 56: *Whether ambient air quality is adequately monitored in Comal County.*

Issue 81: *Whether local zoning ordinances were considered in the review of the permit application.*

Issue 82: *Whether the proposed plant will negatively impact the property rights of surrounding landowners.*

116. Balous Miller

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Balous Miller is not an affected person.

Balous Miller submitted a request for a "full hearing" as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In his hearing request, Mr. Miller only stated general concerns regarding impacts to local air quality; however, Mr. Miller does not identify how or why he specifically will be affected in a way not common to members of the general public. Further, the majority of the concerns he raised in his hearing request are related to the quarry at the proposed plant. Quarries are specifically excluded from regulation under the TCAA. As a result, concerns regarding the quarry are beyond the scope of this application.

Mr. Miller's hearing request did not indicate where he lives relative to the proposed plant. Further, the address provided by Mr. Miller appears to be of a business, which is located over 20 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because Mr. Miller does not identify a personal justiciable interest in his hearing request and because the address he provided is located over 20 miles from the proposed location of the plant, the ED recommends that the Commission find that Balous Miller is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Balous Miller raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

117. Linda Holley Mohr

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Linda Holley Mohr is not an affected person.

Linda Holley Mohr submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. Mrs. Mohr also filed timely comments during the comment period. Some of the issues raised in her hearing request were based on her timely filed comments. The request was in writing and provided the required contact information. In her hearing request, Linda Holley Mohr stated that she lives nearby and that dust from the proposed plant will cause serious

health effects. Further, the dust from the proposed plant will negatively impact her husband who suffers from Parkinson's disease.

Mrs. Mohr stated that she lives approximately 4.5 miles from the proposed location of the plant. Using the address provided, the ED confirmed that she lives over 4 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her or her husband's health or air quality in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Linda Holley Mohr is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Linda Holley Mohr raised the following issues and these issues were raised in her timely filed public comments:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Linda Holley Mohr also raised the following issues in her hearing request; however, these issues were not raised in her timely filed public comments.

Issue 6: *Whether cumulative impacts of nearby operations were adequately considered.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 9: *Whether the controls in the proposed permit constitute Best Available Control Technology (BACT).*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 18: *Whether the proposed operating hours of the rock crusher ensure that there will be no adverse impacts to human health, welfare, and the environment.*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

Issue 22: *Whether the Applicant complied with TCEQ's public notice requirements related to sign-posting and newspaper notice.*

Issue 25: *Whether the proposed plant will negatively impact endangered species.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 37: *Whether the TCEQ's enforcement and compliance process is adequate to ensure companies comply with applicable rules and requirements.*

Issue 41: *Whether the proposed permit is in line with TCEQ's mission statement.*

Issue 43: *Whether the proposed permit should require controls that exceed BACT.*

Issue 45: *Whether the permit should preclude the use of water sprays as a control technology due to the lack of water in the area.*

Issue 56: *Whether ambient air quality is adequately monitored in Comal County.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 64: *Whether the proposed permit should include requirements for reclamation of the quarry.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

118. Gloria Morse

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Gloria Morse is not an affected person.

Gloria Morse submitted a request for a public hearing as part of a timely filed comment. The request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Mrs. Morse stated that she and her husband recently bought a home in Waggener Ranch due to its scenic beauty. She specifically stated that her new home is approximately 2 miles from the proposed location of the plant and that her health, physical property, and property values will be negatively impacted due to her proximity to the proposed plant.

Mrs. Morse's hearing request did not indicate where she lives relative to the proposed plant. Using the address provided, the ED determined that Mrs. Morse lives over 2 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her health and safety in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Gloria Morse is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Gloria Morse raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 54: *Whether the proposed plant will negatively affect indoor air quality.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

119. Bruce and Grace Murphy

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Bruce and Grace Murphy are not affected persons.

Bruce and Grace Murphy both submitted requests for a contested case hearing as part of timely filed comments. Bruce and Grace Murphy also both submitted a request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission and some of the issues raised in these hearing requests were based on their timely filed comments. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of their hearing requests. In their hearing requests, the Murphys raised general concerns regarding impacts to local air quality, including potential impacts to nearby neighborhoods and schools. Further, the Murphys stated that blasting at the proposed site will collapse their water well, limit the amount of groundwater available and reduce the value of their property.

In their hearing requests, the Murphys indicated that they live approximately 3 miles from the proposed plant. Using the address provided, the ED confirmed that the Murphys live approximately 3 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the

ambient air an individual breathes. Based on their location relative to the proposed plant and because neither one of them identifies a personal justiciable interest in their hearing requests, the ED recommends that the Commission find that Bruce and Grace Murphy are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing requests, Bruce and Grace Murphy raised the following issues and the issues were raised in their timely filed public comments:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

In their hearing requests, Bruce and Grace Murphy raised the following issues however, these issues were not raised in any of their timely submitted public comments:

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

Issue 49: *Whether an adequate site review was conducted for this application.*

Issue 56: *Whether ambient air quality is adequately monitored in Comal County.*

120. Mary Jean and Robert Francis Nebergall

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Mary Jean and Robert Francis Nebergall are not affected persons.

Mary Jean and Robert Francis Nebergall submitted multiple requests for a contested case hearing as part of timely filed comments. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of their hearing requests. In their hearing requests, the Nebergalls indicated that they are senior citizens and that the dust and emissions from the proposed plant will negatively impact their health. Additionally, they stated that dust from the proposed plant will negatively impact the fruit trees and gardens they have on their property.

The Nebergalls indicated in their hearing requests that they live off FM 3009, which borders the property on which the proposed plant will be located. Using the address provided, the ED determined that the Nebergalls live approximately 1.5 miles from the proposed location of the plant. For air authorizations, distance from the

proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on their location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on their health and safety or property in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Mary Jean and Robert Francis Nebergall are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing requests, Mary Jean and Robert Francis Nebergall raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 22: *Whether the Applicant complied with TCEQ's public notice requirements related to sign-posting and newspaper notice.*

Issue 51: *Whether emissions from maintenance, start-up, and shutdown activities are adequately addressed in the proposed permit.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

121. Butch and Linda Sue Newman

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Butch and Linda Sue Newman are not affected persons.

Butch and Linda Sue Newman both submitted requests for a contested case hearing as part of timely filed comments. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of their hearing requests. In their hearing requests, the Newmans only stated that air quality will be compromised if a quarry is built at the proposed location of the plant and, therefore,

the proposed permit should be denied. Neither Butch or Linda Sue Newman identify how or why they specifically will be affected in a way not common to members of the general public. Further, the concerns raised in their hearing requests are related to the quarry at the proposed plant. Quarries are specifically excluded from regulation under the TCAA. As a result, concerns regarding the quarry are beyond the scope of this application.

Neither Butch nor Linda Sue specifically indicated in their hearing requests where they live relative to the proposed plant. Using the address provided, the ED determined that the Newmans live over 5 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because the Newmans failed to state a personal justiciable interest in their hearing request and because they live over 5 miles from the proposed location of the plant, the ED recommends that the Commission find that Butch and Linda Sue Newman are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing requests, Butch and Linda Sue Newman raised the following issues:

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

122. Wendy Norris

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Wendy Norris is not an affected person.

Wendy Norris submitted a request for a public hearing as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Wendy Norris stated that she moved to the area because of the peaceful lifestyle, and that the proposed permit will not protect the air or water of nearby residents. However, Wendy Norris does not identify how or why she specifically will be affected in a way not common to members of the general public.

Wendy Norris did not specifically indicate in her hearing request where she lives relative to the proposed plant. Using the address provided, the ED determined that Ms. Norris lives approximately 5 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants

emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because she failed to state a personal justiciable interest in her hearing request and because she lives approximately 5 miles from the proposed location of the plant, the ED recommends that the Commission find that Wendy Norris is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Wendy Norris raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

123. Sandy and Teressa Nott

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Sandy and Teressa Nott are not affected persons.

Sandy and Teressa Nott submitted separate but nearly identical requests for a public hearing as part of timely filed comments. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of their hearing requests. In their hearing requests, the Notts stated that emissions from the proposed plant will negatively impact her and her family's health and physical property. They also mentioned general concerns about the proposed plant's impacts to groundwater.

The Notts did not specifically indicate in their hearing requests where they live relative to the proposed plant. Using the address provided, the ED determined that the Notts live approximately 3 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on their location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on their health and safety or property in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Sandy and Teressa Nott are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing requests, Sandy and Teressa Nott raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

124. Deborah K. Ohlrich

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Deborah K. Ohlrich is not an affected person.

Deborah K. Ohlrich submitted a request for a public hearing as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Deborah K. Ohlrich stated that the proposed plant will subject the surrounding natural areas to unnecessary damage and impact the health of the public; however, she does not identify how or why she specifically will be affected in a way not common to members of the general public.

Ms. Ohlrich did not specifically indicate in her hearing request where she lives relative to the proposed plant. Using the address provided, the ED determined that Ms. Ohlrich lives over 5 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because she failed to state a personal justiciable interest in her hearing request and because she lives over 5 miles from the proposed location of the plant, the ED recommends that the Commission find that Deborah K. Ohlrich is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Deborah K. Ohlrich raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

125. Jack Olivier

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Jack Olivier is not an affected person.

Jack Olivier submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. Mr. Olivier also filed a timely comment during the public comment period. Some of the issues raised in his hearing request were based on his timely filed comment. The request was in writing and provided the required contact information. In his hearing request, Jack Olivier stated that he lives within close proximity to the proposed plant and quarry and dust from the proposed plant will negatively affect his health and property.

Mr. Olivier stated that he lives approximately 3 miles from the proposed location of the rock crusher. Using the address provided, the ED confirmed that he lives approximately 3 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on his location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on his health or property in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Jack Olivier is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Jack Olivier raised the following issues and these issues were raised in his timely filed public comment:

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Jack Olivier also raised the following issues in his hearing request; however, these issues were not raised in his timely filed public comment:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 41: *Whether the proposed permit is in line with TCEQ's mission statement.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

126. Kira, Nathan, Kennedy, and Karis Olson

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Kira, Nathan, Kennedy, and Karis Olson are not affected persons.

The Olsons submitted multiple requests for a contested case hearing as part of timely filed comments. The Olsons also each submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission and some of the issues raised in these hearing requests were based on their timely filed comments. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of their hearing requests. The Olsons stated that emissions and dust from the proposed plant will negatively impact their health, the health of their children, and the health of their pets. Additionally, they stated that dust from the proposed plant will negatively impact their physical property, and that their property values will decrease due to the proximity of the proposed plant.

In their hearing requests, the Olsons indicate that their property is directly adjoining the property on which the proposed plant will be located. They specifically state that the proposed plant is located approximately 1.5 miles from their property line. Using the address provided, the ED confirmed that the Olsons live approximately 1.5 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the

issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on their location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on their health and safety or property in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Kira, Nathan, Kennedy, and Karis Olson are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing requests, the Olsons raised the following issues and these issues were raised in their timely filed public comments:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 6: *Whether cumulative impacts of nearby operations were adequately considered.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 13: *Whether the proposed plant will cause adverse economic impacts on the local community, including future tourism.*

Issue 14: *Whether the proposed plant will negatively affect the health and safety of plant employees.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 18: *Whether the proposed operating hours of the rock crusher ensure that there will be no adverse impacts to human health, welfare, and the environment.*

Issue 19: *Whether the air quality modeling conducted as part of this application adequately incorporated the local prevailing winds.*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

Issue 22: *Whether the Applicant complied with TCEQ's public notice requirements related to sign-posting and newspaper notice.*

Issue 24: *Whether corporate profits were considered in the review of this application.*

Issue 25: *Whether the proposed plant will negatively impact endangered species.*

Issue 30: *Whether an Environmental Impact Study (EIS) or independent study regarding human health and welfare should have been conducted as part of the review of the application.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 35: *Whether individual notice of the application to nearby landowners should have been required.*

Issue 37: *Whether the TCEQ's enforcement and compliance process is adequate to ensure companies comply with applicable rules and requirements.*

Issue 41: *Whether the proposed permit is in line with TCEQ's mission statement.*

Issue 47: *Whether emissions from on-site diesel engines are adequately calculated and adequately controlled.*

Issue 50: *Whether the background concentrations used in the air dispersion modeling are representative of the proposed location of the plant.*

Issue 56: *Whether ambient air quality is adequately monitored in Comal County.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 69: *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*

Issue 81: *Whether local zoning ordinances were considered in the review of the permit application.*

Issue 82: *Whether the proposed plant will negatively impact the property rights of surrounding landowners.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

The Olsons also raised the following issues in their hearing requests; however, these issues were not raised in any of their timely filed public comments:

Issue 49: *Whether an adequate site review was conducted for this application.*

Issue 70: *Whether the ED gave the comments and resolutions adopted by local governments maximum consideration in accordance with TCAA § 382.112.*

127. Michael, Terry, and Peri Olson

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Michael, Terry, and Peri Olson are not affected persons.

The Olsons each submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. The Olsons also filed timely comments during the comment period and some of the issues raised in their hearing requests were based on their timely filed comments. The hearing request was in writing and provided the required contact information. In their hearing request, the Olsons stated that particulate and dust emissions from the proposed plant are a

serious concern to their health because they already suffer from allergies and Terry Olson suffers from Reynaud's Syndrome. Further, the Olsons stated that they raise Irish Aberdeen Angus cattle and that dust from the proposed plant will negatively impact their health.

In their hearing requests, the Olsons stated that their family lives approximately 2 miles from the proposed location of the rock crusher. Using the address provided, the ED confirmed that they live approximately 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on their location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on their health or the health of their livestock in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Michael, Terry, and Peri Olson are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing requests, the Olsons raised the following issues and these issues were raised in their timely filed public comments:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

Issue 56: *Whether ambient air quality is adequately monitored in Comal County.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

The Olsons also raised the following issues in their hearing requests; however, these issues were not raised in any of their timely filed public comments:

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 22: *Whether the Applicant complied with TCEQ's public notice requirements related to sign-posting and newspaper notice.*

Issue 37: *Whether the TCEQ's enforcement and compliance process is adequate to ensure companies comply with applicable rules and requirements.*

Issue 41: *Whether the proposed permit is in line with TCEQ's mission statement.*

Issue 49: *Whether an adequate site review was conducted for this application.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 61: *Whether the permit application, and associated air dispersion modeling, included and properly evaluated all applicable emissions.*

Issue 69: *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*

128. Corissa Owens

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Corissa Owens is not an affected person.

Corissa Owens submitted a request for a public hearing as part of a timely filed comment. The request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Ms. Owens stated that dust from the proposed plant will negatively impact her health and physical property.

Ms. Owens did not specifically indicate in her hearing request where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives over 10 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her health and safety or physical property in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Corissa Owens is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Corissa Owens raised the following issues:

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

129. Cole Paveglio

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Cole Paveglio is not an affected person.

Cole Paveglio stated that “there needs to be a public hearing” as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In his hearing request, Cole Paveglio stated that the quarry at the proposed plant will ruin lives and affect the air people breath. However, Mr. Paveglio does not identify how or why he specifically will be affected in a way not common to members of the general public. Further, the concerns he raised in his hearing request are related to the quarry at the proposed plant. Quarries are specifically excluded from regulation under the TCAA. As a result, concerns regarding the quarry are beyond the scope of this application.

Mr. Paveglio did not specifically indicate in his hearing request where he lives relative to the proposed plant. Using the address provided, the ED determined that Mr. Paveglio lives over 4 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because he failed to state a personal justiciable interest in his hearing request and because he lives over 4 miles from the proposed location of the plant, the ED recommends that the Commission find that Cole Paveglio is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Cole Paveglio raised the following issues:

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

130. Patrick E. Pence

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Patrick E. Pence is not an affected person.

Patrick E. Pence submitted a request for a “full hearing” as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In his hearing request, Mr. Pence raised general concerns about how emissions from the proposed plant will negatively impact the surrounding community and nearby schools, and that dust from the quarry will harm local air quality. However, Mr. Pence does not state how or why he specifically will be affected in a way not common to members of the general public. Further, some of the concerns he raised in his hearing request are related to the quarry at the proposed plant. Quarries are specifically excluded from regulation under the TCAA. As a result, concerns regarding the quarry are beyond the scope of this application.

Patrick E. Pence did not specifically indicate in his hearing request where he lives relative to the proposed plant. Using the address provided, the ED determined that Mr. Pence lives over 5 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because Mr. Pence failed to state a personal justiciable interest in his hearing request and because he lives over 5 miles from the location of the proposed plant, the ED recommends that the Commission find that Patrick E. Pence is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Patrick E. Pence raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

131. David Perelstein

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that David Perelstein is not an affected person.

David Perelstein submitted a request for a public hearing as part of a timely filed comment. The request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In his hearing request, Mr. Perelstein stated that he suffers from asthma and that he may be forced to move due to the emissions from the proposed plant.

Mr. Perelstein did not specifically state where he lives relative to the proposed plant. Using the address provided in his hearing request, the ED determined that he lives over 4 miles from the proposed location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on his location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on his health and safety in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that David Perelstein is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, David Perelstein raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

132. Paul Petrino

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Paul Petrino is not an affected person.

Paul Petrino requested a public hearing as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In his hearing request, Paul Petrino stated he is a property owner in New Braunfels and is concerned that Vulcan's quarry will negatively impact his health and physical property based on public studies that suggest that quarries cause negative health effects. Further, the majority of the concerns he raises in his hearing request are related to a quarry at the proposed plant. Quarries are specifically excluded from regulation under the TCAA. As a result, concerns regarding the quarry are beyond the scope of this application.

Mr. Petrino did not indicate where he lives relative to the proposed plant. Using the address provided, the ED determined that he lives over 3 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on his location relative to the proposed plant and because the majority of the issues raised in his hearing request are related to quarry operations, the ED recommends that the Commission find that Paul Petrino is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Paul Petrino raised the following issues:

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

133. Stephen Petty

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Stephen Petty is not an affected person.

Stephen Petty submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. Mr. Petty also filed timely comments during the comment period and some of the issues raised in his hearing request were based on his timely filed comments. The request was in writing and provided the required contact information. In his hearing request, Mr. Petty stated that he has difficulty breathing due to being exposed to Agent Orange when he served in the military, and that the proposed plant will negatively impact his ability to breathe.

Mr. Petty stated that he and his wife live approximately 3.6 miles from the proposed plant. Using the address provided, the ED confirmed that Mr. Petty lives over 3 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on his location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on his or his wife's health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Stephen Petty is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Stephen Petty raised the following issues and these issues were raised in his timely filed public comments:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 26: *Whether mobile source emissions from trucks associated with the proposed plant will negatively impact human health and welfare.*

Issue 56: *Whether ambient air quality is adequately monitored in Comal County.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

Stephen Petty also raised the following issues in his hearing request; however, these issues were not raised in his timely filed public comments:

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

134. Debra Phelps

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Debra Phelps is not an affected person.

Debra Phelps submitted a request for a public hearing as part of a timely filed comment. The request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Ms. Phelps stated that she suffers from seasonal asthma bouts, and is concerned that the proposed plant will negatively impact the air quality.

Ms. Phelps did not specifically state where she lives relative to the proposed plant. Using the address provided in her hearing request, the ED determined that she lives approximately 4 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her health and safety in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Debra Phelps is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Debra Phelps raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

135. Lori Polasek

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Lori Polasek is not an affected person.

Lori Polasek submitted a request for a “full hearing” as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Ms. Polasek raised general concerns about how emissions from the proposed plant will negatively impact the surrounding community, including local air quality. However, Ms. Polasek does not state how or why she specifically will be affected in a way not common to members of the general public.

Lori Polasek did not specifically indicate in her hearing request where she lives relative to the proposed plant. Using the address provided, the ED determined that Ms. Polasek lives over 1 mile from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because she failed to state a personal justiciable interest in her hearing request and because she lives over 1 mile from the location of the proposed plant, the ED recommends that the Commission find that Lori Polasek is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Lori Polasek raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

136. Shawwna Poor

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Shawwna Poor is not an affected person.

Shawwna Poor requested a hearing as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Ms. Poor

stated that she is concerned about air quality if the proposed plant is built; however, she does not state how or why she specifically will be affected in a way not common to members of the general public.

Ms. Poor did not specifically indicate in her hearing request where she lives relative to the proposed plant. Using the address provided, the ED determined that Ms. Poor lives over 4 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because she failed to state a personal justiciable interest in her hearing request and because she lives over 4 miles from the location of the proposed plant, the ED recommends that the Commission find that Shawwna Poor is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Shawwna Poor raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

137. Johanna Posey

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Johanna Posey is not an affected person.

Johanna Posey submitted multiple requests for a public hearing as part of timely filed comments. The requests were in writing, provided the required contact information, and included issues that are the basis of her hearing requests. In her hearing request, Mrs. Posey specifically stated her that husband is a cancer survivor and that the particulate matter emissions from the proposed plant will threaten his health.

Mrs. Posey stated that she owns property approximately 5 miles from the location of the proposed plant. Using the address provided, the ED confirmed that she lives over 5 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her or her husband's health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Johanna Posey is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing requests, Johanna Posey raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

Issue 30: *Whether an Environmental Impact Study (EIS) or independent study regarding human health and welfare should have been conducted as part of the review of the application.*

Issue 56: *Whether ambient air quality is adequately monitored in Comal County.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 69: *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*

Issue 71: *Whether Comal County is in attainment with the National Ambient Air Quality Standards (NAAQS).*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

138. William Kyle Pringle

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that William Kyle Pringle is not an affected person.

William Kyle Pringle requested a public hearing as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In his hearing request, William Kyle Pringle stated he bought his current property because of the surrounding beauty and wildlife, and that the location of the proposed plant will decrease his property values and impact air quality.

Mr. Pringle did not indicate where he lives relative to the proposed plant. Using the address provided, the ED determined that he lives over 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on his location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on his health and safety or property in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that William Kyle Pringle is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, William Kyle Pringle raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

139. Laura Allen Quisenberry

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Laura Allen Quisenberry is not an affected person.

Laura Allen Quisenberry submitted a request for a public hearing as part of a timely filed comment. The request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Ms. Quisenberry stated that she lives on FM 3009 and suffers from bad allergies due to dust. She stated that she moved to her current home to get away from dust and is concerned the proposed plant will negatively impact her health and the value of her property.

Although Ms. Quisenberry stated she lives on FM 3009, she did not state where she lives on FM 3009 relative to the proposed plant. Using the address provided, the ED determined that she lives approximately 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Laura Allen Quisenberry is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Laura Allen Quisenberry raised the following issues:

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

140. Phelon Tyler Rammell

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Phelon Tyler Rammell is not an affected person.

Phelon Tyler Rammell submitted a request for a public hearing as part of a timely filed comment. The request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In his hearing request, Mr. Rammell stated that his daughter has been diagnosed with a reactive airway disease and that his family is in the process of purchasing property near the location of the proposed plant. He stated that he and his family were hoping to move to the area to provide a clean environment for his children.

Mr. Rammell did not provide an address for the property he is in the process of purchasing. As a result, the ED is unable to identify where this property is located. Using the address provided as part of his hearing request, the ED determined that this property is located over 5 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on the location provided in his hearing request, the ED does not expect the regulated activity to have an impact on his health or the health of his family in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Phelon Tyler Rammell is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Phelon Tyler Rammell raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 13: *Whether the proposed plant will cause adverse economic impacts on the local community, including future tourism.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

141. Robert Remey

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Robert Remey is not an affected person.

Robert Remey requested a public hearing as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In his hearing request, Mr. Remey stated that he moved to the Vintage Oaks neighborhood to get away from the city, and that the proposed plant has him concerned. However, Mr. Remey does not state how or why he specifically will be affected in a way not common to members of the general public.

Mr. Remey indicated that his neighborhood is approximately 2 miles from the location of the proposed plant. Using the address provided, the ED confirmed that Mr. Remey lives over 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because he failed to state a personal justiciable interest in his hearing request and because he lives over 2 miles from the location of the proposed plant, the ED recommends that the Commission find that Robert Remey is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Robert Remey raised the following issues:

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

142. Teresa Rogers

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Teresa Rogers is not an affected person.

Teresa Rogers submitted a request for a public hearing as part of a timely filed comment. The request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Ms. Rogers stated she suffers from allergy-induced asthma and chronic bronchitis due to severe cedar allergies, and that fine particle dust emissions from the proposed plant will pose an unacceptable long-term threat to her health and lung function.

Ms. Rogers did not indicate where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives over 5 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Teresa Rogers is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Teresa Rogers raised the following issues:

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 13: *Whether the proposed plant will cause adverse economic impacts on the local community, including future tourism.*

Issue 14: *Whether the proposed plant will negatively affect the health and safety of plant employees.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

143. Lindsey Saathoff

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Lindsey Saathoff is not an affected person.

Lindsey Saathoff submitted a request for a public hearing as part of a timely filed comment. The request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Ms. Saathoff stated she has a child with cerebral palsy and that emissions from the proposed plant will negatively impact her child's health. She also stated that the proposed plant will negatively impact her physical property.

Ms. Saathoff did not indicate where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives over 4 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her child's health or her property in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Lindsey Saathoff is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Lindsey Saathoff raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

144. Jakki M. Saul

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Jakki M. Saul is not an affected person.

Jakki M. Saul submitted a request for a public hearing as part of a timely filed comment. The request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Ms. Saul stated that her health and the health of her seven children will be negatively impacted by the proposed plant. She specifically mentioned that she moved to the area due to the respiratory issues of one of her children, and that his health subsequently improved. She also stated that the proposed plant will negatively impact the health of her livestock and physical property.

Ms. Saul did not indicate where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives over 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her child's health or her property in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Jakki M. Saul is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Jakki M. Saul raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

145. Vallye Sawyer

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Vallye Sawyer is not an affected person.

Vallye Sawyer submitted a request for a public hearing as part of a timely filed comment. The request was in writing, provided the required contact information, and

included issues that are the basis of her hearing request. In her hearing request, Ms. Sawyer stated that she is concerned that emissions of particulates from the proposed plant will compromise the health of her son who has heart arrhythmias and trouble breathing. She also mentioned that her parents live 1.5 miles from the proposed plant and that she is concerned for their health.

Although Ms. Sawyer indicated where her parents live, she did not indicate where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives over 10 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her family's health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Vallye Sawyer is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Vallye Sawyer raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

146. Lauri, Cade, Anderson, and Jarrette Schule

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Lauri, Cade, Anderson, and Jarrette Schule are not affected persons.

Lauri Schule submitted a request for a contested case hearing as part of a timely filed comment. Lauri, Cade, Anderson, and Jarrette Schule also each submitted timely requests for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission and some of the issues raised in these hearing requests were based on Lauri Schule's timely filed comment. The requests were in writing, provided the required contact information, and included issues that are the basis of their hearing requests. In their hearing requests, the Schules stated that they bought the property where they live to build their family's dream home. They are concerned about silica and toxic dust emissions from the proposed plant negatively impacting the health and safety of their family. Ms. Schule also raised concerns regarding the health of their pets.

The Schules stated that they live on Beck Road, and that their property is approximately 1.86 miles from the location of the proposed plant. Using the address provided, the ED determined that the Schules live approximately 1.5 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely

impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on their location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on their health or their pets in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that the Schules are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing requests, the Schules raised the following issues and these issues were raised in their timely filed public comment:

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 26: *Whether mobile source emissions from trucks associated with the proposed plant will negatively impact human health and welfare.*

Issue 47: *Whether emissions from on-site diesel engines are adequately calculated and adequately controlled.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 69: *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

The Schules also raised the following issues in their hearing requests; however, these issues were not raised in their timely filed public comment:

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

Issue 49: *Whether an adequate site review was conducted for this application.*

Issue 54: *Whether the proposed plant will negatively affect indoor air quality.*

Issue 56: *Whether ambient air quality is adequately monitored in Comal County.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

147. Arthur Seago

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Arthur Seago is not an affected person.

Arthur Seago requested a public hearing as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In his hearing request, Mr. Seago mentioned that he is concerned that dust from the proposed plant will negatively impact the air quality and that the area is not suitable for this type of plant due to the recent residential development. However, Mr. Seago does not state how or why he specifically will be affected in a way not common to members of the general public.

Mr. Seago stated that he is a neighbor of the proposed plant. Using the address provided, the ED determined that Mr. Seago lives over 5 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because he failed to state a personal justiciable interest in his hearing request and because he lives over 5 miles from the location of the proposed plant, the ED recommends that the Commission find that Arthur Seago is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Arthur Seago raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

148. Elias and Grace Shaer

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Elias and Grace Shaer are not affected persons.

Elias and Grace Shaer both submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. Mr. Shaer also provided a timely comment at the public meeting and some of the issues raised in their hearing requests were based on his timely provided comment. The request was in writing and provided the required contact information. In his hearing request, Elias Shaer stated that he has a heart condition and the silica dust from the proposed plant

could cause him serious health concerns. In her hearing request, Grace Shaer stated she has been diagnosed with asthma and other lung issues and that that silica dust from the proposed plant will negatively impact her health and livelihood.

The Shaers stated that they live approximately 3 miles from the proposed location of the rock crusher. Using the address provided, the ED confirmed that they live approximately 3 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on their location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on their health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Elias and Grace Shaer are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing requests, Elias and Grace Shaer raised the following issue and this issue was raised in a timely submitted public comment by Elias Shaer:

Issue 17: *Whether the quarry will create a nuisance.*

Elias and Grace Shaer also raised the following issues in their hearing requests; however, these issues were not raised in Elias Shaer's timely submitted public comment:

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

149. Robbi E. Shipley

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Robbi Shipley is not an affected person.

Robbi Shipley submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. Mrs. Shipley also filed timely comments during the comment period and some of the issues raised in her hearing request were based on her timely filed comment. The request was in writing and provided the required contact information. In her hearing request, Robbi Shipley

stated that she has property located near the plant. She further states that she has a compromised immune system due to her asthma and prior battle with cancer and that dust from the proposed plant and quarry will adversely affect her and her husband's health.

Based on the hearing request, it appears that Mrs. Shipley and her husband currently reside at 10502 Tandom Ct. San Antonio, Texas 78217; however, using the address provided for the nearby property, 1132 Imhoff Lane New Braunfels, Texas 78132, the ED determined that her property is located approximately 1.5 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because it does not appear that Mrs. Shipley currently resides at the property she identified, the ED does not expect the regulated activity to have an impact on her or her husband's health in a way that is not common to members of the general public. Further, based on the location of her property relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her or her property in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Robbi Shipley is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Robbi Shipley raised the following issues and these issues were raised in her timely filed public comments:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Robbi Shipley also raised the following issue in her hearing request; however, these issues were not raised in her timely filed public comments:

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 49: *Whether an adequate site review was conducted for this application.*

Issue 56: *Whether ambient air quality is adequately monitored in Comal County.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding*

property and natural resources.

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

150. Howard Shipman

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Howard Shipman is not an affected person.

Howard Shipman submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. Mr. Shipman also filed a timely comment during the comment period and some of the issues raised in his hearing request were based on his timely filed comment. The request was in writing and provided the required contact information. In his hearing request, Howard Shipman stated that he suffers from COPD and severe sleep apnea, and his wife suffers from sinus conditions and allergies. As a result, he is concerned that the proposed plant will negatively impact the air quality near his home as well as their health.

Mr. Shipman stated that he and his wife live approximately 5 miles from the proposed plant. Using the address provided, the ED confirmed that Mr. Shipman lives approximately 5 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on his location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on his or his wife's health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Howard Shipman is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Howard Shipman raised the following issues and these issues were raised in his timely filed public comments:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Howard Shipman also raised the following issue in his hearing request; however, the issue was not raised in his timely filed public comment:

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

151. Gregory Snider

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Gregory Snider is not an affected person.

Gregory Snider submitted a request for a public hearing as part of a timely filed comment. The request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In his hearing request, Mr. Snider stated that he is concerned that the dust from the proposed plant will negatively affect his and his family's health and air quality. Mr. Snider is also concerned that dust from the proposed plant will negatively impact the health of his daughter's horses that live on the property.

Mr. Snider stated that he and his family live across the street from the proposed plant. Using the address provided, the ED determined that Mr. Snider and his family live over 1 mile from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on his location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on his family's health or his animals in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Gregory Snider is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Gregory Snider raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

152. Margie and Wilbert Spaeth

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Margie and Wilbert Spaeth are not affected persons.

Margie and Wilbert Spaeth each submitted a request for a contested case hearing as part of a timely filed comment. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of their hearing requests. In their hearing requests, the Spaeths stated that they are concerned that dust and silica emissions from the proposed plant will negatively impact their health.

The Spaeths did not indicate where they live relative to the proposed plant. Using the address provided, the ED determined that the Spaeths live over 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of

individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on their location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on their health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Margie and Wilbert Spaeth are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing requests, Margie and Wilbert Spaeth raised the following issues:

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 47: *Whether emissions from on-site diesel engines are adequately calculated and adequately controlled.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 69: *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

153. Mike B. Stemig

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Mike B. Stemig is not an affected person.

Mike B. Stemig submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. Mr. Stemig also filed timely comments during the comment period and some of the issues raised in his hearing request were based on his timely filed comments. The request was in writing and provided the required contact information. In his hearing request, Mike B. Stemig stated that his respiratory system is sensitive and the emissions from the proposed plant will have severe impacts on his health and the health of his family.

Mr. Stemig stated that he and his family live approximately 2.69 miles from the proposed plant. Using the address provided, the ED confirmed that Mr. Stemig lives over 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an

individual breathes. Based on his location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on his or his family's health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Mike B. Stemig is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Mike B. Stemig raised the following issues and these issues were raised in his timely filed public comments:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 38: *Whether the Applicant has shown an immediate need for the project.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Mike B. Stemig also raised the following issue in his hearing request; however, these issues were not raised in his timely filed public comments:

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

Issue 41: *Whether the proposed permit is in line with TCEQ's mission statement.*

Issue 49: *Whether an adequate site review was conducted for this application.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

154. Nova Stephenson

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Nova Stephenson is not an affected person.

Nova Stephenson submitted a request for a contested case hearing as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Nova Stephenson stated she is against the project because silica dust from the proposed plant will affect the respiratory health of local residents. Ms. Stephenson, however, does not identify how or why she specifically will be affected in a way not common to members of the general public.

Ms. Stephenson did not indicate where she lives relative to the proposed plant. Using the address provided, the ED determined that Ms. Stephenson lives over 10

miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because she failed to state a personal justiciable interest in her hearing request and because she lives over 10 miles from the proposed location of the plant, the ED recommends that the Commission find that Nova Stephenson is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Nova Stephenson raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 69: *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*

155. Trudy Striegel

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Trudy Striegel is not an affected person.

Trudy Striegel submitted a request for a public hearing as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Trudy Striegel stated that quarry operations will negatively impact air quality and the health of the elderly retirees in the area, including herself. She also raised concerns about how quarry operations will negatively impact natural resources and property values. Quarries are specifically excluded from regulation under the TCAA. As a result, concerns regarding the quarry are beyond the scope of this application.

Ms. Striegel did not indicate where she lives relative to the proposed plant. Using the address provided, the ED determined that Ms. Striegel lives over 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her health in a way that is not common to members of the general public. Accordingly, the ED recommends that the

Commission find that Trudy Striegel is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Trudy Striegel raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

156. Connie Terao

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Connie Terao is not an affected person.

Connie Terao submitted a request for a public hearing as part of a timely filed comment. The request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Ms. Terao stated the proposed plant will negatively affect air quality and the health of elderly people with respiratory issues. She specifically stated that her family has asthma and suffers from dust allergies. She is also concerned about emissions from the proposed plant negatively impacting surrounding wildlife and plants.

Ms. Terao did not specifically state in her hearing request where she lives relative to the proposed plant. Using the address provided, the ED determined that Ms. Terao and her family live over 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her family's health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Connie Terao is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Connie Terao raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 18: *Whether the proposed operating hours of the rock crusher ensure that there will be no adverse impacts to human health, welfare, and the environment.*

157. Jeff R. Thomas

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Jeff R. Thomas is not an affected person.

Jeff R. Thomas requested a public hearing as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In his hearing request, Mr. Thomas stated that the proposed plant will create air quality issues near a major residential subdivision. However, Mr. Thomas did not state how or why he specifically will be affected in a way not common to members of the general public.

Mr. Thomas did not state where he lives relative to the proposed plant. Using the address provided, the ED determined that he lives over 5 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because he failed to state a personal justiciable interest in his hearing request and because he lives over 2 miles from the location of the proposed plant, the ED recommends that the Commission find that Jeff R. Thomas is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Jeff R. Thomas raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

158. Carl Thompson

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Carl Thompson is not an affected person.

Carl Thompson submitted a request for a public hearing as part of a timely filed comment. Carl Thompson also submitted an additional request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. Some of the issues raised in his hearing request were not raised in his timely filed public comments. The request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. In his hearing request, Mr. Thompson stated that he lives in the Vintage Oaks subdivision and that his air quality and health will be impacted by the emissions and dust released by the proposed plant. He is also concerned that the location of the proposed plant is in a highly residential area that will impact the health of residents and livestock.

Mr. Thompson noted that his house is located approximately 3 miles from the location of the proposed plant. Using the address provided, the ED confirmed that Mr. Thompson lives approximately 3 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on his location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on his health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Carl Thompson is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Carl Thompson raised the following issues and these issues were raised in his timely filed public comments:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 37: *Whether the TCEQ's enforcement and compliance process is adequate to ensure companies comply with applicable rules and requirements.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

Carl Thompson also raised the following issues; however, these issues were not raised by him in his timely filed public comments:

Issue 13: *Whether the proposed plant will cause adverse economic impacts on the local community, including future tourism.*

Issue 20: *Whether the permit application should be evaluated under more stringent standards.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 41: *Whether the proposed permit is in line with TCEQ's mission statement.*

Issue 45: *Whether the permit should preclude the use of water sprays as a control technology due to the lack of water in the area.*

Issue 54: *Whether the proposed plant will negatively affect indoor air quality.*

Issue 56: *Whether ambient air quality is adequately monitored in Comal County.*

Issue 61: *Whether the permit application, and associated air dispersion modeling, included and properly evaluated all applicable emissions.*

Issue 71: *Whether Comal County is in attainment with the National Ambient Air Quality Standards (NAAQS).*

159. Mary and R. Trujillo

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Mary and R. Trujillo are not affected persons.

Mary and R. Trujillo submitted a request for a public contested case hearing as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of their hearing request. In their hearing request, the Trujillos stated that the financial gain for the community seems negligible compared to the environmental impact the proposed plant will have. However, the Trujillos did not state how or why they specifically will be affected in a way not common to members of the general public.

The Trujillos did not indicate where they live relative to the proposed plant. Using the address provided, the ED determined that the Trujillos live over 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because they failed to state a personal justiciable interest in their hearing request and because they live over 2 miles from the location of the proposed plant, the ED recommends that the Commission find that Mary and R. Trujillo are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing request, Mary and R. Trujillo raised the following issues:

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 13: *Whether the proposed plant will cause adverse economic impacts on the local community, including future tourism.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 18: *Whether the proposed operating hours of the rock crusher ensure that there will be no adverse impacts to human health, welfare, and the environment.*

Issue 47: *Whether emissions from on-site diesel engines are adequately calculated and adequately controlled.*

Issue 56: *Whether ambient air quality is adequately monitored in Comal County.*

Issue 79: *Whether the Texas Department of Public Safety will have a weigh station to ensure that trucks comply with any applicable weight restrictions.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

160. Amanda Trussell

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Amanda Trussell is not an affected person.

Amanda Trussell requested a public hearing as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Ms. Trussell stated that she is worried about the proposed plant's impact on local air quality and the health of residents. However, Ms. Trussell did not state how or why she specifically will be affected in a way not common to members of the general public.

Ms. Trussell did not state where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives over 3 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Because she failed to state a personal justiciable interest in her hearing request and because she lives over 3 miles from the location of the proposed plant, the ED recommends that the Commission find that Amanda Trussell is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Amanda Trussell raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

161. Tina Tsui

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Tina Tsui is not an affected person.

Tina Tsui submitted a request for a public hearing as part of a timely filed comment. The request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Ms. Tsui stated that she is concerned about the air quality given her proximity to the proposed plant.

Ms. Tsui stated that she lives 2.1 miles from the location of the proposed plant. Using the address provided, the ED determined that Ms. Tsui lives over 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her air quality or health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Tina Tsui is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Tina Tsui raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 19: *Whether the air quality modeling conducted as part of this application adequately incorporated the local prevailing winds.*

Issue 25: *Whether the proposed plant will negatively impact endangered species.*

Issue 26: *Whether mobile source emissions from trucks associated with the proposed plant will negatively impact human health and welfare.*

Issue 32: *Whether the proposed permit complies with Edwards Aquifer rules in 30*

Texas Administrative Code Chapter 213.

Issue 47: *Whether emissions from on-site diesel engines are adequately calculated and adequately controlled.*

Issue 55: *Whether chemical dust suppressant is safe to use as a control for emissions from the proposed plant.*

Issue 63: *Whether the proposed permit complies with TCEQ guidance document RG-500 entitled "Best Management Practices for Quarry Operations."*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

162. Dragos and Mariana Ungurean

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Dragos and Mariana Ungurean are not affected persons.

Dragos and Mariana Ungurean jointly submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. The Ungureans also submitted a timely comment during the comment period and some of the issues raised in their hearing request were based on their timely provided comment. The request was in writing and provided the required contact information. The hearing request stated that Mr. Ungurean suffers from a severe allergy to dust particles due to his former job in a metal processing plant and that emissions from the proposed plant will negatively impact his health. In addition, the Ungureans stated that emissions from the proposed plant will cause them to not be able to work outside in their garden.

The Ungureans stated that they live approximately 2.73 miles from the proposed location of the rock crusher. Using the address provided, the ED confirmed that they live over 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on their location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on their health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Dragos and Mariana Ungurean are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing requests, Dragos and Mariana Ungurean raised the following issues and these issues were raised in their timely submitted public comment:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Dragos and Mariana Ungurean also raised the following issues in their hearing requests; however, these issues were not raised in their timely submitted public comment:

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

163. Mei Ling “Millie” Vonstultz

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Millie Vonstultz is not an affected person.

Millie Vonstultz submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. Ms. Vonstultz also filed a timely comment during the comment period and some of the issues raised in her hearing request were based on her timely filed comment. The request was in writing and provided the required contact information. In her hearing request, Ms. Vonstultz stated that dust and particulates from the proposed plant and quarry will be carried by the prevailing winds to her home and will negatively affect the air quality and the health of her and her husband. Further, the dust from the proposed plant will negatively impact her garden, which she has spent a significant amount of money to build.

Ms. Vonstultz stated that she lives approximately 5 miles from the proposed plant. Using the address provided, the ED confirmed that Ms. Vonstultz lives approximately 5 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her health, air quality, or garden in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Millie Vonstultz is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Millie Vonstultz raised the following issues and these issues were raised in her timely filed public comments:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Millie Vonstultz also raised the following issues in her hearing request; however, these issues were not raised in her timely filed public comment:

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 18: *Whether the proposed operating hours of the rock crusher ensure that there will be no adverse impacts to human health, welfare, and the environment.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 54: *Whether the proposed plant will negatively affect indoor air quality.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

164. Sylvia Walker

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Sylvia Walker is not an affected person.

Sylvia Walker submitted a request for a hearing as part of a timely filed comment. The request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Ms. Walker stated that

her home is close to the location of the proposed plant and that she is concerned that the plant will negatively impact the air quality.

Although Ms. Walker indicated that her home is close to the location of the proposed plant, she did not specifically indicate where her home is relative to the location of the proposed plant. Using the address provided, the ED determined that Ms. Walker lives approximately 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her air quality or health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Sylvia Walker is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Sylvia Walker raised the following issue:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

165. Francesca Watson

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Francesca Watson is not an affected person.

Francesca Watson submitted a request for a public hearing as part of a timely filed comment. The request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Ms. Watson stated she suffers from allergy-induced asthma and chronic bronchitis due to severe cedar allergies, and that fine particle dust emissions from the proposed plant will pose an unacceptable long-term threat to her health and lung function.

Ms. Watson did not indicate where she lives relative to the proposed plant. Using the address provided, the ED determined that she lives over 3 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on her location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on her health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Francesca Watson is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Francesca Watson raised the following issues:

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 13: *Whether the proposed plant will cause adverse economic impacts on the local community, including future tourism.*

Issue 14: *Whether the proposed plant will negatively affect the health and safety of plant employees.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

166. Deborah and Michael J. Zimmerman

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Deborah and Michael J. Zimmerman are not affected persons.

Deborah and Michael J. Zimmerman submitted several requests for a public hearing. Michael Zimmerman also submitted an additional hearing request during the 30-day period after the RTC was mailed out by the Commission and some of some of the issues raised in their hearing requests were based on their timely filed comments. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of their hearing requests. In their hearing requests, Michael Zimmerman stated that he has breathing issues and that the operation of the proposed plant and associated quarry emissions from the proposed plant will exacerbate his condition.

The Zimmermans indicated that they live 1.88 miles from the proposed location of the plant. Using the address provided, the ED determined that the Zimmermans live over 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an

individual breathes. Based on their location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on their health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Deborah and Michael J. Zimmerman are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing requests, Deborah and Michael J. Zimmerman raised the following issues and these issues were raised in their timely filed public comments:

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 6: *Whether cumulative impacts of nearby operations were adequately considered.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 26: *Whether mobile source emissions from trucks associated with the proposed plant will negatively impact human health and welfare.*

Issue 32: *Whether the proposed permit complies with Edwards Aquifer rules in 30 Texas Administrative Code Chapter 213.*

Issue 41: *Whether the proposed permit is in line with TCEQ's mission statement.*

Issue 56: *Whether ambient air quality is adequately monitored in Comal County.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 61: *Whether the permit application, and associated air dispersion modeling, included and properly evaluated all applicable emissions.*

Issue 62: *Whether the Applicant should have specified the model of rock crusher that is proposed to be used.*

In their hearing requests, Deborah and Michael J. Zimmerman raised the following issues; however, these issues were not raised by them during the public comment period:

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 19: *Whether the air quality modeling conducted as part of this application adequately incorporated the local prevailing winds.*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

Issue 22: *Whether the Applicant complied with TCEQ's public notice requirements related to sign-posting and newspaper notice.*

Issue 25: *Whether the proposed plant will negatively impact endangered species.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 37: *Whether the TCEQ's enforcement and compliance process is adequate to ensure companies comply with applicable rules and requirements.*

Issue 42: *Whether there are errors in the permit application.*

Issue 47: *Whether emissions from on-site diesel engines are adequately calculated and adequately controlled.*

Issue 49: *Whether an adequate site review was conducted for this application.*

Issue 52: *Whether the proposed plant should be subject to non-attainment permitting requirements.*

Issue 70: *Whether the ED gave the comments and resolutions adopted by local governments maximum consideration in accordance with TCAA § 382.112.*

Issue 84: *Whether Texas Water Code § 5.127, Environmental Management Systems, is applicable to the permit application.*

Issue 85: *Whether the conditions in the Permit by Rule (PBR) and Standard Permits for rock crushers are enforceable.*

167. Doug Wayne and Sandra Dee Zimmerman

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Doug Wayne and Sandra Dee Zimmerman are not affected persons.

Doug Wayne and Sandra Dee Zimmerman each submitted a request for a public hearing as part of a timely filed comment. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of their hearing requests. In their hearing requests, the Zimmermans stated that they are concerned it will negatively impact the air they breathe.

The Zimmermans stated the proposed plant will be located 2 miles from their home. Using the address provided, the ED confirmed that the Zimmermans live approximately 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on their location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on their health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Doug Wayne and Sandra Dee Zimmerman are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing requests, Doug Wayne and Sandra Dee Zimmerman raised the following issue:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

168. Sandra and Steve Wayne Zimmerman

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Sandra and Steve Wayne Zimmerman are not affected persons.

Sandra and Steve Wayne Zimmerman each submitted a request for a public hearing as part of a timely filed comment. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of their hearing requests. In their hearing requests they stated that they are concerned the proposed plant will negatively impact the air they breathe.

The Zimmermans stated the proposed plant will be located 2 miles from their home. Using the address provided, the ED confirmed that the Zimmermans live approximately 2 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on their location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on their health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Sandra and Steve Wayne Zimmerman are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing requests, Sandra and Steve Wayne Zimmerman raised the following issue:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

169. Benton and Kathryn Zwart

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find that Benton and Kathryn Zwart are not affected persons.

Benton and Kathryn Zwart both submitted a timely request for a contested case hearing during the 30-day period after the RTC was mailed out by the Commission. Kathryn Zwart also submitted a timely comment during the comment period and some of the issues raised in their hearing requests were based on Mrs. Zwart's timely submitted comment. The requests were in writing and provided the required contact information. The hearing requests stated that they both work in the medical field and are concerned that dust and particulates from the proposed plant will adversely affect their health.

The Zwarts stated that they live approximately 2 miles from the proposed site. Using the address provided, the ED determined that they live over 3 miles from the location of the proposed plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the

regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Based on their location relative to the proposed plant, the ED does not expect the regulated activity to have an impact on their health in a way that is not common to members of the general public. Accordingly, the ED recommends that the Commission find that Benton and Kathryn Zwart are not affected persons based on the criteria set out in 30 TAC § 55.203.

In their hearing requests, Benton and Kathryn Zwart raised the following issues and these issues were raised in their timely submitted public comment:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Benton and Kathryn Zwart also raised the following issues in their hearing requests; however, these issues were not raised in their timely submitted public comment:

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

C. Governmental Entities

1. Comal County - Not Affected

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a governmental entity is an affected person, and recommends the Commission find Comal County is not an affected person.

Comal County submitted timely hearing requests in writing through County Commissioners Donna Eccleston and Scott Haag, provided the required contact information, and raised the issues that are the basis of its hearing request in its timely comments. However, Comal County did not demonstrate that it has a personal justiciable interest related to a legal right, duty, privilege, power or economic interest affected by the application that is not common to members of the general public.

In the hearing requests, Comal County states that it is requesting a hearing on behalf of its citizens in order to allow them the opportunity to express their concerns. Comal County also requested that the permit comply with the strictest requirements possible. However, Comal County does not provide any information to demonstrate that it has statutory authority over or interest in the issues relevant to the Vulcan application. Further, Comal County refers to a proposed quarry at the site; however, the Commission's authority is limited by statute and quarries are specifically excluded from regulation under the TCAA. Accordingly, emissions from the quarry are outside the scope of this application.

After considering the factors required for a governmental entity to be an affected person, the ED recommends that the Commission find that the Comal County is not an affected person.

In Comal County's hearing requests, it raised the following issues:

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 20: *Whether the permit application should be evaluated under more stringent standards.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

2. City of Bulverde – Not Affected

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a governmental entity is an affected person, and recommends the Commission find that the City of Bulverde is not an affected person. The City of Bulverde submitted a timely hearing request in writing in the 30-day period after the RTC was mailed out by the Commission through its attorney Jason Rammel, provided the required contact information, and raised the issues that are the basis of its hearing request in its timely comments.

In the hearing requests, the City of Bulverde states that the city's ETJ extends on to the Applicant's property and that the actual city limits are approximately 4,600 feet from the property line. Further, the City states that the proposed plant will add pollutants to the air in Bulverde and that it has statutory authority to enforce laws regarding the health, safety, and welfare of its inhabitants and the of the residents in the ETJ. Specifically, the City states that Tex. Loc. Gov't. Code § 211.001 and Texas Health and Safety Code § 121.003(a) allow a city to promote and enforce any law that is reasonably necessary to protect the public health. In addition, the City mentions that Tex. Loc. Gov't Code § 217.042(a) allows a city to prohibit nuisances in the city limits and within 5,000 feet of the city limits.

However, the City concedes that it has limited authority to regulate in its ETJ, which is the part of the city that is nearest to the location of the proposed plant. The examples

of authority the city states it has in its ETJ include the protection of any watersheds and enforcement of tree preservation ordinances; however, this authority is not relevant to an application for an air quality permit. Additionally, the proposed location of the rock crushing plant is 5,000 feet beyond the city limits, which limits the City's authority under Tex. Loc. Gov't Code § 217.042(a) to prohibit nuisances.

Further, although the City of Bulverde's ETJ extends on to the southern portion of the Applicant's property, the proposed location of the plant is approximately 2 miles north of the City of Bulverde's ETJ. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Given the boundaries of the City's ETJ relative to the location of the proposed plant, the ED does not expect the regulated activity to have an impact on the City of Bulverde or its ETJ in a way that is not common to members of the general public.

In the City of Bulverde's hearing request, it raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 37: *Whether the TCEQ's enforcement and compliance process is adequate to ensure companies comply with applicable rules and requirements.*

Issue 56: *Whether ambient air quality is adequately monitored in Comal County.*

Issue 70: *Whether the ED gave the comments and resolutions adopted by local governments maximum consideration in accordance with TCAA § 382.112.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

The City of Bulverde also raised the following issues in its hearing requests; however, these issues were not raised by the City in its timely submitted public comments:

Issue 9: *Whether the controls in the proposed permit constitute Best Available Control Technology (BACT).*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 80: *Whether the TCEQ can prohibit the Applicant from obtaining future authorizations at the proposed site.*

3. City of New Braunfels – Not Affected

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a governmental entity is an affected person, and recommends the Commission find that the City of New Braunfels (“the City”) is not an affected person.

The City submitted timely hearing requests in writing through its Mayor Barron Casteel and its Mayor Pro Tem Wayne Peters; provided the required contact information; and raised the issues that are the basis of its hearing request in its timely comments. However, the City did not demonstrate that it has a personal justiciable interest related to a legal right, duty, privilege, power or economic interest affected by the application that is not common to members of the general public.

In the hearing requests, the City states that it is requesting a hearing on behalf of its citizens in order to allow them the opportunity to express their concerns. The City also requested that the permit comply with the strictest requirements possible. However, the City does not provide any information to demonstrate that it has statutory authority over or interest in the issues relevant to the Vulcan application. Further, the City refers to a proposed quarry at the site; however, the Commission’s authority is limited by statute and quarries are specifically excluded from regulation under the TCAA. Accordingly, emissions from the quarry are outside the scope of this application.

After considering the factors required for a governmental entity to be an affected person, the ED recommends that the Commission find that the City is not an affected person.

In the City’s hearing request, it raised the following issues:

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 20: *Whether the permit application should be evaluated under more stringent standards.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

D. Groups and Associations

In addition to the requirements in 30 TAC § 55.201 and 30 TAC § 55.203, requests for a contested case hearing by a group or association on an application filed on or after September 1, 2015, must meet the requirements in 30 TAC § 55.205(b). Specifically: (1) the group or association must have submitted timely comments on the application; (2) the request must identify, by name and physical address, one or more members of the group or association that would otherwise have standing to request a hearing in their own right; (3) the interests the group or association seeks to protect must be germane to the organization's purpose; and (4) the claim asserted or the relief requested may not require the participation of the individual members in the case.

Bulverde Clean Air - Stop Vulcan Facebook Group (BCA) – Not Affected²

(1) Whether the group or association submitted timely comments on the application.

Kathleen Banse submitted a timely filed hearing request on behalf of BCA as part of timely filed comments on the application. The ED recommends that the Commission find that BCA has met this requirement for associational standing.

(2) Whether one or more members of the group or association would otherwise have standing to request a hearing in their own right.

The hearing request submitted by BCA states that its members may be affected persons; however, the hearing request does not identify a specific member by name that would have standing to request a hearing in his or her own right. Further, the ED recommended above that the Commission find that Kathleen Banse, who submitted the hearing request on behalf of BCA, is not an affected person in her own right. Accordingly, the ED has determined that BCA has not met this requirement for associational standing.

(3) Whether the interests the group or association seeks to protect are germane to the organization's purpose.

The hearing request submitted by BCA does not provide any information regarding the organization's purpose. The ED recommends that the Commission find that BCA has not met this requirement for associational standing.

(4) Whether the claim asserted or the relief requested requires the participation of the individual members in the case.

The relief requested by BCA does not require the participation of any individual member of the BCA. Thus, the ED has determined that BCA has met this requirement for associational standing.

Because BCA did not meet all four requirements for associational standing the ED recommends the **Commission find that BCA is not an affected person.**

In BCA's hearing request, it raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

² The ED was unable to determine whether BCA is a separate organization from Stop 3009 Vulcan Quarry (Stop Vulcan), which the ED analyzed below. Information provided on BCA's Facebook page has links to Stop Vulcan's website, but does not provide enough information to determine if BCA and Stop Vulcan are the same group. Further, the hearing requests of BCA and Stop Vulcan were submitted by different individuals and neither hearing request references the other. Because of this uncertainty, the ED analyzed the groups separately.

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

Friends of Dry Comal Creek (FDCC) – Affected

(1) Whether the group or association submitted timely comments on the application.

FDCC submitted multiple timely comments and requests for a contested case hearing on the application submitted by Vulcan. The ED has determined that FDCC meets this requirement for associational standing.

(2) Whether one or more members of the group or association would otherwise have standing to request a hearing in their own right.

According to one of the hearing requests, Liz James and Milann and Pru Guckian would have standing to request a hearing in their own right. Ed Harris also submitted a separate hearing request on behalf of FDCC, but did not list out specific members of the group besides himself. As discussed above, the ED recommends that Liz James and Milann and Pru Guckian have standing to request a hearing in their own right. The ED has determined that FDCC meets this requirement for associational standing.

(3) Whether the interests the group or association seeks to protect are germane to the organization's purpose.

According to one of the hearing requests, FDCC's mission includes promoting and safeguarding a desirable natural environment for its members. The ED has determined that FDCC meets this requirement for associational standing.

(4) Whether the claim asserted or the relief requested requires the participation of the individual members in the case.

The relief requested by FDCC does not require the participation of any individual member of FDCC. Thus, the ED has determined that FDCC has met this requirement for associational standing.

Because FDCC met all four requirements for associational standing, the ED recommends the **Commission find that FDCC is an affected person.**

In FDCC's hearing requests, it raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 6: *Whether cumulative impacts of nearby operations were adequately considered.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 9: *Whether the controls in the proposed permit constitute Best Available Control Technology (BACT).*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 13: *Whether the proposed plant will cause adverse economic impacts on the local community, including future tourism.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 19: *Whether the air quality modeling conducted as part of this application adequately incorporated the local prevailing winds.*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

Issue 22: *Whether the Applicant complied with TCEQ's public notice requirements related to sign-posting and newspaper notice.*

Issue 23: *Whether the proposed plant will increase future industrial development in the area.*

Issue 25: *Whether the proposed plant will negatively impact endangered species.*

Issue 26: *Whether mobile source emissions from trucks associated with the proposed plant will negatively impact human health and welfare.*

Issue 27: *Whether the proposed permit should include conditions to ensure compliance with blasting and mining regulations.*

Issue 28: *Whether the proposed permit should include conditions to require seismic monitoring.*

Issue 29: *Whether the proposed permit should include a condition to require noise monitoring.*

Issue 30: *Whether an Environmental Impact Study (EIS) or independent study regarding human health and welfare should have been conducted as part of the review of the application.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 32: *Whether the proposed permit complies with Edwards Aquifer rules in 30 Texas Administrative Code Chapter 213.*

Issue 33: *Whether the proposed permit complies with applicable requirements for portable rock crushers.*

Issue 34: *Whether the TCEQ can grant authority to local governmental entities to regulate quarry and blasting operations.*

Issue 35: *Whether individual notice of the application to nearby landowners should have been required.*

Issue 36: *Whether the Applicant is liable for property damages from blasting.*

Issue 37: *Whether the TCEQ's enforcement and compliance process is adequate to ensure companies comply with applicable rules and requirements.*

Issue 38: *Whether the Applicant has shown an immediate need for the project.*

Issue 39: *Whether the proposed permit complies with Dark Skies ordinances.*

Issue 43: *Whether the proposed permit should require controls that exceed BACT.*

Issue 44: *Whether the proposed permit should require the use of Tier 3 or Tier 4F rock crushers.*

Issue 45: *Whether the permit should preclude the use of water sprays as a control technology due to the lack of water in the area.*

Issue 46: *Whether independent air dispersion modeling should have been conducted for this application.*

Issue 47: *Whether emissions from on-site diesel engines are adequately calculated and adequately controlled.*

Issue 48: *Whether the permit application is in compliance with the requirements of the Air Quality Standard Permit for Permanent and Temporary Rock Crushers.*

Issue 49: *Whether an adequate site review was conducted for this application.*

Issue 50: *Whether the background concentrations used in the air dispersion modeling are representative of the proposed location of the plant.*

Issue 51: *Whether emissions from maintenance, start-up, and shutdown activities are adequately addressed in the proposed permit.*

Issue 52: *Whether the proposed plant should be subject to non-attainment permitting requirements.*

Issue 53: *Whether the Applicant should have been allowed to utilize the expedited permitting process.*

Issue 56: *Whether ambient air quality is adequately monitored in Comal County.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 58: *Whether the proposed permit conditions, including emissions limitations, are enforceable.*

Issue 61: *Whether the permit application, and associated air dispersion modeling, included and properly evaluated all applicable emissions.*

Issue 69: *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*

Issue 81: *Whether local zoning ordinances were considered in the review of the permit application.*

Issue 82: *Whether the proposed plant will negatively impact the property rights of surrounding landowners.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

As analyzed further in Section VII.E. below, of the issues raised by FDCC, the ED recommends referring the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 6: *Whether cumulative impacts of nearby operations were adequately considered.*

Issue 9: *Whether the controls in the proposed permit constitute Best Available Control Technology (BACT).*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 19: *Whether the air quality modeling conducted as part of this application adequately incorporated the local prevailing winds.*

Issue 22: *Whether the Applicant complied with TCEQ's public notice requirements related to sign-posting and newspaper notice.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 33: *Whether the proposed permit complies with applicable requirements for portable rock crushers.*

Issue 47: *Whether emissions from on-site diesel engines are adequately calculated and adequately controlled.*

Issue 49: *Whether an adequate site review was conducted for this application.*

Issue 50: *Whether the background concentrations used in the air dispersion modeling are representative of the proposed location of the plant.*

Issue 51: *Whether emissions from maintenance, start-up, and shutdown activities are adequately addressed in the proposed permit.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 58: *Whether the proposed permit conditions, including emissions limitations, are enforceable.*

Issue 61: *Whether the permit application, and associated air dispersion modeling, included and properly evaluated all applicable emissions.*

Issue 69: *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*

Greater Edwards Aquifer Alliance (GEAA) – Not Affected

(1) Whether the group or association submitted timely comments on the application.

Annalisa Peace and Deborah Reid both filed hearing requests on behalf of GEAA as part of timely submitted comments on the application. The ED recommends that the Commission find that GEAA has met this requirement for associational standing.

(2) Whether one or more members of the group or association would otherwise have standing to request a hearing in their own right.

The hearing requests submitted by GEAA state that there are hundreds of members that are affected; however, none of the hearing requests identify a specific member by name that would have standing to request a hearing in his or her own right. Further, neither Annalisa Peace or Deborah Reid provided a personal justiciable interest related to a legal right, duty, privilege power or economic interest affected by the application that is not common to members of the general public. Therefore, the ED has determined that the GEAA has not met this requirement for associational standing.

(3) Whether the interests the group or association seeks to protect are germane to the organization's purpose.

The hearing request stated that the purpose of GEAA is to preserve the water, wildlife, scenic beauty, and cultural heritage of the Edwards Aquifer and the Texas hill country. The ED recommends that the Commission find that GEAA has met this requirement for associational standing.

(4) Whether the claim asserted or the relief requested requires the participation of the individual members in the case.

The relief requested by GEAA does not require the participation of any individual member of the GEAA. Thus, the ED has determined that GEAA has met this requirement for associational standing.

Because GEAA did not meet all four requirements for associational standing the ED recommends the **Commission find that GEAA is not an affected person.**

In GEAA's hearing requests, it raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 6: *Whether cumulative impacts of nearby operations were adequately considered.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 10: *Whether the quarry will negatively impact air quality.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 17: *Whether the quarry will create a nuisance.*

Issue 25: *Whether the proposed plant will negatively impact endangered species.*

Issue 30: *Whether an Environmental Impact Study (EIS) or independent study regarding human health and welfare should have been conducted as part of the review of the application.*

Issue 63: *Whether the proposed permit complies with TCEQ guidance document RG-500 entitled "Best Management Practices for Quarry Operations."*

Issue 64: *Whether the proposed permit should include requirements for reclamation of the quarry.*

Issue 73: *Whether the TCEQ should impose a moratorium on air quality permits until an investigation is completed on the impact of quarries in the surrounding area.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

Smithson Valley Heritage Oaks Property Owners Association (Heritage Oaks) – Not Affected

(1) Whether the group or association submitted timely comments on the application.

Elizabeth Martin submitted a hearing request on behalf of Heritage Oaks as part of a timely filed comment. Ms. Martin also submitted a timely request for a contested case hearing on behalf of Heritage Oaks during the 30-day period after the RTC was mailed out by the Commission and some of the issues raised in this hearing request were based on Heritage Oaks' timely provided comment. The ED recommends that the Commission find that Heritage Oaks met this requirement for associational standing.

(2) Whether one or more members of the group or association would otherwise have standing to request a hearing in their own right.

According to one of the hearing requests, Kenneth Hibgy is a member of Heritage Oaks. As discussed above, the ED recommends that Kenneth Higby has standing to request a hearing in his own right. The ED has determined that Heritage Oaks meets this requirement for associational standing.

(3) Whether the interests the group or association seeks to protect are germane to the organization's purpose.

The hearing request submitted by Heritage Oaks does not state the organization's purpose. As a result, the ED cannot determine whether the interests the group or association seeks to protect are germane to the organization's purpose. The ED recommends that the Commission find that Heritage Oaks has not met this requirement for associational standing.

(4) Whether the claim asserted or the relief requested requires the participation of the individual members in the case.

The relief requested by Heritage Oaks does not require the participation of any individual member of the Heritage Oaks. Thus, the ED has determined that Heritage Oaks has met this requirement for associational standing.

Because Heritage Oaks did not meet all four requirements for associational standing the ED recommends the **Commission find that Heritage Oaks is not an affected person.**

Heritage Oaks raised the following issues and these issues were raised in its timely filed public comments:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 7: *Whether the proposed plant will negatively impact water quality.*

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 42: *Whether there are errors in the permit application.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 58: *Whether the proposed permit conditions, including emissions limitations, are enforceable.*

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

Heritage Oaks also raised the following issues in its hearing request; however, these issues were not raised in its timely filed public comments:

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

Issue 41: *Whether the proposed permit is in line with TCEQ's mission statement.*

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

Stop 3009 Vulcan Quarry (Stop Vulcan) – Affected

(1) Whether the group or association submitted timely comments on the application.

Stop Vulcan submitted timely comments as part of a request for a contested case hearing on the application submitted by Vulcan. The ED has determined that Stop Vulcan meets this requirement for associational standing.

(2) Whether one or more members of the group or association would otherwise have standing to request a hearing in their own right.

According to the hearing request, many members have standing in their own right. Specifically, the hearing request states that Milann and Pru Guckian and Liz James have standing in their own right. As discussed above, the ED recommends that Liz James and Milann and Pru Guckian have standing to request a hearing in their own right. The ED recommends that the Commission find that Stop Vulcan meets this requirement for associational standing.

(3) Whether the interests the group or association seeks to protect are germane to the organization's purpose.

According to its hearing request, Stop Vulcan has a specific mission to promote and safeguard a desirable natural environment for its members by opposing the proposed rock crusher. The ED has determined that Stop Vulcan meets this requirement for associational standing.

(4) Whether the claim asserted or the relief requested requires the participation of the individual members in the case.

The relief requested by Stop Vulcan does not require the participation of any individual member of the organization. Thus, the ED recommends the Commission find that Stop Vulcan has met this requirement for associational standing.

Because Stop Vulcan met all four requirements for associational standing the ED recommends the **Commission find that Stop Vulcan is an affected person.**

In Stop Vulcan's hearing request, it raised the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

Issue 6: *Whether cumulative impacts of nearby operations were adequately considered.*

Issue 9: *Whether the controls in the proposed permit constitute Best Available Control Technology (BACT).*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

Issue 22: *Whether the Applicant complied with TCEQ's public notice requirements related to sign-posting and newspaper notice.*

Issue 35: *Whether individual notice of the application to nearby landowners should have been required.*

Issue 50: *Whether the background concentrations used in the air dispersion modeling are representative of the proposed location of the plant.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 58: *Whether the proposed permit conditions, including emissions limitations, are enforceable.*

Issue 61: *Whether the permit application, and associated air dispersion modeling, included and properly evaluated all applicable emissions.*

Issue 69: *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*

As analyzed further in Section VII.E. below, of the issues raised by Stop Vulcan, the ED recommends referring the following issues:

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 6: *Whether cumulative impacts of nearby operations were adequately considered.*

Issue 9: *Whether the controls in the proposed permit constitute Best Available Control Technology (BACT).*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 22: *Whether the Applicant complied with TCEQ's public notice requirements related to sign-posting and newspaper notice.*

Issue 50: *Whether the background concentrations used in the air dispersion modeling are representative of the proposed location of the plant.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 58: *Whether the proposed permit conditions, including emissions limitations, are enforceable.*

Issue 61: *Whether the permit application, and associated air dispersion modeling, included and properly evaluated all applicable emissions.*

Issue 69: *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*

E. Whether Issues Raised Are Referable to SOAH for a Contested Case Hearing

The ED has analyzed issues raised in accordance with the regulatory criteria. The issues discussed were raised during the public comment period and addressed in the RTC. None of the issues were withdrawn. For applications submitted on or after September 1, 2015, only those issues raised in a timely comment by a requester whose

request is granted may be referred.³ The issues raised for this application and the ED's analysis and recommendations follow.

Issue 1: *Whether the proposed plant will negatively affect air quality.*

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. The issue was raised by Rebecca Cox, Milann and Pru Guckian, Ruby Hartmann, Kenneth and Diane Higby, Liz James, Craig Johnson, Pamela Seay, Renee Wilson, FDCC, and Stop 3009 Vulcan Quarry who the ED recommends the Commission find are affected persons.

The ED recommends referring this issue to SOAH.

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. The issue was raised by Rebecca Cox, Milann and Pru Guckian, Ruby Hartmann, Kenneth and Diane Higby, Liz James, Pamela Seay, Renee Wilson, FDCC, and Stop 3009 Vulcan Quarry who the ED recommends the Commission find are affected persons.

The ED recommends referring this issue to SOAH.

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. The issue was raised by Rebecca Cox, Milann and Pru Guckian, Ruby Hartmann, Kenneth and Diane Higby, Liz James, Pamela Seay, Renee Wilson, and FDCC who the ED recommends the Commission find are affected persons.

The ED recommends referring this issue to SOAH.

Issue 4: *Whether the location of the proposed plant is suitable for a rock crusher.*

This issue involves a disputed question of fact, and was not withdrawn, however it is not relevant and material to the issuance of the draft permit Except under limited circumstances, which do not exist under this particular permit application, the issuance of a permit cannot be denied on the basis of plant location. The ED recommends not referring this issue to SOAH.

Issue 5: *Whether the proposed plant will negatively impact the quality of life of nearby residents.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. The ED's

³ Tx. Govt. Code § 2003.047(e-1); 30 TAC § 55.211 (c)(2)(A)(ii).

review of a new source review application does not include an evaluation of the quality of life in the area. The ED recommends not referring this issue to SOAH.

Issue 6: *Whether cumulative impacts of nearby operations were adequately considered.*

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. The issue was raised by Renee Wilson, FDCC, and Stop 3009 Vulcan Quarry who the ED recommends the Commission find are affected persons.

The ED recommends referring this issue to SOAH.

Issue 7: *Whether the proposed plant will negatively impact water quality.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. While the TCEQ is responsible for the environmental protection of all media, including water, the Texas Clean Air Act (TCAA) specifically addresses air-related issues. This permit, if issued, would regulate the control and abatement of air emissions only, and therefore, issues regarding water use, water quality, or water availability are not within the scope of this permit review. The ED recommends not referring this issue to SOAH.

Issue 8: *Whether the proposed plant will negatively impact the water supply, including concerns regarding availability.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. While the TCEQ is responsible for the environmental protection of all media, including water, the TCAA specifically addresses air-related issues. This permit, if issued, would regulate the control and abatement of air emissions only, and therefore, issues regarding water use, water quality, or water availability are not within the scope of this permit review. The ED recommends not referring this issue to SOAH.

Issue 9: *Whether the controls in the proposed permit constitute Best Available Control Technology (BACT).*

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. The issue was raised by FDCC and Stop 3009 Vulcan Quarry who the ED recommends the Commission find are affected persons.

The ED recommends referring this issue to SOAH.

Issue 10: *Whether the quarry will negatively impact air quality.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. Under the TCAA, the TCEQ regulates facilities that emit air contaminants. Mines and quarries are specifically excluded from the definition of facility in TCAA § 382.003(6). Accordingly, any potential emissions related to mining or quarrying operations, including blasting

at the site, are not part of the review for air quality permit applications. The ED recommends not referring this issue to SOAH.

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. The issue was raised by Rebecca Cox, Milann and Pru Guckian, Ruby Hartmann, Kenneth and Diane Higby, Liz James, Pamela Seay, Renee Wilson, FDCC, and Stop 3009 Vulcan Quarry who the ED recommends the Commission find are affected persons.

The ED recommends referring this issue to SOAH.

Issue 12: *Whether trucks associated with the plant will negatively impact road infrastructure.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. The TCEQ's is limited to the issues set forth in statute. Accordingly, the TCEQ does not have jurisdiction to consider traffic or road safety when determining whether to approve or deny a permit application. Trucks, and their associated emissions, are considered mobile sources, which are not regulated by the TCEQ. Moreover, the TCEQ is prohibited from regulating roads per TCAA § 382.003(6), which excludes roads from the definition of "facility." The ED recommends not referring this issue to SOAH.

Issue 13: *Whether the proposed plant will cause adverse economic impacts on the local community, including future tourism.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. The TCEQ's jurisdiction is limited to the issues set forth in statute. Accordingly, the TCEQ does not have the authority to consider local economic impacts when determining whether to approve or deny a permit application. The ED recommends not referring this issue to SOAH.

Issue 14: *Whether the proposed plant will negatively affect the health and safety of plant employees.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. The TCEQ's jurisdiction is limited to the issues set forth in statute. Ambient air is defined as the portion of the atmosphere, external to buildings, to which the general public has access. Further, the TCEQ does not have jurisdiction to enforce regulations concerning employee health promulgated by the Occupational Safety and Health Administration (OSHA). The ED recommends not referring this issue to SOAH.

Issue 15: *Whether noise and light from the proposed plant will negatively impact surrounding areas and nearby residents.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. The TCEQ's jurisdiction is limited to the issues set forth in statute. Accordingly, the TCEQ does not have jurisdiction to consider noise or light from a plant when determining whether to approve or deny a permit application. The ED recommends not referring this issue to SOAH.

Issue 16: *Whether the proposed plant will negatively impact local property values and taxes.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. The TCEQ's jurisdiction is limited to the issues set forth in statute. The TCEQ does not have the authority to consider effects on property values when determining whether to approve or deny a permit. The ED recommends not referring this issue to SOAH.

Issue 17: *Whether the quarry will create a nuisance.*

The issue involves a disputed question of fact, and was not withdrawn, however it is not relevant and material to the issuance of the draft permit. If the proposed permit is issued, the Applicant is prohibited under 30 TAC § 101.4 from creating nuisance conditions that interfere with the use and enjoyment of a property. Further, mines and quarries are specifically excluded from the definition of facility in TCAA § 382.003(6). Accordingly, any potential emissions related to mining or quarrying operations, including blasting at the site, are not part of the review for air quality permit applications. The ED recommends not referring this issue to SOAH.

Issue 18: *Whether the proposed operating hours of the rock crusher ensure that there will be no adverse impacts to human health, welfare, and the environment.*

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. The issue was raised by Renee Wilson who the ED recommends the Commission find is an affected person.

The ED recommends referring this issue to SOAH.

Issue 19: *Whether the air quality modeling conducted as part of this application adequately incorporated the local prevailing winds.*

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. The issue was raised by FDCC which the ED recommends the Commission find is an affected person.

The ED recommends referring this issue to SOAH.

Issue 20: *Whether the permit application should be evaluated under more stringent standards.*

This issue involves an undisputed question of fact. TCAA § 382.0518 provides that for plants located in areas in attainment of the NAAQS, such as Comal County, they must utilize controls that meet Best Available Control Technology (BACT). TCEQ rules provide that only disputed issues of fact or mixed questions of fact and law may be referred to SOAH. 30 TAC § 50.115(c). The ED recommends the Commission not refer this issue to SOAH.

Issue 21: *Whether the Applicant's compliance history was properly evaluated.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. A company or site classification itself shall not be a contested issue in a permitting or enforcement hearing. The preamble to this rule states: "A person or site classification will be established outside the contested case process and not litigated and re-litigated in the context of permitting and enforcement actions." 27 Tex. Reg. 7897 (2002). The ED recommends the Commission not refer this issue to SOAH.

Issue 22: *Whether the Applicant complied with TCEQ's public notice requirements related to sign-posting and newspaper notice.*

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. The issue was raised by Milann and Pru Guckian, Liz James, FDCC, and Stop 3009 Vulcan Quarry who the ED recommends the Commission find are affected persons.

The ED recommends referring this issue to SOAH.

Issue 23: *Whether the proposed plant will increase future industrial development in the area.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. The TCEQ's jurisdiction is limited to the issues set forth in statute. The TCEQ does not have the authority to consider the potential for future development because of a plant's location. The ED recommends not referring this issue to SOAH.

Issue 24: *Whether corporate profits were considered in the review of this application.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. The TCEQ's jurisdiction is limited to the issues set forth in statute. The TCEQ does not have authority to consider a company's financial status or profit issues in determining whether a permit should be issued. The ED recommends not referring this issue to SOAH.

Issue 25: *Whether the proposed plant will negatively impact endangered species.*

This issue involves a disputed question of fact, and was not withdrawn, however it is not relevant and material to the issuance of the draft permit. The TCEQ does not have jurisdiction over endangered species. The ED recommends not referring this issue to SOAH.

Issue 26: *Whether mobile source emissions from trucks associated with the proposed plant will negatively impact human health and welfare.*

This issue involves a disputed question of fact, and was not withdrawn, however it is not relevant and material to the issuance of the draft permit. The TCEQ's is limited to the issues set forth in statute. Trucks and their associated emissions are considered mobile sources, which are not regulated by the TCEQ. The ED recommends not referring this issue to SOAH.

Issue 27: *Whether the proposed permit should include conditions to ensure compliance with blasting and mining regulations.*

This issue involves a disputed question of fact, and was not withdrawn, however it is not relevant and material to the Commission's decision on the application. Under the TCAA, the TCEQ regulates facilities that emit air contaminants. Mines and quarries are specifically excluded from the definition of facility in TCAA § 382.003(6). Accordingly, concerns related to mining or quarrying operations, including blasting at the site, are not part of the review for air quality permit applications. The ED recommends not referring this issue to SOAH.

Issue 28: *Whether the proposed permit should include conditions to require seismic monitoring.*

This issue involves a disputed question of fact, and was not withdrawn, however it is not relevant and material to the Commission's decision on the application. Under the TCAA, the TCEQ regulates facilities that emit air contaminants. Mines and quarries are specifically excluded from the definition of facility in TCAA § 382.003(6). Accordingly, any potential emissions related to mining or quarrying operations, including blasting at the site, are not part of the review for air quality permit applications. Therefore, monitoring of seismic monitoring due to quarry operations is not relevant and material to issuance of the draft permit. The ED recommends not referring this issue to SOAH.

Issue 29: *Whether the proposed permit should include a condition to require noise monitoring.*

This issue involves a disputed question of fact, and was not withdrawn, however it is not relevant and material to the Commission's decision on the application. The TCEQ's jurisdiction is limited to the issues set forth in statute. Accordingly, the TCEQ does not have jurisdiction to consider noise or light from a plant when determining whether to approve or deny a permit application. The ED recommends not referring this issue to SOAH.

Issue 30: *Whether an Environmental Impact Study (EIS) or independent study regarding human health and welfare should have been conducted as part of the review of the application.*

This issue involves a disputed question of fact, and was not withdrawn, however it is not relevant and material to the Commission's decision on the application. 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. To the extent commenters requested additional analyses or studies, the ED does not have a mechanism to require or review such studies. The ED recommends not referring this issue to SOAH.

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. The issue was raised by Rebecca Cox, Milann and Pru Guckian, Kenneth and Diane Higby, Liz James, Renee Wilson, and FDCC who the ED recommends the Commission find are affected persons.

The ED recommends referring this issue to SOAH.

Issue 32: *Whether the proposed permit complies with Edwards Aquifer rules in 30 Texas Administrative Code Chapter 213.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. While the TCEQ is responsible for the environmental protection of all media, including water, the TCAA specifically addresses air-related issues. This permit, if issued, would regulate the control and abatement of air emissions only, and therefore, issues regarding water use, water quality, or water availability are not within the scope of this permit review. The ED recommends not referring this issue to SOAH.

Issue 33: *Whether the proposed permit complies with applicable requirements for portable rock crushers.*

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. The issue was raised FDCC who the ED recommends the Commission find is an affected person.

The ED recommends referring this issue to SOAH.

Issue 34: *Whether the TCEQ can grant authority to local governmental entities to regulate quarry and blasting operations.*

This issue involves a question of law which is not relevant and material to the Commission's decision on the application. TCEQ's rules provide that only disputed issues of fact or mixed questions of fact and law may be referred to SOAH. 30 TAC § 50.115(c). The ED recommends the Commission not refer this issue to SOAH.

Issue 35: *Whether individual notice of the application to nearby landowners should have been required.*

This issue involves an undisputed issue of fact, which is not relevant and material to the Commission's decision on the application. TCEQ's rules provide that only disputed issues of fact or mixed questions of fact and law may be referred to SOAH. 30 TAC § 50.115(c). Notice requirements for air quality permit applications found in Title 30, Chapter 39 do not require individual notice to nearby landowners. The ED recommends the Commission not refer this issue to SOAH.

Issue 36: *Whether the Applicant is liable for property damages from blasting.*

This issue involves a disputed question of fact, and was not withdrawn, however, the potential liability of the Applicant is not relevant and material to the issuance of the draft permit. The ED recommends the Commission not refer this issue to SOAH.

Issue 37: *Whether the TCEQ's enforcement and compliance process is adequate to ensure companies comply with applicable rules and requirements.*

This issue involves a disputed question of fact, and was not withdrawn, however it is not relevant and material to the Commission's decision on the application. The TCEQ's enforcement and compliance process is beyond the scope of this permit application. The ED recommends the Commission not refer this issue to SOAH.

Issue 38: *Whether the Applicant has shown an immediate need for the project.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. The TCEQ's jurisdiction is limited to the issues set forth in statute. The TCEQ does not have the authority to consider the need for the project when determining whether to approve or deny a permit application. The ED recommends not referring this issue to SOAH.

Issue 39: *Whether the proposed permit complies with Dark Skies ordinances.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. The TCEQ's jurisdiction is limited to the issues set forth in statute. Accordingly, the TCEQ does not have jurisdiction to consider noise or light from a plant or local ordinances when determining whether to approve or deny a permit application. The ED recommends not referring this issue to SOAH.

Issue 40: *Whether the Applicant's Mine Safety and Health Administration (MSHA) violations at other quarry locations were considered as part of this application.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. The TCEQ's jurisdiction is limited to the issues set forth in statute. The TCEQ does not have the authority to consider the any violations the Applicant may have received from MSHA

when determining whether to approve or deny a permit application. The ED recommends the Commission not refer this issue to SOAH.

Issue 41: *Whether the proposed permit is in line with TCEQ's mission statement.*

This issue involves a question of fact which is not relevant and material to the Commission's decision on the application. The decision to issue the permit is based upon authority and direction of the TCAA and applicable rules and regulations. Specifically, TCAA § 382.0518 provides that the TCEQ shall issue the permit if an application demonstrates that the proposed facility will use at least BACT and there is no indication that the emissions from the plant will contravene the intent of the TCAA. The ED recommends the Commission not refer this issue to SOAH.

Issue 42: *Whether there are errors in the permit application.*

This issue involves a disputed question of fact, and was not withdrawn, however, the requesters only provided a general statement that errors existed in the permit application. Because of the generalized nature of the issue, the ED recommends not referring this issue to SOAH.

Issue 43: *Whether the proposed permit should require controls that exceed BACT.*

This issue involves an undisputed question of fact. TCAA § 382.0518 provides that plants must utilize controls that meet Best Available Control Technology (BACT). TCEQ rules provide that only disputed issues of fact or mixed questions of fact and law may be referred to SOAH. 30 TAC § 50.115(c). The ED recommends the Commission not refer this issue to SOAH.

Issue 44: *Whether the proposed permit should require the use of Tier 3 or Tier 4F rock crushers.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. There are no Tier Standards for rock crushers, as Tier Standards refer to federal standards applicable to manufacturers of engines. The ED recommends the Commission not refer this issue to SOAH.

Issue 45: *Whether the permit should preclude the use of water sprays as a control technology due to the lack of water in the area.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. The proposed permit would regulate the control and abatement of air emissions only, and therefore, issues regarding water availability are not within the scope of this permit review. The ED recommends not referring this issue to SOAH.

Issue 46: *Whether independent air dispersion modeling should have been conducted for this application.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. The ED's review of the application is limited to the Commission's rules and statutes. Accordingly, the ED does not have the ability to require or review independent air dispersion modeling. The ED recommends not referring this issue to SOAH.

Issue 47: *Whether emissions from on-site diesel engines are adequately calculated and adequately controlled.*

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. The issue was raised by Kenneth and Diane Higby and FDCC, who the ED recommends the Commission find are affected persons.

The ED recommends referring this issue to SOAH.

Issue 48: *Whether the permit application is in compliance with the requirements of the Air Quality Standard Permit for Permanent and Temporary Rock Crushers.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. The Applicant applied for a New Source Review case-by-case permit. As such, compliance with the Standard Permit requirements is not applicable to this application. The ED recommends not referring this issue to SOAH.

Issue 49: *Whether an adequate site review was conducted for this application.*

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. The issue was raised by Renee Wilson and FDCC, who the ED recommends the Commission find are affected persons.

The ED recommends referring this issue to SOAH.

Issue 50: *Whether the background concentrations used in the air dispersion modeling are representative of the proposed location of the plant.*

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. The issue was raised by Milann and Pru Guckian, Liz James, FDCC, and Stop 3009 Vulcan Quarry who the ED recommends the Commission find are affected persons.

The ED recommends referring this issue to SOAH.

Issue 51: *Whether emissions from maintenance, start-up, and shutdown activities are adequately addressed in the proposed permit.*

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. The issue was raised by FDCC who the ED recommends the Commission find is an affected person.

The ED recommends referring this issue to SOAH.

Issue 52: *Whether the proposed plant should be subject to nonattainment permitting requirements.*

This issue involves an undisputed question of fact. The EPA is the regulatory agency charged with designating whether areas are in attainment of the NAAQS. At this time, EPA has designated Comal County as in attainment for all applicable NAAQS. TCEQ's rules provide that only disputed issues of fact or mixed questions of fact and law may be referred to SOAH. 30 TAC § 50.115(c). The ED recommends the Commission not refer this issue to SOAH.

Issue 53: *Whether the Applicant should have been allowed to utilize the expedited permitting process.*

This issue involves an undisputed question of fact. Senate Bill 1756, 83rd Legislature, 2013, amended the TCAA to provide TCEQ with the authority to accept a surcharge from applicants to cover expenses incurred by expediting the processing of an application. The surcharge may be used to fund overtime or contract labor to process the application in an expedited manner. However, expedited applications undergo the same level of scrutiny and review as non-expedited applications. TCEQ's rules provide that only disputed issues of fact or mixed questions of fact and law may be referred to SOAH. 30 TAC § 50.115(c). The ED recommends the Commission not refer this issue to SOAH.

Issue 54: *Whether the proposed plant will negatively affect indoor air quality.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. The TCEQ's jurisdiction is limited to the issues set forth in statute, and as such, the agency's jurisdiction is limited to ambient air. Ambient air is defined as the portion of the atmosphere, external to buildings, to which the general public has access. As such, the TCEQ does not have authority to regulate indoor air quality. The ED recommends not referring this issue to SOAH.

Issue 55: *Whether chemical dust suppressant is safe to use as a control for emissions from the proposed plant.*

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. The issue was raised by Renee Wilson who the ED recommends the Commission find is an affected person.

The ED recommends referring this issue to SOAH.

Issue 56: *Whether ambient air quality is adequately monitored in Comal County.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. The ED's review of the permit application does not include a review of whether TCEQ's monitoring network is in compliance with Federal Clean Air Act (FCAA) requirements. The ED recommends not referring this issue to SOAH.

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. The issue was raised by Rebecca Cox, Milann and Pru Guckian, Ruby Hartmann, Liz James, Renee Wilson, FDCC, and Stop 3009 Vulcan Quarry who the ED recommends the Commission find are affected persons.

The ED recommends referring this issue to SOAH.

Issue 58: *Whether the proposed permit conditions, including emissions limitations, are enforceable.*

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. The issue was raised by FDCC and Stop 3009 Vulcan Quarry who the ED recommends the Commission find are affected persons.

The ED recommends referring this issue to SOAH.

Issue 59: *Whether the proposed permit complies with applicable requirements in 30 Tex. Admin. Code, Chapter 111.*

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. However, this issue was raised by William Cobb, who the ED recommends the Commission find is not an affected person. The ED recommends not referring this issue to SOAH.

Issue 60: *Whether the proposed plant is subject to 30 Tex. Admin. Code Chapter 113.*

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. However, this issue was raised by William Cobb, who the ED recommends the Commission find is not an affected person. The ED recommends not referring this issue to SOAH.

Issue 61: *Whether the permit application, and associated air dispersion modeling, included and properly evaluated all applicable emissions.*

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. The issue was raised by FDCC

and Stop 3009 Vulcan Quarry who the ED recommends the Commission find are affected persons.

The ED recommends referring this issue to SOAH.

Issue 62: *Whether the Applicant should have specified the model of rock crusher that is proposed to be used.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. Emissions from crushers are quantified according to type of crusher and its specific throughput rather than the make or model because the mechanical processes are the same between the specific types of crushers (divided into primary, secondary, and tertiary crushing). The ED recommends not referring this issue to SOAH.

Issue 63: *Whether the proposed permit complies with TCEQ guidance document RG-500 entitled "Best Management Practices for Quarry Operations."*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. Under the TCAA, the TCEQ regulates facilities that emit air contaminants. Mines and quarries are specifically excluded from the definition of facility in TCAA § 382.003(6). Accordingly, any potential emissions related to mining or quarrying operations, including blasting at the site, are not part of the review for air quality permit applications. The ED recommends not referring this issue to SOAH.

Issue 64: *Whether the proposed permit should include requirements for reclamation of the quarry.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. The TCEQ's jurisdiction is limited to the issues set forth in statute. Under the TCAA, the TCEQ regulates facilities that emit air contaminants. Mines and quarries are specifically excluded from the definition of facility in TCAA § 382.003(6). Additionally, the TCAA does not have any provisions regarding reclamation of the site for other uses. The ED recommends not referring this issue to SOAH.

Issue 65: *Whether the applicable standards, including the National Ambient Air Quality Standards (NAAQS), under which the permit application was reviewed, are set at levels that are protective of human health and welfare.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. The EPA is the regulatory agency charged with ensuring the NAAQS are set at levels that are protective of human health and welfare. As such, concerns about the protectiveness of the NAAQS are beyond the jurisdiction of the TCEQ. The ED recommends the Commission not refer this issue to SOAH.

Issue 66: *Whether the emission rates relied upon in the proposed permit are appropriate.*

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. However, this issue was raised by Michael L. Maurer Sr. who the ED recommends the Commission find is not an affected person. The ED recommends not referring this issue to SOAH.

Issue 67: *Whether the meteorological data used in the air dispersion model is representative of the local area.*

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. However, this issue was raised by Michael L. Maurer Sr. who the ED recommends the Commission find is not an affected person. The ED recommends not referring this issue to SOAH.

Issue 68: *Whether the permit application included an adequate map of the site.*

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. However, this issue was raised by Don and Linda Everingham, who the ED recommends the Commission find are not affected persons. The ED recommends not referring this issue to SOAH.

Issue 69: *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. The issue was raised by Rebecca Cox, Milann and Pru Guckian, Ruby Hartmann, Liz James, Renee Wilson, FDCC, and Stop 3009 Vulcan Quarry who the ED recommends the Commission find are affected persons.

The ED recommends referring this issue to SOAH.

Issue 70: *Whether the ED gave the comments and resolutions adopted by local governments maximum consideration in accordance with TCAA § 382.112.*

This issue involves a question of law which is not relevant and material to the Commission's decision on the application. TCEQ's rules provide that only disputed issues of fact or mixed questions of fact and law may be referred to SOAH. 30 TAC § 50.115(c). The ED recommends the Commission not refer this issue to SOAH.

Issue 71: *Whether Comal County is in attainment with the National Ambient Air Quality Standards (NAAQS).*

This issue involves an undisputed question of fact. The EPA is the regulatory agency charged with designating whether areas are in attainment of the NAAQS. At this time, EPA has designated Comal County as in attainment for all applicable NAAQS. TCEQ's rules provide that only disputed issues of fact or mixed questions of fact and

law may be referred to SOAH. 30 TAC § 50.115(c). The ED recommends the Commission not refer this issue to SOAH.

Issue 72: *Whether the TCEQ's monitoring budget is adequate.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. The ED recommends the Commission not refer this issue to SOAH.

Issue 73: *Whether the TCEQ should impose a moratorium on air quality permits until an investigation is completed on the impact of quarries in the surrounding area.*

This issue involves a question of law which is not relevant and material to the Commission's decision on the application. TCEQ's rules provide that only disputed issues of fact or mixed questions of fact and law may be referred to SOAH. 30 TAC § 50.115(c). The ED recommends the Commission not refer this issue to SOAH.

Issue 74: *Whether mobile source emissions associated with the proposed plant should be monitored.*

This issue involves a disputed question of fact, and was not withdrawn, however it is not relevant and material to the issuance of the draft permit. The TCEQ's is limited to the issues set forth in statute. Trucks and their associated emissions are considered mobile sources, which are not regulated by the TCEQ. The ED recommends not referring this issue to SOAH.

Issue 75: *Whether the proposed permit complies with nearby residential deed restrictions.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. The TCEQ's jurisdiction is limited to the issues set forth in statute. The TCEQ does not have the authority to consider nearby deed restrictions when determining whether to approve or deny a permit. The ED recommends not referring this issue to SOAH.

Issue 76: *Whether trucks hauling products from the proposed plant need to be covered.*

This issue involves a disputed question of fact, and was not withdrawn, however it is not relevant and material to the issuance of the draft permit. The TCEQ's is limited to the issues set forth in statute. Trucks are considered mobile sources, which are not regulated by the TCEQ. The ED recommends not referring this issue to SOAH.

Issue 77: *Whether the Applicant will utilize eminent domain to obtain surrounding property.*

This issue involves a question of law which is not relevant and material to the Commission's decision on the application. TCEQ's rules provide that only disputed issues of fact or mixed questions of fact and law may be referred to SOAH. 30 TAC § 50.115(c). The ED recommends the Commission not refer this issue to SOAH.

Issue 78: *Whether an economic impact study regarding the proposed plant's impact to surrounding areas should have been required.*

This issue involves a disputed question of fact, and was not withdrawn, however it is not relevant and material to the issuance of the draft permit. The TCEQ's jurisdiction is limited to the issues set forth in statute. Accordingly, the TCEQ does not have the authority to consider local economic impacts nor does it have the authority to require an economic impact study when determining whether to approve or deny a permit. The ED recommends not referring this issue to SOAH.

Issue 79: *Whether the Texas Department of Public Safety will have a weigh station to ensure that trucks comply with any applicable weight restrictions.*

This issue involves a disputed question of fact, and was not withdrawn, however it is not relevant and material to the issuance of the draft permit. The TCEQ's jurisdiction is limited to the issues set forth in statute. Accordingly, the TCEQ does not have the authority to consider whether the Texas Department of Public Safety will have a weigh station when determining whether to approve or deny a permit. The ED recommends the Commission not refer this issue to SOAH.

Issue 80: *Whether the TCEQ can prohibit the Applicant from obtaining future authorizations at the proposed site.*

This issue involves a question of law which is not relevant and material to the Commission's decision on the application. TCEQ's rules provide that only disputed issues of fact or mixed questions of fact and law may be referred to SOAH. 30 TAC § 50.115(c). The ED recommends the Commission not refer this issue to SOAH.

Issue 81: *Whether local zoning ordinances were considered in the review of the permit application.*

This issue involves a disputed question of fact, and was not withdrawn, however it is not relevant and material to the issuance of the draft permit. The TCEQ's jurisdiction is limited to the issues set forth in statute. The TCEQ does not have the authority to consider local zoning ordinances when determining whether to approve or deny a permit. The ED recommends not referring this issue to SOAH.

Issue 82: *Whether the proposed plant will negatively impact the property rights of surrounding landowners.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. The TCEQ's jurisdiction is limited to the issues set forth in statute. The TCEQ does not have the authority to consider property rights of surrounding landowners, except for ensuring that emissions from the proposed plant will be protective of public health and physical property. The ED recommends not referring this issue to SOAH.

Issue 83: *Whether TCEQ's monitoring network plan complies with all applicable federal requirements.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. The ED's review of the permit application does not include a review of whether TCEQ's monitoring network is in compliance with Federal Clean Air Act (FCAA) requirements. The ED recommends not referring this issue to SOAH.

Issue 84: *Whether Texas Water Code § 5.127, Environmental Management Systems, is applicable to the permit application.*

This issue involves a question of law, which is not relevant and material to the Commission's decision on the application. TCEQ's rules provide that only disputed issues of fact or mixed questions of fact and law may be referred to SOAH. 30 TAC § 50.115(c). The ED recommends the Commission not refer this issue to SOAH.

Issue 85: *Whether the conditions in the Permit by Rule (PBR) and Standard Permits for rock crushers are enforceable.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. The Applicant applied for a New Source Review case-by-case permit. As such, conditions in a Standard Permit or PBR are not applicable to this application. The ED recommends not referring this issue to SOAH.

Issue 86: *Whether the proposed plant will negatively impact the cultural heritage of the local area.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. The TCEQ's jurisdiction is limited to the issues set forth in statute. The TCEQ does not have the authority to consider impacts to cultural heritage when determining whether to approve or deny a permit. The ED recommends not referring this issue to SOAH.

Issue 87: *Whether blasting at the quarry will negatively impact surrounding property and natural resources.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. Under the TCAA, the TCEQ regulates facilities that emit air contaminants. Mines and quarries are specifically excluded from the definition of facility in TCAA § 382.003(6). Accordingly, any potential emissions related to mining or quarrying operations, including blasting at the site, are not part of the review for air quality permit applications. The ED recommends not referring this issue to SOAH.

Issue 88: *Whether the quarry will negatively impact water quality and availability.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. Under the

TCAA, the TCEQ regulates facilities that emit air contaminants. Mines and quarries are specifically excluded from the definition of facility in TCAA § 382.003(6). Accordingly, any potential emissions related to mining or quarrying operations, including blasting at the site, are not part of the review for air quality permit applications. The ED recommends not referring this issue to SOAH.

Issue 89: *Whether the quarry will negatively impact human health and welfare.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. Under the TCAA, the TCEQ regulates facilities that emit air contaminants. Mines and quarries are specifically excluded from the definition of facility in TCAA § 382.003(6). Accordingly, any potential emissions related to mining or quarrying operations, including blasting at the site, are not part of the review for air quality permit applications. The ED recommends not referring this issue to SOAH.

Issue 90: *Whether trucks associated with the plant will negatively impact public safety on surrounding roads.*

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. The TCEQ's is limited to the issues set forth in statute. Accordingly, the TCEQ does not have jurisdiction to consider traffic or road safety when determining whether to approve or deny a permit application. Trucks, and their associated emissions, are considered mobile sources, which are not regulated by the TCEQ. Moreover, the TCEQ is prohibited from regulating roads per TCAA § 382.003(6), which excludes roads from the definition of "facility." The ED recommends not referring this issue to SOAH.

VIII. CONTESTED CASE HEARING DURATION

If there is a contested case hearing on this application, the ED recommends that the duration of the hearing be six months from the preliminary hearing to the presentation of a proposal for decision to the Commission.

IX. CONCLUSION

The ED recommends the following actions by the Commission:

1. The ED recommends that the Commission find that Rebecca Cox, Milann and Pru Guckian, Ruby Hartmann, Kenneth and Diane Higby, Liz James, Craig Johnson, Pamela Seay, Renee Wilson, FDCC, and Stop 3009 Vulcan are affected persons and grant their hearing requests.
2. The ED recommends that the Commission find that the remaining hearing requestors are not affected persons and deny their hearing requests.
3. If referred to SOAH, first refer the matter to Alternative Dispute Resolution for a reasonable period.

4. If referred to SOAH, refer the following issues as raised by an affected person as identified by the ED.

Issue 1: *Whether the proposed plant will negatively affect air quality.*

Issue 2: *Whether the proposed plant will negatively affect human health, including sensitive subgroups, and physical property.*

Issue 3: *Whether the conditions in proposed permit will adequately protect against dust emissions from the proposed plant, including during periods of high winds.*

Issue 6: *Whether cumulative impacts of nearby operations were adequately considered.*

Issue 9: *Whether the controls in the proposed permit constitute Best Available Control Technology (BACT).*

Issue 11: *Whether the proposed plant will negatively affect welfare, including plants, animals, and the environment.*

Issue 18: *Whether the proposed operating hours of the rock crusher ensure that there will be no adverse impacts to human health, welfare, and the environment.*

Issue 19: *Whether the air quality modeling conducted as part of this application adequately incorporated the local prevailing winds.*

Issue 22: *Whether the Applicant complied with TCEQ's public notice requirements related to sign-posting and newspaper notice.*

Issue 31: *Whether the proposed permit contains adequate monitoring and recordkeeping requirements to ensure compliance with all applicable rules and requirements.*

Issue 33: *Whether the proposed permit complies with applicable requirements for portable rock crushers.*

Issue 47: *Whether emissions from on-site diesel engines are adequately calculated and adequately controlled.*

Issue 49: *Whether an adequate site review was conducted for this application.*

Issue 50: *Whether the background concentrations used in the air dispersion modeling are representative of the proposed location of the plant.*

Issue 51: *Whether emissions from maintenance, start-up, and shutdown activities are adequately addressed in the proposed permit.*

Issue 55: *Whether chemical dust suppressant is safe to use as a control for emissions from the proposed plant.*

Issue 57: *Whether emissions of silica from the proposed plant will negatively impact human health and welfare.*

Issue 58: *Whether the proposed permit conditions, including emissions limitations, are enforceable.*

Issue 61: *Whether the permit application, and associated air dispersion modeling, included and properly evaluated all applicable emissions.*

Issue 69: *Whether site specific monitoring data should have been used in the air dispersion modeling conducted for this application.*

5. Deny the request for reconsideration filed by Kyra Faught.

Respectfully submitted,

Texas Commission on Environmental Quality

Toby Baker, Executive Director

Margaret Ligarde, Deputy Director
Office of Legal Services

Robert Martinez, Division Director
Environmental Law Division



Nicolas Parke, Staff Attorney
Environmental Law Division
State Bar of Texas No. 24088184
MC-173, P.O. Box 13087
Austin, Texas 78711-3087
Phone: (512) 239-1320
Fax: (512) 239-0606


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Phone: (512) 239-0689
Fax: (512) 239-0606

REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on November 19, 2018, the original and seven copies of the Executive Director's Response to Hearing Request for Air Quality Permit 147392L001 for Vulcan Construction Materials, LLC was filed with the TCEQ's Office of the Chief Clerk, and a copy was served to all requestors via hand delivery, facsimile transmission, inter-agency mail, electronic submittal, or by deposit in the U.S. Mail.



Nicolas Parke

Vulcan Construction Materials, LLC

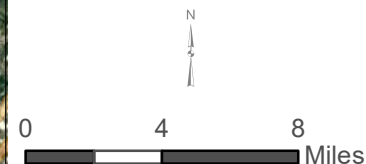
Permit No. 147392L001

Map Requested by TCEQ Office of Legal Services
for Commissioners' Agenda



Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087

Date: 10/30/2018



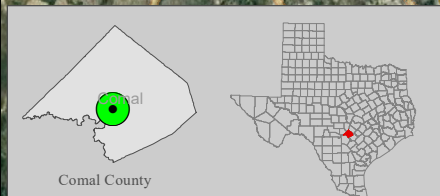
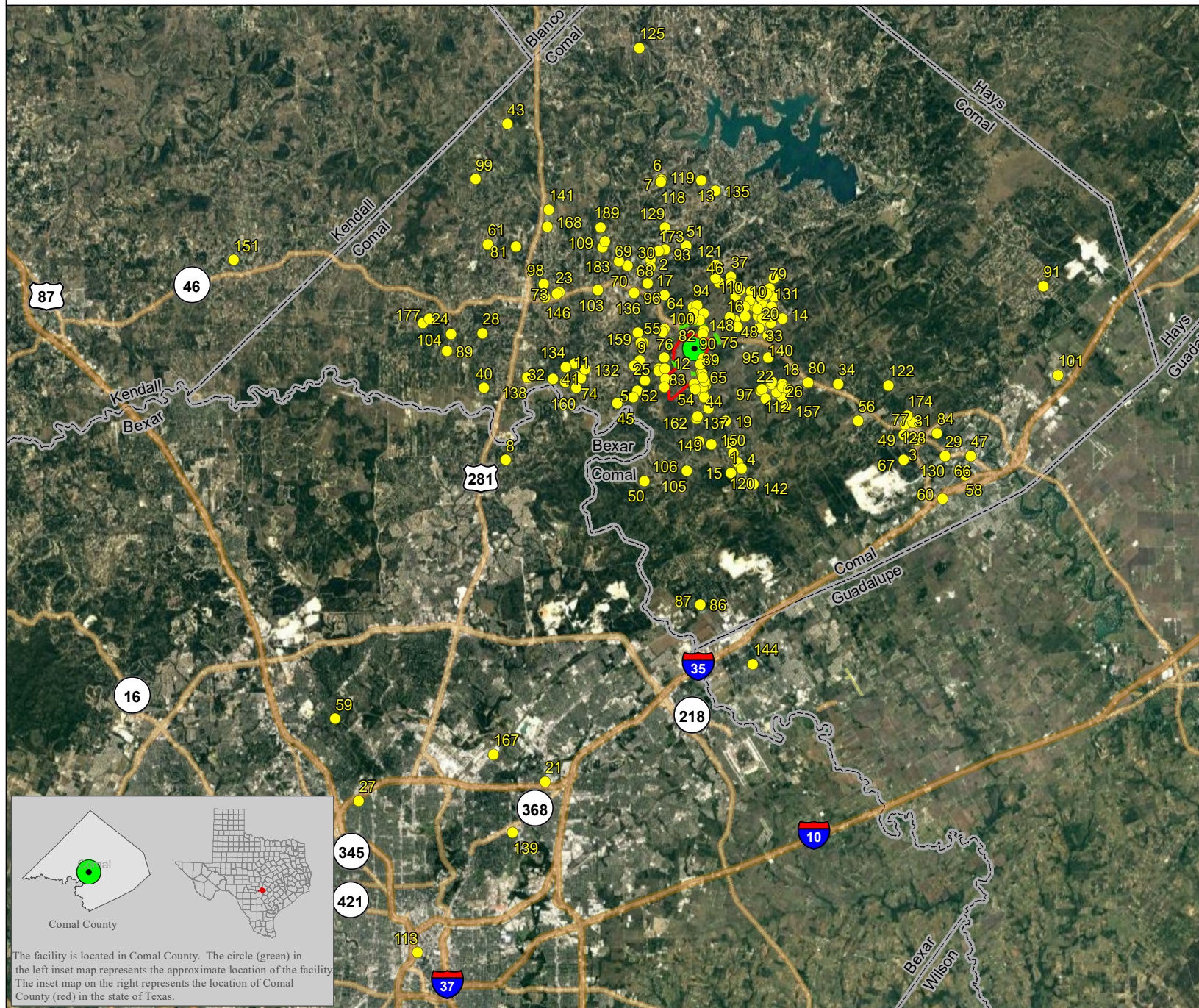
- Facility
- 1 mi Radius
- Property Boundary
- Requester

Please see Map Appendix A for
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Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.

Chris Schrader CRF 530188



The facility is located in Comal County. The circle (green) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Comal County (red) in the state of Texas.

Vulcan Construction Materials, LLC

Permit No. 147392L001

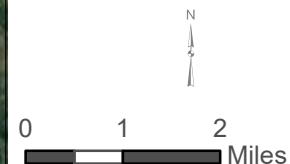
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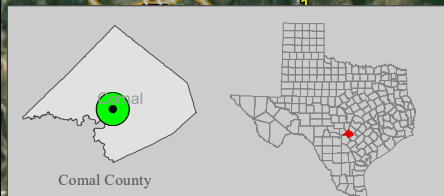
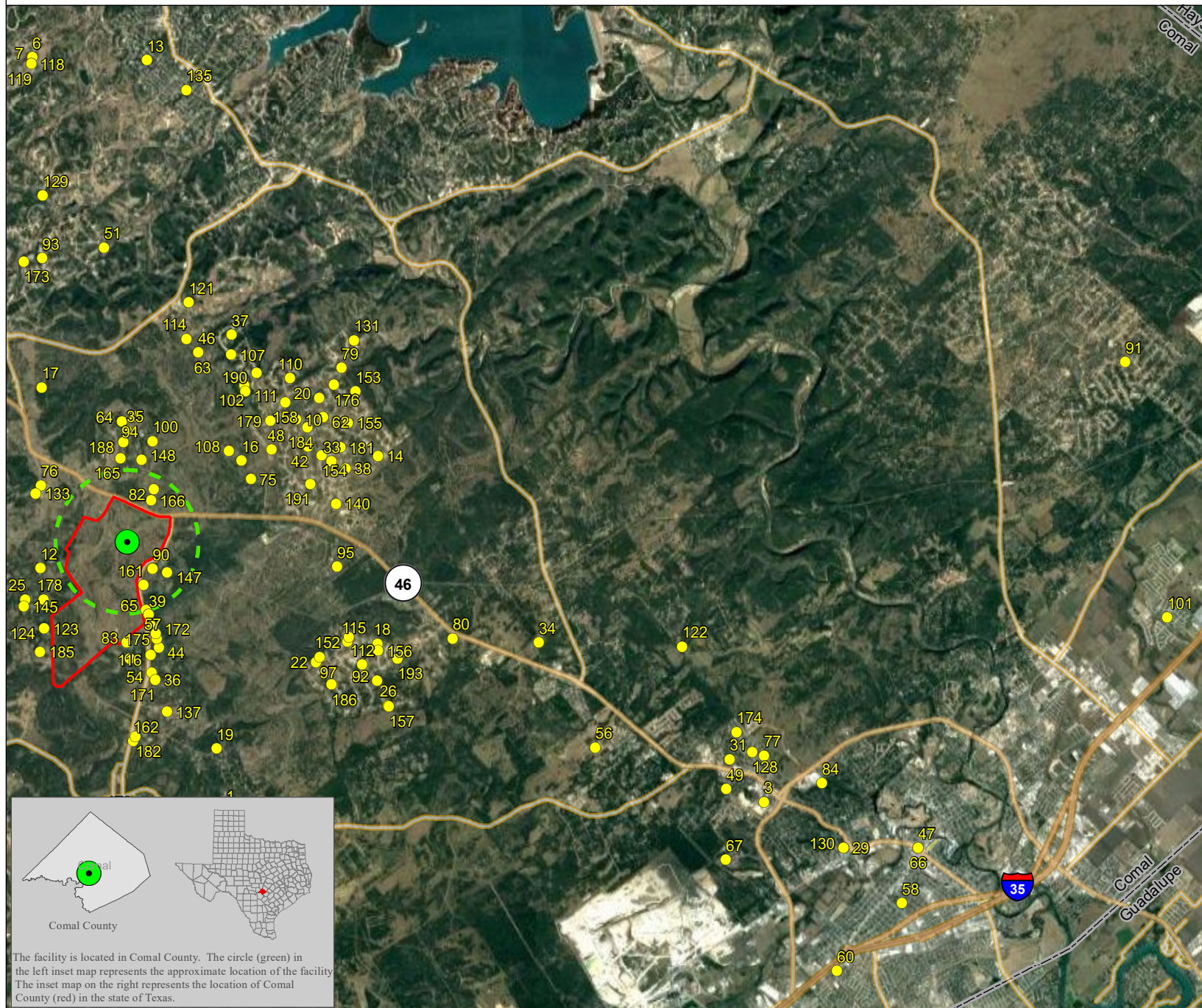
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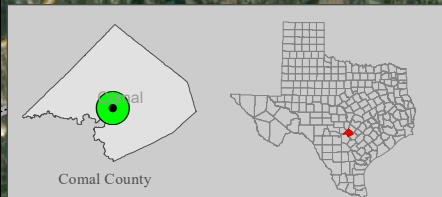
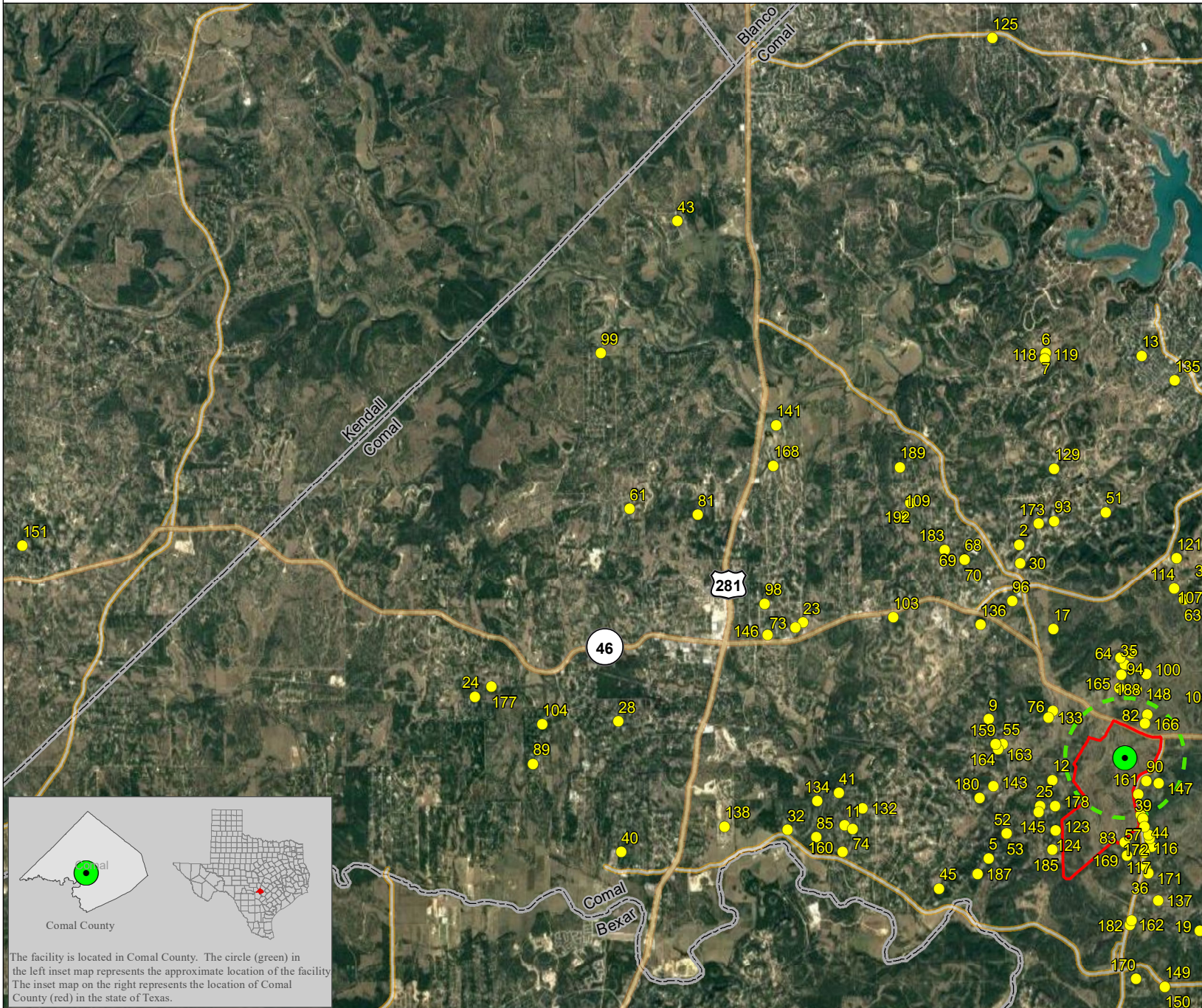
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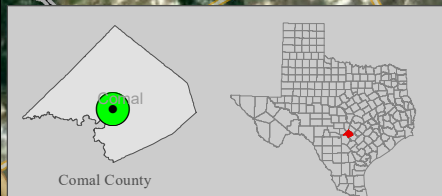
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Vulcan Construction Materials, LLC

Permit No. 147392L001

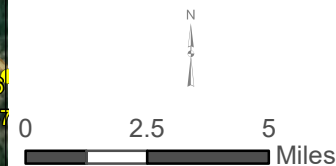
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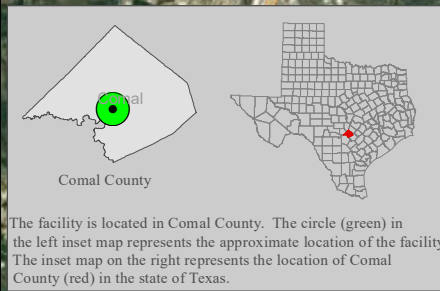
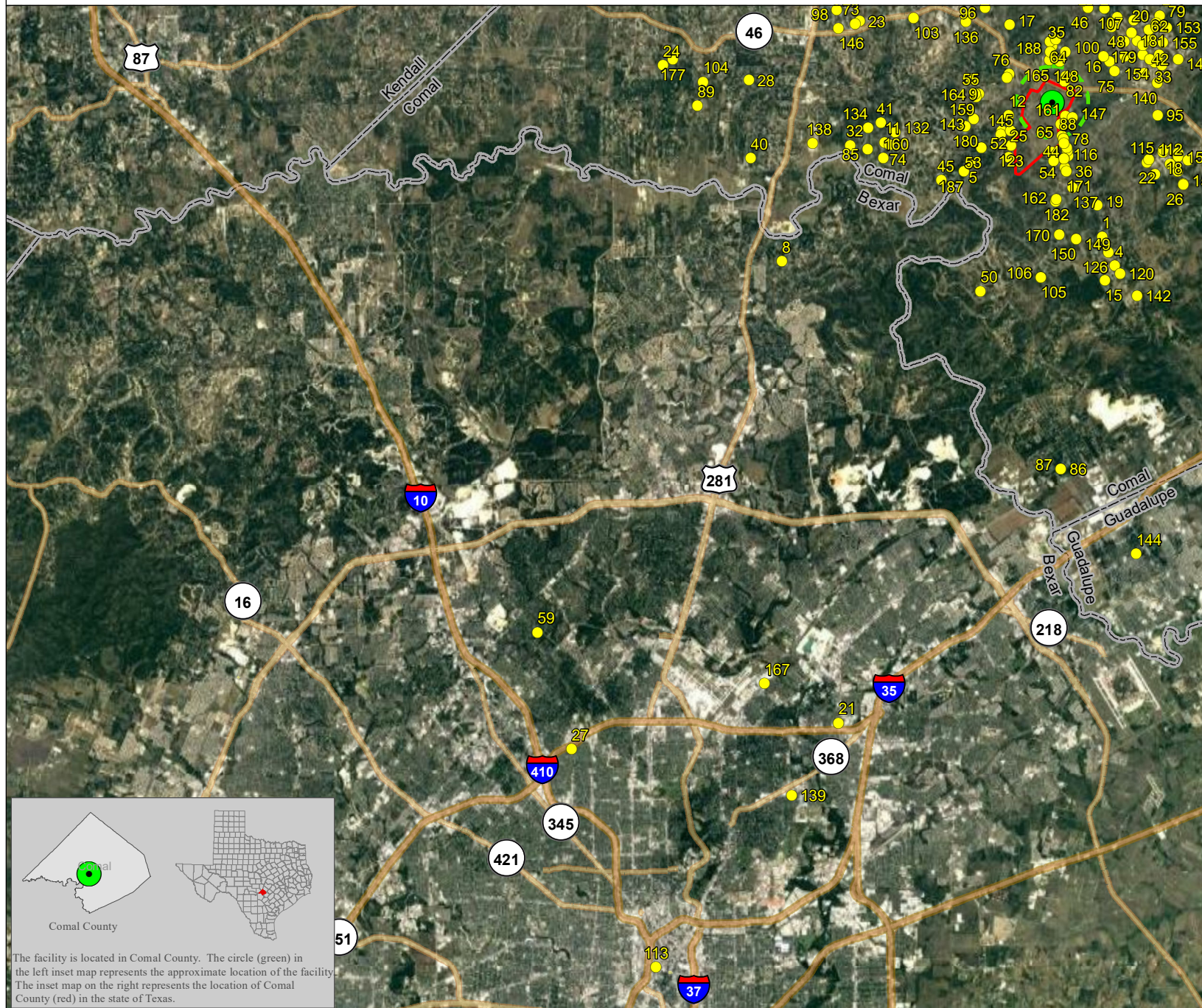
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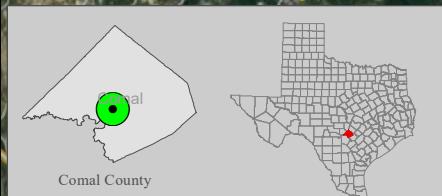
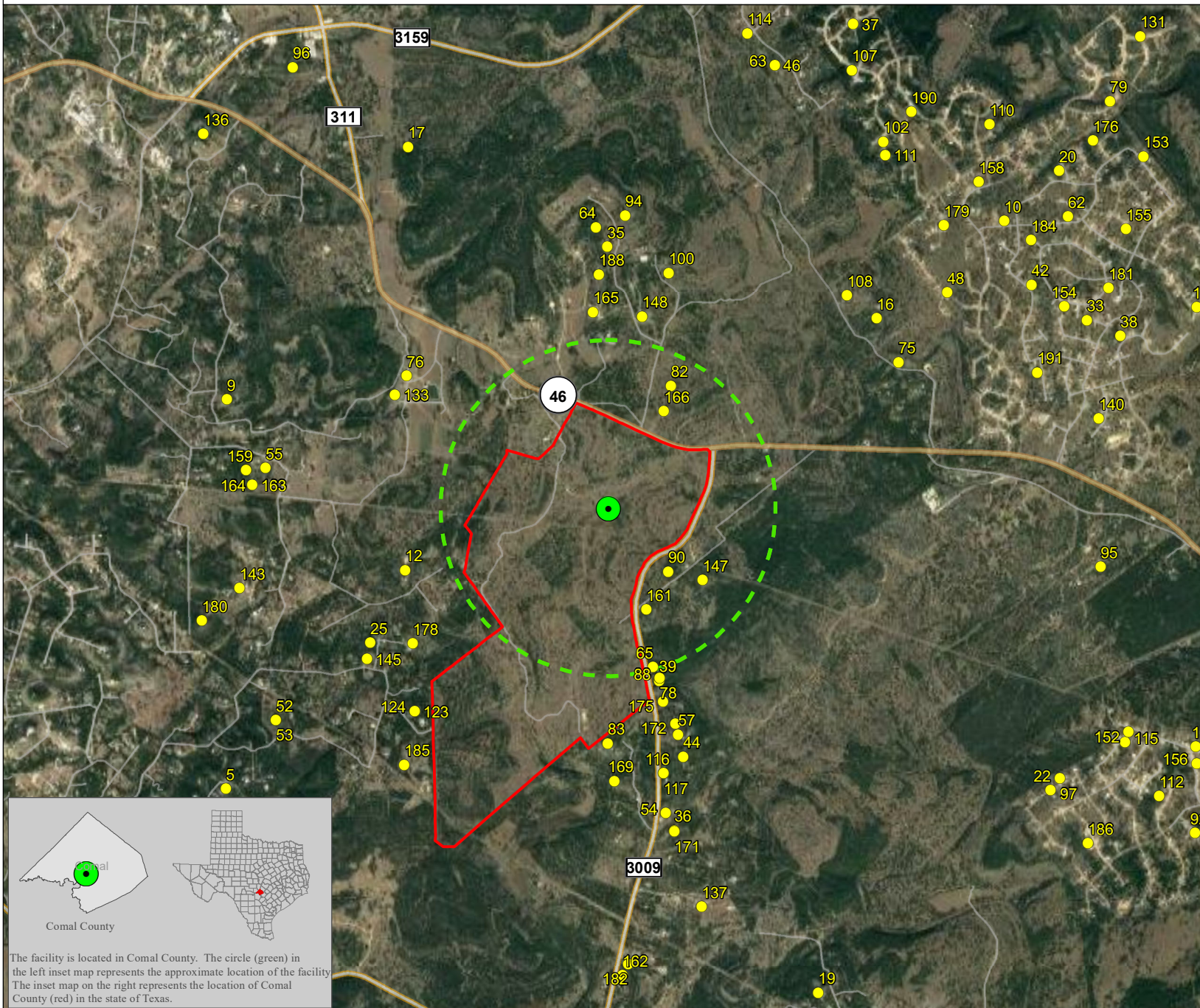
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MAP APPENDIX A

ID	NAME	ID	NAME
1	ALBRIGHT, KAREN	34	CLARK, WES
2	ALONZO, MELISSA	35	COBB, WILLIAM B
3	AMAYA, HECTOR & SABRINA	36	COLEY, HERBERT A
4	ARISTEGUIETA, RICK D	37	CORKILL, SHIRLEY
5	ARMSTRONG, GARY B.	38	CORREA, AYDEN SHANE & BELINDA
6	AZZARO, LAURI SUE	39	COX, BECKY L.
7	AZZARO, SEAN VINCENT	40	CROOM, CATHERINE
8	BAKER, GARY	41	CUNNINGHAM, JOEL
9	BANSE, KATHLEEN	42	DEFELICE, ROCCO
10	BARR, CLIFFORD G.	43	DOPHIED, TERESA
11	BAUGH, ALI	44	DRAKE, JAMES KEVIN & MICHELE M
12	BELL, DEVIN	45	DREWA, DAVID & TIFFANY
13	BESHORE, KATHERINE	46	DUNLAP, SUSAN L
14	BEWARD, LARRY & NANCY ANN	47	ECCLESTON, DONNA
15	BLACK, KATHRYN A	48	ECKS, ROBIN
16	BRAND, TROY CALVIN	49	EDWARDS, D LEE
17	BREMER, DAWSON	50	ELLIS, DILLON
18	BROTH, HAROLD	51	ELLISON, THOMAS BANON & KIM
19	BROWNING, GINGER	52	EVERINGHAM, DON
20	BRUNSON, BARBARA	53	EVERINGHAM, LINDA
21	BRYANT, KATY	54	FARRAR, DEBORAH
22	BRYSCH, ALYSSA D	55	FOSTER, DEBORAH
23	BRZOZOWSKI, KRISTINE	56	GEIGER, NICOLE M.
24	BULLOCK, DAVID	57	GERDES, CHARLES DAVID & SHIRLEY YVONNE
25	BURTON, BILLY WAYNE	58	GILPIN, CHERYL A.
26	CALLIHAN, TERI	59	GIVEN, CECE
27	CARRILLO, ROBERT	60	GONZALEZ, ANDREA M.
28	CARVAJAL, HUGO	61	GRAHAM, TERRY L
29	CASTEEL, BARRON	62	GRANATO, DAVID LEE & DEBBIE
30	CAWLEY, MASON	63	GRENEAUX, THOMAS
31	CHAPMAN, LYNN	64	GRUN, EDWARD A & DEBBIE SABINS
32	CHAPMAN, YVONNE L	65	GUCKIAN, MILANN & PRU
33	CHEW, JAMES ALBERT	66	HAAG, SCOTT

MAP APPENDIX A

ID	NAME	ID	NAME
67	HALL, DUANE R.	100	MARTIN, ELIZABETH & TED
68	HALL, JACEY	101	MARTINEZ, MAUREEN A.
69	HALL, JACLYN	102	MATHER, BRIAN
70	HALL, MCKENNA	103	MAURER, MICHAEL L. & ROSE
71	HALL, NATHANAEL	104	MAUTHE, CARRIE
72	HALL, TERRI LYNN	105	MAYFIELD, RACHEL
73	HALSELL, SUSAN	106	MAYFIELD, WILLIAM
74	HANNEMANN, GRACE	107	MAYS, SHERYL LYNN
75	HARRIS, EDWARD & DENISE	108	MCCLELLAN, ELLEN
76	HARRISON, DOUGLAS & SUSANNA	109	MCVICKER, HILARY
77	HARRISON, MATTHEW	110	MEDEIROS, DAWN
78	HARTMANN, RUBY	111	MENEILLY, DANIEL
79	HARVEY, SALLY	112	MIDDLECAMP, STEVE
80	HEIKES, LYNDA L	113	MILLER, BALOUS
81	HERMANN, ERIC	114	MORSE, GLORIA
82	HIGBY, KENNETH & DIANE	115	MURPHY, BRUCE & GRACE
83	HOPMANN, CHRIS	116	NEBERGALL, MARY JEAN
84	HOUSER-AMAYA, SABRINA	117	NEBERGALL, ROBERT FRANCIS
85	HOWE, JEANNE	118	NEWMAN, BUTCH
86	IZZAT, SARAH KASSIS	119	NEWMAN, LINDA SUE
87	IZZAT, STEVEN	120	NORRIS, WENDY
88	JAMES, LIZ	121	NOTT, SANDY & TERESSA
89	JENKINS, MARY LOU	122	OHLRICH, DEBORAH K.
90	JOHNSON, CRAIG	123	OLSON, KIRA
91	JOHNSON, KENDRA	124	OLSON, NATHAN, KARIS, & KENNEDY
92	KEAN, KILIAN	125	OWENS, CORISSA
93	KRUP, MIKE	126	PAVEGLIO, COLE
94	LAROE, DANIEL J	127	PEACE, ANNALISA
95	LAUBACH, CLINT	128	PENCE, PATRICK E
96	LEONARD, BYRON L	129	PERELSTEIN, DAVID
97	MABEE, ROGER PHELPS	130	PETERS, WAYNE
98	MACIULA, MADELEINE	131	PETRINO, PAUL
99	MAGERS, CHRISTINE M.	132	PHELPS, DEBRA

MAP APPENDIX A

ID	NAME	ID	NAME
133	POLASEK, LORI	163	ZIMMERMAN, DOUG WAYNE & SANDRA DEE
134	POOR, SHAWNNA	164	ZIMMERMAN, STEVE WAYNE & SANDRA
135	POSEY, JOHANNA	165	BELL, MICHAEL
136	PRINGLE, WILLIAM KYLE	166	BIGBEE, RON & ELAINE
137	QUISENBERRY, LAURA ALLEN	167	BROWN, KELLY
138	RAMMELL, PHELON TYLER	168	BURBANK, JULIE
139	REID, DEBORAH	169	CANNON, WINDELL
140	REMEY, ROBERT	170	CASON, RUSSELL
141	ROGERS, TERESA	171	COLEY, HERB
142	SAATHOFF, LINDSEY	172	DELL, DONNA H. GIBSON
143	SAUL, JAKKI M.	173	FLETCHER, DAVID
144	SAWYER, VALLYE	174	GIBBS, ALAN & KATHY
145	SCHULE, LAURI, CADE, ANDERSON, & JARRETTE	175	HAMMACK, ALAN & KATHRYN
146	SEAGO, ARTHUR	176	HARRIS, RHONDA
147	SEAY, PAMELA	177	HAWK, VERONICA
148	SNIDER, GREGORY	178	HIBLER, PRENTIS OTIS
149	SPAETH, MARGIE E.	179	KEADY, RICHARD
150	SPAETH, WILBERT D.	180	LASTER, MELISSA & PAUL
151	STEPHENSON, NOVA	181	MATHEWS, TERRESSA
152	STRIEGEL, TRUDY	182	MCSWEENEY, DEBRA & ROBERT
153	TERAO, CONNIE	183	MOHR, LINDA HOLLEY
154	THOMAS, JEFF R	184	OLIVIER, JACK
155	THOMPSON, CARL	185	OLSON, TERRY, MICHAEL, & PERI
156	TRUJILLO, MARY & R.	186	PETTY, STEPHEN
157	TRUSSELL, AMANDA	187	SHAER, ELIAS & GRACE
158	TSUI, TINA	188	SHIPLEY, ROBBI
159	WALKER, SYLVIA	189	SHIPMAN, HOWARD
160	WATSON, FRANCESCA W	190	STEMIG, MIKE B.
161	WILSON, RENEE	191	UNGUREAN, DRAGOS & MARIANA
162	ZIMMERMAN, DEBORAH & MICHAEL J	192	VONSTULTZ, MEI LING "MILLIE"
		193	ZWART, BENTON & KATHRYN