

TCEQ Docket No. 2018-1303-AIR

APPLICATION BY	§	BEFORE THE TEXAS
VULCAN CONSTRUCTION MATERIALS, LLC	§	COMMISSION ON
FOR PERMIT NO. 147392L001	§	ENVIRONMENTAL
	§	QUALITY

APPLICANT’S RESPONSE TO REQUESTS FOR CONTESTED CASE HEARING

TO THE COMMISSIONERS OF TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

Vulcan Construction Materials, LLC (“Vulcan”) submits this its response (“Response”) to the requests for a contested case hearing and the request for reconsideration that were submitted in the above-referenced matter. In support thereof, Vulcan shows the following:

I. PROCEDURAL BACKGROUND

On June 26, 2017, Vulcan submitted an application requesting authorization to construct and operate a portable rock crushing plant under Permit No. 147392L001 (“Rock Crushing Plant” or “Plant”), which will include crushers, screens, hoppers, conveyors, engines, stockpile, and a diesel tank. The Rock Crushing Plant will be located on Vulcan property in Comal County, Texas. No part of the Rock Crushing Plant will be located closer than 2,119 feet from any property line of that property.

Subsequently, Vulcan submitted the following: (i) revised, replacement pages to the June 26, 2017 permit application on November 17, 2017, (ii) an Air Quality Analysis Modeling Report on October 5, 2017, and (iii) a revised version of the Air Quality Analysis Modeling Report on November 7, 2017 that completely replaced the October 5, 2017 Air Quality Analysis Modeling Report. The June 26, 2017 permit application, as revised by the revised pages submitted on November 17, 2017, and the November 7, 2017 Air Quality Analysis Modeling Report, are collectively referred to herein as the “Application”.

Because Texas Commission on Environmental Quality (“TCEQ”) received the Application after September 1, 2015, it is subject to the procedural requirements of, and rules implementing, Senate Bill 709 (84th Legislature, 2015). The TCEQ declared the Application administratively complete on July 5, 2017. The Notice of Receipt and Intent to Obtain an Air

Quality Permit (first public notice) for the 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*. The Notice of Application and Preliminary Decision for an Air Quality Permit (second public notice), as well as a notice of the public meeting regarding the Application, were 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 in New Braunfels on February 27, 2018, which was the date the public comment period for the Application ended.

The TCEQ Executive Director's staff prepared a Response to Comments ("RTC") that addressed all of the comments that were submitted regarding the Application. On September 14, 2018, the TCEQ Chief Clerk sent to all people, groups/associations, and cities who had submitted hearing requests, requests for a public meeting, and/or other comments before that date, the RTC under cover of a letter stating that the Executive Director has made a decision that the Application meets the requirements of applicable law and stating how people, groups/associations, cities, and other interested entities who believe they are affected persons could request a contested case hearing. That letter triggered an additional 30-day comment period during which additional contested case hearing requests could be submitted.

Therefore, members of the public had ample opportunities to submitted hearing requests, requests for a public meeting, or comments regarding the Application. To Vulcan's knowledge, none of the hearing requests that were submitted have been formally withdrawn.

II. VULCAN'S RESPONSE TO HEARING REQUESTS

A. Legal parameters for the Commission's evaluation of the hearing requests

According to 30 Texas Administrative Code ("TAC") § 55.211(c), for the TCEQ Commissioners ("Commission") to grant a contested case hearing in response to a hearing request, the hearing request must:

- (1) have been filed by an affected person (30 TAC § 55.211(c)(2));
- (2) include disputed issues of fact or mixed questions of fact or law that the hearing requestor raised during the comment period and did not later withdraw, and that are relevant and material to the Commission's decision on the application (30 TAC § 55.211(c)(2)(A)(ii)); and

- (3) comply with the requirements of 30 TAC § 55.201 (30 TAC § 55.211(c)(2)(D)).

According to 30 TAC § 55.209(e), this Response must address the following:

- (1) whether each hearing requestor is an affected person;
- (2) which issues raised in the hearing requests are disputed;
- (3) whether the dispute involves questions of fact or law;
- (4) whether the issues raised in the hearing requests were raised during the public comment period;
- (5) whether any of the hearing requests are 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 Executive Director's Response to Public Comment regarding the application;
- (6) whether the issues raised in the hearing requests are relevant and material to the decision on the application; and
- (7) a maximum expected duration for the contested case hearing in the event the Commission decides to grant a contested case hearing.

The Commission may not grant a hearing request submitted by a group or association ("group/association") unless all of the requirements in 30 TAC § 55.205(b) are met. (30 TAC § 55.205(b)) One of those requirements is that the hearing request must identify, by name and physical address, one or more members of the group/association who would otherwise have standing to request, and be granted, a contested case hearing in his or her own right, i.e., who is an affected person with respect to the application being challenged. (Tex. Water Code § 5.115(a-1)(2); 30 TAC § 55.205(b))

If the Commission determines to grant a contested case hearing, each issue the Commission refers to the State Office of Administrative Hearings ("SOAH") (i) must be a disputed issue of fact and/or law, (ii) must have been raised in a hearing request(s) or comments filed during the comment period by an affected person or group/association whose hearing request is granted by the Commission, (iii) must be relevant and material to the Commission's decision on the application, and (iv) must be described in detail in the referral to SOAH (rather than be described more broadly than described in the hearing request or comments). (Tex. Gov't. Code § 2003.047(e-1); 30 TAC § 55.211(b)(3)(A) and § 50.115(c)(2)-(3)) With respect

to the requirement that for an issue to be referred to SOAH, it must have been raised in a hearing request or comments filed during the comment period, in TCEQ's response to comments in the SB 709 rulemaking, TCEQ stated that "new comments cannot be made in a hearing request that is submitted in response to the Executive Director's Response to Comments . . . because the new comments would be untimely since they were submitted after the end of the public comment period". (40 Tex. Reg. 9656 (12/25/15))

Sections II.B. - II.E. of this Response address all of the items listed in 30 TAC §§ 55.205(b), 55.209(e) and 55.211(b)(3)(A) and (c), as follows:

- (1) Section II.B. of this Response addresses which of the hearing requests were filed by or on behalf of people who Vulcan believes have legitimate arguments they are affected persons ("apparent affected persons") (addressing 30 TAC §§ 55.209(e)(1) and 55.211(c)(2));
- (2) Section II.C. of this Response addresses which of the hearing requests that were submitted by groups/associations meet the requirements in 30 TAC § 55.205(b);
- (3) Section II.D. of this Response identifies the disputed issues of fact and/or law that (i) were raised in hearing requests filed during the comment period by or on behalf of apparent affected persons, and (ii) are relevant and material to the Commission's decision on the application (addressing 30 TAC §§ 55.209(e)(2)-(6), 55.211(b)(3)(A), and 55.211(c)(2)(A)(ii));
- (4) Section II.E. of this Response addresses the maximum expected duration for the contested case hearing in the event the Commission decides to grant a contested case hearing (addressing 30 TAC § 55.209(e)(7)).

B. Only a few of the hearing requests were filed by or on behalf of apparent affected persons (addressing 30 TAC §§ 55.209(e)(1) and 55.211(c)(2))

1. Legal analysis for determining whether each individual hearing requestor or identified member of a group/association hearing requestor is an affected person ("affected person legal analysis")

According to 30 TAC § 55.203(a), 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. According to 30 TAC § 55.203(c), the determination of whether an individual hearing requestor or an identified member of a group/association hearing requestor is an affected person, i.e., has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application, is to be based on Commission consideration of factors that include, but are not limited to, the following factors:

- (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) the likely impact of the regulated activity on the health and safety of the hearing requestor, and on the use of the property of the hearing requestor;
- (5) the likely impact of the regulated activity on the use of the impacted natural resource by the hearing requestor;
- (6) for a hearing request on an application filed on or after September 1, 2015, whether the requestor timely submitted comments on the application that were not withdrawn; and
- (7) for governmental entities, their statutory authority over or interest in the issues relevant to the application. More specifically, 30 TAC § 55.203(b) provides that for a governmental entity, such as a city, to be an affected person, it must have authority under state law over the issues raised by the application.

In addition, according to 30 TAC § 55.203(d), because the Application was filed after September 1, 2015, the Commission may also consider the following in determining whether each individual hearing requestor or identified member of a group/association hearing requestor is an affected person:

- (1) the merits of the 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 executive director; and

- (3) any other expert reports, affidavits, opinions, or data submitted by the executive director, the applicant, or hearing requestor or identified member of a group/association hearing requestor.

According to the court in *Sierra Club v. TCEQ*, in determining whether a hearing requestor is an “affected person”, the Commission “enjoys the discretion to weigh and resolve matters that may go to the merits of the underlying application, including the likely impact the regulated activity . . . will have on the health, safety, and use of property by the hearing requestor and on the use of natural resources”.¹ The court also stated that for a hearing requestor to demonstrate that he/she is an “affected person”, he/she must establish “a concrete and particularized injury in fact, not common to the general public, that is (i) actual and imminent, (ii) fairly traceable to the issuance of the permit as proposed, and (iii) likely to be redressed by a favorable decision on its complaint”.²

2. Summary of evaluation of whether the individual hearing requestors and identified members of the group/association hearing requestors are affected persons based on the affected person legal analysis

Hearing requests regarding the Application were submitted by or on behalf of: (i) the people listed below in this section as being in Group A or Group B; (ii) the following groups/associations: Friends of Dry Comal Creek; Stop 3009 Vulcan Quarry; Smithson Valley Heritage Oaks Property Owners Association; Greater Edwards Aquifer Alliance; and, Bulverde Clean Air - Stop Vulcan Facebook Page; (iii) Comal Independent School District (“Comal ISD”); (iv) the City of Bulverde; and, (v) the City of New Braunfels.³ Those people, groups/associations, school district, and cities are collectively referred to herein as “hearing requestors”.

The potential affected persons relative to the Application (“potential affected persons”) comprise (i) the people listed below in this section as being in Group A or Group B, which includes members of the above-listed groups/associations who were identified in their hearing requests, (ii) Comal ISD, (iii) the City of Bulverde, and (iv) the City of New Braunfels. Vulcan evaluated each potential affected person according to the affected person legal analysis discussed

¹ *Sierra Club v. TCEQ*, 455 S.W.3d, 214, 217 (Tex. App. – Austin 2014, pet. denied)

² *Id.*, at 221 (citing *City of Waco v. TCEQ*, 413 S.W. 3d 409, 417 (Tex. 2013))

³ In addition to the hearing requests that were submitted, one request for reconsideration was submitted by Kyra Faught. Vulcan addresses her request in Section III of this Response.

in Section II.B.1. Based on those evaluations, which are discussed below in Section II.B.3, Vulcan believes that use of the discretion the Commission enjoys according to *Sierra Club v. TCEQ* in conducting the affected person legal analysis for the potential affected persons leads to the conclusion that the only potential affected persons who might have legitimate arguments that they are affected persons are the following: Milann Guckian; Pru Guckian; Kenneth Higby; Diane Higby; Craig Johnson; Pamela Seay; Dennis Seay; and Renee Wilson. This Response collectively refers to those people as being in “Group A”. While Vulcan believes that none of the people in Group A is an affected person based on evaluation of them according to the affected person legal analysis, because the residence of each of the people in Group A is located within one (1) mile of the Rock Crushing Plant (as discussed in Section II.B.3.d below), Vulcan will not dispute the Commission determining that each of the people in Group A is an affected person.

On the other hand, Vulcan believes that for the reasons discussed below in Section II.B.3, use of the discretion the Commission enjoys according to *Sierra Club v. TCEQ* in conducting the affected person legal analysis for the other potential affected persons (i.e., those not in Group A) leads to the conclusion that none of them is an affected person. This Response collectively refers to those potential affected persons as being in “Group B”. The residences of the members of Group B, the Comal ISD school addresses or coordinates, and the City of Bulverde and the City of New Braunfels extraterritorial jurisdiction (“ETJ”) boundaries, will all be located more than one (1) mile away from the Rock Crushing Plant, with the vast majority of them being located much more than one (1) mile away from the Plant. Group B members comprise Comal ISD, the City of Bulverde, the City of New Braunfels, and the following people:

Betty Abolafia-Rosenzweig, Mark Abolafia-Rosenzweig, Karen Albright, Melissa Alonzo, Hector Amaya, Sabrina Amaya, Adrah Lea Anzalotta, Rick D. Aristeguieta, Gary B. Armstrong, Laurie Sue Azzaro, Sean Vincent Azzaro, Gary Baker, Kathleen Banse (on behalf of Bulverde Clean Air – Stop Vulcan Facebook page), Kathleen Banse, Clifford G. Barr, Ali Baugh, Devin Bell, Michael Anthony Bell, Katherine Beshore, Larry Beward, Nancy Ann Beward, Elaine Bigbee, Ron Bigbee, Kathryn A. Black, Troy Calvin Brand, Dawson Bremer, Harold Broth, Kelly Brown, Ginger Browning, Barbara Brunson, Katy Bryant, Alyssa D. Brysch, Kristine Brzozowski, David Bullock, Julie Burbank, Billy Wayne Burton, Teri Callihan, Windell Cannon, Robert Carrillo, Hugo

Carvajal, Russel Rembert Cason, Barron Casteel, Mason Cawley, Thomas Martin Chaney, Lynn Chapman, Yvonne L. Chapman, James Albert Chew, Wes Clark, William B. Cobb, Herbert A. Coley, Shirley Corkill, Ayden Shane Correa, Belinda Correa, Becky L. Cox, Catherine Croom, Joel Cunningham, Rocco Defelice, Donna H. Gibson Dell, Brigitte Deyle, Teresa Dophied, James Kevin Drake, Michele M. Drake, David A. Drewa, Tiffany Drewa, Susan L. Dunlap , Donna Eccleston, Robin Ecks, D. Lee Edwards, Dillon Ellis, Kim Ellison, Thomas Banon Ellison, Don Everingham, Linda Everingham, Deborah Farrar, Kyra Faught, David N. Fletcher, Deborah Foster, Ora Lee Frisch, Nicole M. Geiger, Charles David Gerdes, Shirley Gerdes, Cheryl Allen Gilpin, CeCe Given, Bruce R. Glover, Carol N. Glover, Andrea M. Gonzalez, Terry L. Graham, David Lee Granato, Debbie L. Granato, Thomas P. Greneaux, Debbie Sabins Grun, Edward A. Grun, Scott Haag, Duane R. Hall, Jacey Hall, Jaclyn Hall, Mckenna Hall, Nathanael Hall, Terri Lynn Hall, Susan Halsell, Alan M. Hammack, Kathryn L. Hammack, Grace Hannemann, Denise L. Harris, Edward Harris (on behalf of Friends of Dry Comal Creek), Rhonda Harris, Douglas Harrison, Matthew Harrison, Ruby Hartmann, Sally Harvey, Veronica Hawk, Lynda L. Heikes, Eric Hermann, Prentis Otis Hibler, Diane P. Higby, Chris M. Hopmann, Sabrina A. Houser-Amaya, Jeanne Howe, Sara H. Kassis Izzat, Steve N. Izzat, Liz James, Kendall Jaroszewski, Mary Lou Jenkins, Kendra Johnson, Richard Keady, Kilian Kean, Mike Krup, Daniel J. Laroe, Melissa Laster, Paul Laster, Clint Laubach, Byron L. Leonard, Roger Mabee, Kevin MacDonald, Madeleine Maciula, Christine M. Magers, Elizabeth Martin, Ted Michael Martin, Maureen A. Martinez, Brian Mather, Terressa Mathews, Michael L. Maurer, Roseann Maurer, Carrie Mauthe, Rachel Mayfield, William Mayfield, Sheryl Lynn Mays, Ellen McClellan, Meredith Anne McGuire, Debra McSweeney, Robert McSweeney, Hillary McVicker, Dawn Medeiros, Daniel Meneilly, Steve Middlecamp, Balous Miller, Linda Holley Mohr, Gloria Morse, Bruce P. Murphy, Grace Murphy, Mary Jean Nebergall, Robert Francis Nebergall, Butch Newman, Linda Sue Newman, Wendy Norris, Sandy L. Nott, Teressa Nott, Deborah K. Ohlrich, Jack Olivier, Kennedy Olson, Kira Olson, Michael L. Olson, Nathan Olson, Peri Olson, Terry Olson, Corissa Owens, Cole Paveglio, Annalisa Peace (on behalf of the Greater Edwards Aquifer Alliance), Patrick E. Pence, David Perelstein, Wayne Peters, Paul Petrino, Stephen Petty, Debra Phelps, Lori

Polasek, Shawwna Poor, Johanna Posey, William Kyle Pringle, Laura Allen Quisenberry, Phelon Tyler Rammell, Deborah Reid (on behalf of the Greater Edwards Aquifer Alliance), Robert Remey, Connie, Reyes, Edrick Reyes, Eugene Reyes, Teresa Rogers, Lindsey Saathoff, Jakki M. Saul, Vallye Sawyer, Anderson M. Schule, Cade H. Schule, Jarrette D. Schule, Lauri Schule, Arthur Seago, Julie Seay, Travis Seay, Elias H. Shaer, Grace Shaer, Rick Shimon, Robbie Shipley, Howard Shipman, Gregory Snider, Margie E. Spaeth, Wilbert D. Spaeth, James V. Spickard, Mike B. Stemig, Nova Stephenson, Trudy Striegel, Connie Terao, Laura Terrell, Stephen Terrell, Jeff R. Thomas, Carl Thompson, Mary Trujillo, R. Trujillo, Amanda Trussell, Tina Tsui, Dragos Ungurean, Mariana Ungurean, Millie Vonstulz, Sylvia Walker, Francesca W. Watson, Deborah S. Zimmerman, Doug Wayne Zimmerman, Michael J. Zimmerman, Sandra Zimmerman, Sandra Dee Zimmerman, Steve Wayne Zimmerman, Benton P. Zwart, and Kathryn Ann Zwart.

Vulcan respectfully requests that the Commission determine that none of the members of Group B is an affected person, and, as a result, deny each hearing request submitted by or on behalf of each member of Group B.

3. Discussion of the affected person legal analysis relative to the potential affected persons

a. Whether the interests claimed are ones protected by the law under which the Application will be considered

First of all, the City of New Braunfels and Comal ISD did not claim any interests in their hearing requests or in any other timely submitted comments, which are those submitted during the public comment period, i.e., before February 28, 2018. With respect to the other potential affected persons, some of the interests claimed in some of their hearing requests or other timely submitted comments are protected by the “law under which the Application” is being considered, which refers to the applicable air quality permitting provisions in 30 TAC § 116.111(a)(2), which TCEQ adopted pursuant to the applicable provisions in Chapter 382 of the Texas Health and Safety Code (the Texas Clean Air Act). However, for the vast majority of their claims that are protected by the “law under which the Application” is being considered, the hearing requests or

other timely submitted comments that contained those claims provided no information or evidence that supports them. In fact, all of the evidence and information before the Commission regarding those claims demonstrate that none of them is supportable.

In addition, a large number of the interests claimed in the hearing requests of the potential affected persons are not protected by the “law under which the Application” is being considered. Thus, those claims are not relevant to TCEQ’s consideration of the Application. In light of that, none of those claims needs to be, or would be appropriate to be, evaluated by the Commission, and, thus, none of those claims is appropriate for the Commission to refer to SOAH. Examples of claims that are not relevant for TCEQ’s consideration of the Application include, but are not limited to, the following:

- Alleged possible impacts of the operation of the Rock Crushing Plant on water quality, water availability, property values, endangered species, and truck traffic;
- Alleged possible impacts of increased truck traffic due to the Plant, such as road safety, damage to roads, age of trucks, and emissions from trucks;
- Alleged possible impacts of wastewater and stormwater discharges due to the operation the Plant;
- Alleged failure to comply with the Water Pollution Abatement Plan requirements under 30 TAC Chapter 213;
- Alleged possible light pollution and/or noise pollution due to operation of the Plant;
- Alleged possible impacts of quarrying activities that will occur at the site where the Plant is proposed to be located, such as blasting, on the structural integrity of water wells, caves, and homes in the area;
- Alleged need to conduct air dispersion modeling for, and otherwise consider, emissions from quarrying activities that will occur at the site where the Plant is proposed to be located, and on-site roads (even though the TCEQ rules and the Texas Clean Air Act clearly state that quarries and roads are not subject to TCEQ air permitting regulation);
- Alleged possible impacts of the Plant and quarrying activities that will occur at the site on seismic activity;

- Alleged need to regulate emissions from trucks and other mobile equipment that will be used in the Plant and/or the associated quarry, such as dump trucks and front end loaders;
- Allegation that the absence of baseline testing and monitoring at the site of the Plant would be a breach of public trust and warrant possible enforcement action under the Texas Tort Claims Act;
- Allegation that TCEQ's air quality standard permit for rock crushers is outdated;
- Allegation that TCEQ should grant Comal County the authority to regulate blasting activities at Vulcan's quarry;
- Alleged possible impacts of emissions from the Plant to indoor air quality;
- Alleged possible impacts of emissions from the Plant to worker safety and health;
- Alleged need for TCEQ to prohibit Vulcan from submitting a permit application for a concrete batch plant or hot mix asphalt plant at the site in the future;
- Alleged need for an independent analysis to ensure that human health, wildlife, livestock, and the environment will not be impacted by emissions from the Plant;
- Alleged need for TCEQ to conduct an economic and/or environmental impacts study regarding the Plant;
- Alleged need for TCEQ to conduct a risk assessment of the impact of the Plant on nearby aquifers;
- Alleged need for TCEQ to determine whether there is a need for the Plant; and
- Alleged need for regulation of land use or zoning relative to the location of the Plant.

b. Distance restrictions or other limitations imposed by law on the affected interest

There are no distance restrictions or other limitations imposed by law regarding the Rock Crushing Plant and any interest claimed by any of the potential affected persons. The only distance between the Rock Crushing Plant and any of the potential affected persons that is referenced in the TCEQ rules that are relevant to TCEQ's consideration of the Application is the statement in 30 TAC 116.111((a)(2)(A)(ii) that if the Rock Crushing Plant would be located within 3,000 feet of an elementary, junior high/middle, or senior high school, TCEQ would be

required to consider any possible adverse short-term or long-term side effects that an air contaminant or nuisance odor from the Rock Crushing Plant may have on the individuals attending the school(s). As shown in the map in Exhibit B of Attachment 1 to this Response (discussed in Section II.B.3.d below), the nearest existing schools to the Rock Crushing Plant -- Smithson Valley High School and Smithson Valley Middle School -- will be located almost four (4) miles away and over four (4) miles away, respectively, from the Plant, i.e., about seven (7) times the specified 3,000 feet distance, and the “future potential” Comal County ISD elementary school site will be located almost three (3) miles away from the Plant, i.e., about five (5) times the specified 3,000 feet distance.

Notwithstanding the foregoing, the requested permit will require the Rock Crushing Plant be located at least 2,119 feet -- a little over 0.4 miles -- from the nearest property line of the property on which the Rock Crushing Plant is proposed to be located.

c. Whether a reasonable relationship exists between the interests claimed and the activity regulated

The “activity regulated” is the emissions from operation of the Rock Crushing Plant. Thus, the only interests claimed in hearing requests or other timely submitted comments for which a reasonable relationship exists between those claims and the “activity regulated” are those claims that relate to the emissions from operation of the Rock Crushing Plant and evaluation of those emissions under the applicable air permitting provisions in 30 TAC § 116.111(a)(2).

First of all, as discussed above, the City of New Braunfels and Comal ISD did not claim any interests in their hearing requests or in any other timely submitted comments, much less any interests that relate to the “activity regulated”. Moreover, while the City of Bulverde claimed some interests in its timely submitted comments, none of those claims relate to the “activity regulated”. For all other potential affected persons, for the vast majority of the interests they claimed in their hearing requests or timely submitted comments that relate to the “activity regulated”, they provided no information or evidence that supports those claims. In fact, all of the evidence and information before the Commission regarding those claims demonstrate that none of them is supportable.

For all interests claimed that do not relate to the “activity regulated”, such as those claims listed in the second paragraph of Section II.B.3.a, no reasonable relationship exists between them and the “activity regulated”. As a result, none of those interests claimed needs to be, or would be appropriate to be, evaluated by the Commission, and none of those claims is appropriate for the Commission to refer to SOAH.

d. Likely impact of the regulated activity on the health and safety of the hearing requestor, and on the use of the property of the hearing requestor

As discussed below, all of the evidence and information in the Application and the associated TCEQ administrative record demonstrate that the emissions from the Rock Crushing Plant will not cause or contribute to any negative impact on the health, safety, or use of property of any individual hearing requestor, any identified member of any of the group/association hearing requestors, any student, teacher, or other person located at any Comal ISD school, or anyone within the ETJ of the City of Bulverde or the City of New Braunfels (or, for that matter, of any other member of the public). Moreover, none of the hearing requests provide any contrary evidence or information.

On behalf of Vulcan, Mr. David Knollhoff of Westward Environmental, Inc. conducted an Air Quality Analysis, which was based in large part on air dispersion modeling of the maximum allowable emissions rates for the Plant under the draft permit. The purpose of the Air Quality Analysis was to determine the predicted maximum off-site⁴ ground level concentration (“GLC_{max}”) of each pollutant that will be emitted from the Plant for each relevant averaging period (e.g., for PM_{2.5} for a 24-hour averaging period). The Air Quality Analysis, and the results of it, are discussed in Vulcan’s revised, replacement November 7, 2017 Air Quality Analysis Modeling Report, which as discussed in Section I of this Response, is part of the Application. The Air Quality Analysis Modeling Report is evidence that will be part of Vulcan’s prima facie case at the contested case hearing, if one is held. (See 30 TAC §§ 80.117(c)(1) and 80.118(c)(2)). Mr. Knollhoff conducted the Air Quality Analysis in accordance with all applicable written and oral TCEQ guidance, including TCEQ’s “Air Quality Modeling Guidelines” (APDG 6232). (Air

⁴ “Off-site” means all area beyond the boundaries of the property on which the Rock Crushing Plant is proposed to be located.

Quality Analysis Modeling Report, pp.1 and 4) The Executive Director has concurred with that conclusion. (See, e.g. Executive Director's Response to Public Comment ("Executive Director's RTC"), p. 13; TCEQ Air Dispersion Modeling Team's November 29, 2017 Air Quality Analysis Audit) The Air Quality Analysis is a conservative analysis due to its many conservative assumptions and aspects, which resulted in the maximum off-site ground level concentrations predicted by the Air Quality Analysis being higher than what the actual maximum off-site ground level concentrations are expected to be upon operation of the Rock Crushing Plant. (See, e.g., Air Quality Analysis Report, p. 1; Executive Director's RTC, p. 12)

The Air Quality Analysis demonstrates that the maximum allowable emissions rates from the Rock Crushing Plant will not cause or contribute to any negative impact on the health, safety, or use of property of any individual hearing requestor, any identified member of any of the group/association hearing requestors, any student, teacher, or other person located at any Comal ISD school, or anyone within the ETJ of the City of Bulverde or the City of New Braunfels (or, for that matter, of any other member of the public). (See, e.g., Air Quality Analysis Report, p.1) That is because (i) the Air Quality Analysis demonstrates that the maximum allowable emissions from the Rock Crushing Plant will not cause or contribute to any off-site exceedance of any of the National Ambient Air Quality Standards ("NAAQS") or any of the applicable TCEQ effects screening levels ("ESLs"), which are those for crystalline silica and diesel fuel, and (ii) all of the NAAQS and TCEQ ESLs have been established at levels that are protective of the health and safety of all members of the public with an adequate margin of safety, including sensitive members of the public, and of the use of the property of all members of the public. (*Id.*)

More specifically, EPA established each primary NAAQS at a level of air quality that it has determined will protect public health, with an adequate margin of safety, including the health of sensitive members of the public, such as asthmatics, children, and the elderly. (40 CFR § 50.2(b); 42 USC § 7409(b)(1); <https://www.epa.gov/criteria-air-pollutants/naaqs-table>; Executive Director's RTC, p. 11.) In addition, EPA established each secondary NAAQS at a level of air quality that it has determined will protect public welfare, which includes, but is not limited to, people's property, as well as soils, water, crops, vegetation, manmade materials, animals, wildlife, weather, visibility, climate, transportation, economic values, and personal comfort and well-being, whether caused by transformation, conversion, or combination with other air pollutants. (40 CFR § 50.2(b); 42 USC § 7409(b)(2); 42 USC § 7602(h); Executive

Director's RTC, p. 11.) Further, TCEQ established each ESL for pollutants for which no NAAQS exists, such as crystalline silica and diesel fuel, at a level that is below the level that is likely to cause any adverse effect on public health, including the health of those in sensitive subgroups, such as children, the elderly, pregnant women, and people with pre-existing health conditions, or on public welfare, which includes people's property. (TCEQ Guidelines to Develop Toxicity Factors (RG-442) (Sept. 2015), p. 10; Executive Director's RTC, p. 11)

The Executive Director has concurred that the Air Quality Analysis demonstrates that the maximum allowable emissions from the Rock Crushing Plant will not cause or contribute to any negative impact on the health, safety, or use of property of any of any individual hearing requestor, any identified member of any of the group/association hearing requestors, any student, teacher, or other person located at any Comal ISD school, or anyone within the ETJ of the City of Bulverde or the City of New Braunfels (or, for that matter, of any other member of the public). (See, e.g., Executive Director's RTC) More specifically, the Executive Director determined that the maximum allowable emissions from the Rock Crushing Plant that will be authorized by the permit will be "protective of both human health and welfare, including physical property and the environment." (Executive Director's RTC, p. 11)

Notwithstanding the foregoing, one of the main factors the Executive Director has historically used (and Vulcan understands the Commission has also historically used) in evaluating the likely impact of proposed facilities on the health, safety, and use of the property of each individual hearing requestor, each identified member of a group/association hearing requestor, and/or each student, teacher, and other person located at nearby schools of each school district hearing requestor, is whether the distance from the proposed facilities to the address of each such person or each school is less than one (1) mile. In light of that, Vulcan has also used the one (1) mile distance in its evaluation of the likely impact of the Rock Crushing Plant on the health, safety, and use of the property of each individual hearing requestor, each identified member of each group/association hearing requestor, the students, teachers, and others located at each existing and potential Comal ISD school identified in its hearing request, and each person within the ETJs of the City of Bulverde and the City of New Braunfels. That aspect of Vulcan's evaluation is discussed below.

- For each individual hearing requestor and identified member of each group/association hearing requestor, appropriate mapping programs were used to identify the location of his or her residence relative to the proposed location of the Rock Crushing Plant. A map resulting from that work is included in Exhibit A of Attachment 1 to this Response. The map shows (i) the proposed location of the Plant, (ii) a circle with a one (1) mile radius around the proposed location of the Plant, and (iii) the residence of each individual hearing requestor and identified member of each group/association hearing requestor who is located close enough to the proposed location of the Plant to be plotted on that map. Exhibit A also contains a table of the names of those individual hearing requestors and identified members of the group/association hearing requestors, their addresses, and the numbers that correspond to the locations of their residences on the map. Further, because the residences of most of the individual hearing requestors and identified members of the group/association hearing requestors are located too far away from the proposed location of the Plant to be plotted on the map, Exhibit A also contains a table of the names and addresses of those people. In addition, Attachment 1 to this Response contains an affidavit of Mr. Curt G. Campbell, P.E., Vice President - Engineering & Natural Resources for Westward Environmental Inc., that describes how he prepared the map in Exhibit A.

The map in Exhibit A shows that the only individual hearing requestors and identified members of the group/association hearing requestors whose residences will be located within one (1) mile of the Rock Crushing Plant are the following all of whom are members of Group A: Milann Guckian; Pru Guckian; Kenneth Higby; Diane Higby; Craig Johnson; Pamela Seay; Dennis Seay; and Renee Wilson.⁵

- For the City of Bulverde, the City of New Braunfels, and Comal ISD, appropriate mapping programs were used to identify the locations of the following relative to

⁵ Each of those people submitted individual hearing requests. In addition, Milann Guckian and Pru Guckian were identified as members of Friends of Dry Comal Creek and Stop 3009 Vulcan Quarry, and Kenneth Higby was identified as a member of Smithson Valley Heritage Oaks Property Owners Association.

the proposed location of the Rock Crushing Plant: (i) the City of Bulverde's and the City of New Braunfels' city limits and ETJ boundaries, and (ii) the two existing Comal County ISD schools (Smithson Valley High School and Smithson Valley Middle School) and the "future potential" Comal County ISD elementary school that are referenced in the hearing request that was filed by Comal ISD. A map resulting from that work is included in Exhibit B of Attachment 1 of this Response. The map shows (i) the proposed location of the Plant, (ii) a circle with a one (1) mile radius around the proposed location of the Plant, (iii) the City of Bulverde's and the City of New Braunfels' city limits and ETJ boundaries, and (iv) the two existing and one potential Comal County ISD schools. The affidavit of Mr. Campbell in Attachment 1 describes how he prepared the map in Exhibit B.

The map in Exhibit B shows that (i) the Plant will be located much more than one (1) mile -- and, in fact, almost two (2) miles -- from the nearest part of the City of Bulverde's and the City of New Braunfels' ETJ boundaries, and (ii) the two existing and one potential Comal County ISD schools will be located much more than one (1) mile from the Plant -- Smithson Valley High School and Smithson Valley Middle School will be located almost four (4) miles away and over four (4) miles away, respectively, from the Plant, and the "future potential" Comal County ISD elementary school will be located almost three (3) miles away from the Plant. Vulcan included the City of Bulverde's and the City of New Braunfels' city limits and ETJ boundaries on the map in Exhibit B even though (i) for the reasons provided in Section II.B.3.g below, neither city is an affected person for the Application since the Plant will not be located within either city's ETJ, and, thus, neither city will have statutory authority over the Plant or any of the issues raised by the Application, and (ii) Vulcan is not aware that the Commission has ever considered a city to be an affected person for an application when the proposed facility will be located outside of the city's ETJ.

In sum, the maps in Attachment 1 to this Response show that out of the individual hearing requestors, identified members of group/association hearing requestors, Comal ISD schools, City of Bulverde, and City of New Braunfels, only the following will be located within one (1) mile from the Rock Crushing Plant: Milann Guckian; Pru Guckian; Kenneth Higby; Diane Higby; Craig Johnson; Pamela Seay; Dennis Seay; and Renee Wilson. Because their residences will be located within (1) mile from the Plant, Vulcan will not dispute the Commission determining that they are affected persons, even though Vulcan believes that none of them is an affected person based on evaluation of them according to the affected person legal analysis, including the uncontroverted evidence that the maximum allowable emissions from the Plant will not cause or contribute to any negative impact on the health, safety, or use of property of any of those people (or, for that matter, of any other member of the public). However, the fact that all of the other individual hearing requestors and identified members of group/association hearing requestors, all of the Comal ISD schools, the City of Bulverde, ETJ, and the City of New Braunfels ETJ will be located more than one (1) mile from the Rock Crushing Plant is further evidence that the emissions from the Rock Crushing Plant will not impact the health, safety, and/or use of the property of any of the other individual hearing requestors or identified members of group/association hearing requestors, any of the students, teachers, or others located at any Comal ISD school, or any person within the ETJs of the City of Bulverde and the City of New Braunfels.

e. Likely impact of the regulated activity on the use of the impacted natural resource by the hearing requestors

Ambient air is the only “natural resource” whose use, or possible use, by the individual hearing requestors, the identified members of the group/association hearing requestors, the students, teachers, and others located at any Comal ISD school, or people within the ETJ of the City of Bulverde or the City of New Braunfels that has the possibility of being impacted by the “regulated activity”, i.e., the emissions from operation of the Rock Crushing Plant, and is relevant to TCEQ’s consideration of the Application. "Ambient air" is the air to which the

general public has access,⁶ which for the Application, will be the air beyond the property lines of Vulcan's property on which the Rock Crushing Plant will be located.

The emissions from operation of the Rock Crushing Plant, i.e., the "regulated activity", will not negatively impact the quality of the ambient air. As discussed in Section II.B.3.d. above, the NAAQS and ESLs have been established at levels that protect the quality of the ambient air with adequate margins of safety, and Vulcan's Air Quality Analysis Report demonstrates that the maximum allowable emissions from the Rock Crushing Plant will not cause or contribute to an exceedance of any NAAQS or of any of the applicable TCEQ ESLs (which are those for crystalline silica and diesel fuel) in the ambient air. None of the hearing requests provides any contrary evidence or information.

Therefore, the emissions from operation of the Rock Crushing Plant, i.e., the "regulated activity", will not negatively impact the use of ambient air by the individual hearing requestors, the identified members of the group/association hearing requestors, the students, teachers, or others located at any Comal ISD school, or the people within the ETJ of the City of Bulverde or the City of New Braunfels.

f. Whether the hearing requestors timely submitted comments on the Application that were not withdrawn (since the Application was filed after September 1, 2015)

First of all, as discussed above, the City of New Braunfels and Comal ISD did not submit any comments on the Application in a timely manner, i.e., during the public comment period, which ended on February 27, 2018. Moreover, while the City of Bulverde submitted some comments in a timely manner, none of those comments were "on the Application." That is because none of those comments related to any of the issues that are relevant and material to the TCEQ's consideration of the Application, which are those issues that relate to whether the Application demonstrates the Rock Crushing Plant will comply with the applicable air permitting provisions in 30 TAC § 116.111(a)(2).

For the individual hearing requestors and the group/association hearing requestors, many, if not most, of the comments they submitted in a timely manner were also not "on the Application". Examples of comments that were not "on the Application" -- because they do not

⁶ 40 C.F.R. § 50.1(e)

relate to the issues that are relevant and material to the TCEQ's consideration of the Application -- are those listed above in the second paragraph of Section II.B.3.a. Moreover, for the vast majority of the comments that were "on the Application", the hearing requestor provided no information or evidence that supports those comments. In fact, all of the evidence and information before the Commission regarding those comments demonstrate that they are not supportable.

g. Whether the City of Bulverde or the City of New Braunfels has authority under state law over the issues raised by the Application

For a governmental entity, such as the City of Bulverde and the City of New Braunfels, to be an affected person regarding an application, it must have authority under state law over the issues raised by the application. (30 TAC § 55.203(b) and (c)(7)) With respect to the Application, the "issues raised by the application" are those related to emissions from the Rock Crushing Plant that are identified in 30 TAC § 116.111(a)(2). As discussed below, neither the City of Bulverde nor the City of New Braunfels has authority under state law over the issues raised by the Application.

First, like all cities, neither the City of Bulverde nor the City of New Braunfels has any authority under state law beyond the boundaries of its ETJ. The Rock Crushing Plant will be located far beyond the ETJs of the City of Bulverde and the City of New Braunfels. (See the map in Exhibit B of Attachment 1 to this Response, which is discussed in Section II.B.3.d of this Response) In fact, the Rock Crushing Plant will be located almost two (2) miles from the nearest part of the ETJs of the City of Bulverde and the City of New Braunfels. (*Id.*) Neither the City of Bulverde nor the City of New Braunfels has presented any information that suggests, much less demonstrates, that the Rock Crushing Plant will be located within its ETJ. While the City of Bulverde's hearing request states that part of the proposed Vulcan "Plant Site" will be located within its ETJ, that hearing request defines "Plant Site" as the Vulcan property on which the Rock Crushing Plant is proposed to be located, rather than the Plant itself. The Plant Site is a very large piece of property, and the Rock Crushing Plant will be located on part of the Plant Site that is far away from the ETJ of either city. Since the Rock Crushing Plant will be located far away from the ETJs of the City of Bulverde and the City of New Braunfels, neither of those

cities will have any authority over the Rock Crushing Plant, including over any of the issues raised by the Application.

Further, none of the statutory provisions the City of Bulverde cites in its hearing request in support of its claim that it will have authority under state law over the issues raised by the Application actually support that claim. None of those statutory provisions, except for one, relates to any of the issues raised by the Application because none of those provisions relates to emissions, such as will occur from the Rock Crushing Plant. First, Texas Local Government Code § 211.001 relates to the City of Bulverde protecting the health, safety, and welfare of its inhabitants through use of its zoning authority. That provision does not authorize the city to use its zoning authority to protect the health, safety, and welfare of its inhabitants from possible impacts due to emissions from operations located outside of its ETJ, such as the Rock Crushing Plant. Second, nothing in Texas Local Government Code § 42.001 (nor elsewhere in the Texas Local Government Code) gives the City of Bulverde authority to protect the health, safety, and welfare of the people who live within its ETJ from possible impacts due to emissions from operations located outside of its ETJ, such as the Rock Crushing Plant. Instead, the Texas Legislature has given such authority to TCEQ. Third, while Texas Health & Safety Code § 121.003(a) relates to the city's authority to enforce "any law that is reasonably necessary to protect the public health", language in the rest of the subtitle that contains that provision shows that laws protecting the public health that such provision authorizes the City of Bulverde to enforce are not laws that relate to emissions, such as emissions from the Rock Crushing Plant. Fourth, Texas Local Government Code § 551.002(c) relates to the City of Bulverde's authority to protect and police watersheds. But, the possible impact of the Rock Crushing Plant on watersheds is not one of the issues raised by the Application. Fifth, Texas Local Government Code § 217.042 relates to the city's authority to declare and prohibit nuisances in the city limits and within 5,000 feet of the city limits. However, other provisions in the Texas Local Government Code and in the City of Bulverde's ordinances make it clear that this authority does not relate to a possible nuisance due to emissions from the Rock Crushing Plant, but instead relates to other types of possible nuisance. Texas Local Government Code § 217.022 provides that the City of Bulverde shall "have each nuisance removed at the expense of the person who is responsible" for it, which shows that a nuisance over which the city has authority under that provision is one that is being caused by a person over which the city has authority. Since the City

of Bulverde will not have authority over the Rock Crushing Plant, the city's authority under Texas Local Government Code § 217.042 will not cover any possible nuisance regarding emissions from the Rock Crushing Plant.⁷ In addition, as required by Texas Local Government Code § 217.002, the City of Bulverde has defined what constitutes a "nuisance" in a manner that clearly shows that "nuisance" under Texas Local Government Code § 217.042 would not cover any possible nuisance regarding emissions from the Rock Crushing Plant.

The only statutory provision the City of Bulverde cites in its hearing request in support of its claim that it will have authority under state law over the issues raised by the Application that actually relates to the issues raised by the Application, which relate to emissions from the Plant, is Texas Health & Safety Code § 382.113. That provision authorizes the City of Bulverde to "enact and enforce an ordinance for the control and abatement of air pollution". However, even though the control and abatement of air pollution relates to emissions, the city's authority under that provision will not cover emissions from the Rock Crushing Plant. That is because that authority is limited to the city enacting and enforcing an ordinance, and no city ordinance can apply to operations located beyond the city's ETJ, such as the Rock Crushing Plant. Therefore, Texas Health & Safety Code § 382.113 does not support the City of Bulverde's claim that it will have authority under state law over the issues raised by the Application.

Based on the foregoing, neither the City of Bulverde nor the City of New Braunfels has authority under state law over the issues raised by the Application, as is required pursuant to 30 TAC § 55.203(b) and (c)(7) for either city to be an affected person relative to the Application. Therefore, Vulcan respectfully requests that the Commission determine that neither city is an affected person relative to the Application and deny the hearing request for each city.

Notwithstanding the foregoing, if the Commission was to determine that the City of Bulverde and/or the City of New Braunfels each has statutory authority to protect the health, safety, and welfare of the people who live within its ETJ from possible impacts due to emissions from the Rock Crushing Plant, the discussion above under Section II.B.3.d of this Response demonstrates that such emissions will have no impact on the health, safety, or welfare of any person within the ETJ of either city. That provides further support for the Commission to conclude that neither the City of Bulverde nor the City of New Braunfels is an affected person

⁷ But note that the Application and the associated TCEQ administrative record, including the Executive Director's RTC, show that the emissions from the Rock Crushing Plant will not cause or contribute to any nuisance, including within the ETJ of the City of Bulverde.

relative to the Application, and based on that, for the Commission to deny the hearing request of each city.

h. The merits of the Application and supporting documentation in the Commission's administrative record, including whether the Application meets the requirements for permit issuance

The Application and supporting documentation in the Commission's administrative record demonstrate that the Application meets the requirements for TCEQ to issue the requested permit for the Rock Crushing Plant, which are those set out in 30 TAC § 116.111(a)(2). The Executive Director has also reached that conclusion. (See, e.g., Executive Director's RTC, p. 32; Executive Director's "Construction Permit Source Analysis & Technical Review" for the Application) In addition, the evidence and information that Vulcan has included in this Response provide even further support for that conclusion. Of key importance, none of the hearing requestors has presented any evidence that the Application does not meet the requirements for TCEQ to issue the requested permit for the Rock Crushing Plant.

i. The analysis and opinions of the Executive Director

The Executive Director has fully analyzed the Application and supporting documentation in the Commission's administrative record and has determined that they demonstrate that the Application meets the requirements for TCEQ to issue the requested permit for the Rock Crushing Plant, and, thus, that TCEQ should issue the permit. (*Id.*)

j. Any other expert reports, affidavits, opinions, or data submitted by the executive director, the applicant, or hearing requestor

Attachment 1 to this Response contains maps that demonstrate that out of the individual hearing requestors, identified members of group/association hearing requestors, Comal ISD schools, City of Bulverde, and City of New Braunfels, only the following will be located within one (1) mile of the Rock Crushing Plant: Milann Guckian; Pru Guckian; Kenneth Higby; Diane Higby; Craig Johnson; Pamela Seay; Dennis Seay; and Renee Wilson. For the reasons discussed

above, those people are the only hearing requestors or identified members of the group/association hearing requestors who are apparent affected persons.

C. Evaluation of the hearing requests submitted by five (5) groups/associations under the requirements in 30 TAC § 55.205(b)

Five (5) groups/associations submitted hearing requests: Friends of Dry Comal Creek; Stop 3009 Vulcan Quarry; Smithson Valley Heritage Oaks Property Owners Association; Greater Edwards Aquifer Alliance; and, Bulverde Clean Air - Stop Vulcan Facebook Page. The Commission may grant any such hearing request only if it identifies, by name and physical address, one or more members of the group/association that would otherwise have standing to request, and be granted, a contested case hearing in his or her own right, i.e., that is an affected person with respect to the Application. (Tex. Water Code § 5.115(a-1); 30 TAC § 55.205(b)) As discussed below, only the hearing requests that were submitted by Friends of Dry Comal Creek, Stop 3009 Vulcan Quarry, and Smithson Valley Heritage Oaks Property Owners Association meet the requirements for the Commission to grant them.

Two (2) hearing requests were submitted on behalf of Friends of Dry Comal Creek -- one on August 25, 2017 and one on February 27, 2018 -- and one hearing request was submitted on behalf of Stop 3009 Vulcan Quarry on February 27, 2018. The February 27, 2018 hearing requests for those groups/associations were made in the same letter submitted by those groups' attorney, David Frederick. That letter identified three people who allegedly would otherwise have standing in his or her own right to request, and be granted, a contested case hearing regarding the Application. Because two of those people -- Milann Guckian and Pru Guckian -- are apparent affected persons (as discussed in Section II.B.2 above), Vulcan will not challenge the Commission granting the hearing request of Friends of Dry Comal Creek or Stop 3009 Vulcan Quarry (for the reasons discussed in Section II.B.2 above).

In addition, two (2) hearing requests were submitted on behalf of Smithson Valley Heritage Oaks Property Owners Association -- one on August 26, 2017 and one on October 9, 2018. The August 26, 2017 hearing request did not identify any member who would otherwise have standing to request, and be granted, a contested case hearing in his or her own right, i.e., that is an affected person with respect to the Application; however, the October 9, 2018 hearing request did identify at least one such member. Because that person -- Dr. Kenneth Higby -- is an

apparent affected person (as discussed in Section II.B.2 above), Vulcan will not challenge the Commission granting the hearing request of Smithson Valley Heritage Oaks Property Owners Association.

However, Vulcan requests that the Commission deny the hearing requests of Greater Edwards Aquifer Alliance and Bulverde Clean Air-Stop Vulcan Facebook Page. None of their hearing requests specifically identifies, by name and physical address, one or more members of the group/association that is an affected person and would otherwise have standing in his or her own right to request, and be granted, a contested case hearing, as required by Tex. Water Code § 5.115(a-1)(2) and 30 TAC § 55.205(b). In fact, the only name provided in each of those hearing requests is the name of the person who submitted the hearing request on behalf of the group/association. The Commission should deny the hearing request of each of those groups/associations because for each of them, the person who submitted the hearing request is not an affected person and would not otherwise have standing in her own right to request, and be granted, a contested case hearing. More specifically, two (2) hearing requests were submitted on behalf of the Greater Edwards Aquifer Alliance -- one by Annalisa Peace on August 10, 2017, and one by Deborah Reid on February 26, 2018. The hearing request of Bulverde Clean Air - Stop Vulcan Facebook Page was submitted by Kathleen Banse on August 29, 2017. Each of those women is listed in Section II.B.2 of this Response as being a member of Group B, which is the group of hearing requestors who, for the reasons discussed in that section and elsewhere in this Response, are not affected persons, and, thus, do not have standing in their own right to request, and be granted, a contested case hearing. Therefore, according to Tex. Water Code § 5.115(a-1)(2) and 30 TAC § 55.205(b), the Commission may not grant any of the hearing requests submitted by Greater Edwards Aquifer Alliance or Bulverde Clean Air - Stop Vulcan Facebook Page.

D. List of disputed issues of fact and/or law that were raised in hearing requests filed during the comment period by or on behalf of apparent affected persons, and are relevant and material to the Commission's decision on the Application (addressing 30 TAC §§ 55.209(e)(2)-(6), 55.211(b)(3)(A), and 55.211(c)(2)(A)(ii))

Each issue the Commission refers to SOAH must (i) be a disputed issue of fact and/or law, (ii) have been raised in a hearing request or comments filed during the comment period, i.e.,

before February 28, 2018, by or on behalf of an affected person whose hearing request is granted by the Commission, (iii) be relevant and material to the Commission's decision on the Application, and (iv) be described in detail in the referral to SOAH, i.e., rather than be described more broadly than as described in the hearing request or comments. (Tex. Gov't. Code § 2003.047(e-1); 30 TAC § 55.211(b)(3)(A) and § 50.115(c)(2)-(3)). As discussed above, the only people the Commission should possibly determine are affected persons are Milann Guckian, Pru Guckian, Kenneth Higby, Diane Higby, Craig Johnson, Pamela Seay, Dennis Seay, and Renee Wilson, and the only groups/associations the Commission should possibly determine have identified apparent affected persons as members are Friends of Dry Comal Creek, Stop 3009 Vulcan Quarry, and Smithson Valley Heritage Oaks Property Owners Association.

Therefore, the only disputed issues of fact and/or law that would be appropriate for the Commission to refer to SOAH are those that were raised in the hearing requests or comments filed before February 28, 2018 by whichever of those people and groups/associations the Commission grants their hearing requests, and that are relevant and material to the Commission's decision on the Application. For disputed issues of fact and/or law to be relevant and material to the Commission's decision on the Application, they must be relevant and material to the Commission's consideration of whether the Application demonstrates the Rock Crushing Plant will comply with the applicable provisions in 30 TAC § 116.111(a)(2).

Before Vulcan presents its proposed list of disputed issues of fact and/or law that it respectfully requests the Commission refer to SOAH, Vulcan notes the following about its preparation of that proposed list:

- In preparing its proposed list of disputed issues, Vulcan assumed the Commission will grant the hearing requests of the following: Milann Guckian, Pru Guckian, Kenneth Higby, Diane Higby, Craig Johnson, Pamela Seay, Dennis Seay, Renee Wilson, Friends of Dry Comal Creek, Stop 3009 Vulcan Quarry, and Smithson Valley Heritage Oaks Property Owners Association. Thus, Vulcan's proposed list of issues only contains those disputed issues that were raised in the hearing requests or comments filed by those people and groups/associations before February 28, 2018 and that are relevant and material to the Commission's decision on the Application. If Vulcan's assumption that the Commission will

grant the hearing requests for those people or groups/associations is incorrect for any of them, Vulcan's proposed list of disputed issues below should be revised to remove any of the disputed issues that were only raised by any person(s) and/or group(s)/association(s) whose hearing request(s) the Commission does not grant.

- Vulcan has drafted each issue in its proposed list of disputed issues such that its scope is consistent with, and not greater than, its scope as described in the hearing request or comments in which it was raised. Vulcan respectfully requests that the Commission draft each of the issues it refers to SOAH in the same manner. For the Commission to do otherwise would be contrary to the language, intent, and purpose of SB 709. (Tex. Gov't Code § 2003.047(e-1))

As an example, issues were raised in several of the hearing requests or comments by those people and/or groups/associations about specific aspects of Vulcan's Air Quality Analysis or the associated modeling, but no issues were raised in any of those hearing requests or comments about many other aspects of Vulcan's Air Quality Analysis or the associated modeling. In light of that, Vulcan drafted each of its proposed issues that relates to a specific aspect of Vulcan's Air Quality Analysis or the associated modeling (*see* Proposed Disputed Issue Nos. 2-6 below) such that it has the same scope as described for that issue in the hearing request(s) or comments in which it was raised.

- Where some of the hearing requests or comments by those people and/or groups/associations raised an issue with a broad scope, and others of them raised specific sub-issues of that broad issue, Vulcan has crafted one broad proposed issue that encompasses all of those sub-issues. For example, some of those hearing requests or comments raised the broad issue of whether the emissions from the Rock Crushing Plant will negatively impact the health, welfare, and/or property of the hearing requestors or other members of the public, and other hearing requests or comments raised specific sub-issues of that broader issue, such as whether the emissions from the Rock Crushing Plant will or might cause

specific types of diseases or ailments. For that example, Vulcan's proposed issue is the broad issue regarding whether the emissions from the Rock Crushing Plant will be protective of the health, welfare, and property of the public, which encompasses all specific sub-issues that were raised in other hearing requests or comments, such as whether the emissions from the Rock Crushing Plant will or might cause specific types of diseases or ailments. (*See* Proposed Disputed Issue No. 1 below).

- Vulcan's proposed list of disputed issues does not include any issue that was raised for the first time during the 30-day period following the issuance of the Executive Director's RTC during which members of the public had another opportunity to submit hearing requests. Accordingly, Vulcan's proposed list of disputed issues does not include any issues that were raised for the first time in the hearing requests submitted during the 30-day period by any of the people or groups/associations listed above. Vulcan notes that all of the issues that were raised by Dennis Seay were raised for the first time during the 30-day period, because he did not submit a hearing request or other comments during the public comment period.

The reason Vulcan is not including in its proposed list of disputed issues any issue that was raised for the first time during the 30-day period is because such issue was not raised before the end of the public comment period, i.e., before February 28, 2018, as is required by Texas Government Code § 2003.047(e-1), 30 TAC § 55.211(b)(3)(A), and 30 TAC § 50.115(c)(2). Further, in TCEQ's response to comments in its SB 709 rulemaking, it stated that "new comments cannot be made in a hearing request that is submitted in response to the Executive Director's Response to Comments . . . because the new comments would be untimely since they were submitted after the end of the public comment period". (40 Tex. Reg. 9656 (12/25/15))

With that background, Vulcan's proposed list of disputed issues is provided below. The person(s) and/or group(s)/association(s) that raised the issue, or some aspect of it, are identified in italics in parentheses at the end of each proposed disputed issue.

1. Will the emissions from the proposed Rock Crushing Plant be protective of the health, welfare, and property of members of the public? (*Milann Guckian, Pru Guckian, Kenneth Higby, Diane Higby, Pamela Seay, Renee Wilson, Friends of Dry Comal Creek, Stop 3009 Vulcan Quarry, and Smithson Valley Heritage Oaks Property Owners Association*)
2. Is the background monitoring concentration data for each pollutant that Vulcan used in its Air Quality Analysis representative of the background concentration for that pollutant in the area where the Rock Crushing Plant is proposed to be located? (*Pru Guckian, Friends of Dry Comal Creek, and Stop 3009 Vulcan Quarry*)
3. Was Vulcan also required to include in its voluntary modeling of annual emissions from roads as part of its Air Quality Analysis the annual emissions from roads that will be located at the property on which the Rock Crushing Plant is proposed to be located that are not identified on the "Road Detail-Modeling" aerial plot plan (Air Quality Analysis, p. 44) and in Appendix A, Table 4? (*Friends of Dry Comal Creek and Stop 3009 Vulcan Quarry*)
4. Did Vulcan's Air Quality Analysis adequately address cumulative impacts of the emissions from the Rock Crushing Plant and the emissions from existing sources in the area? (*Renee Wilson, Friends of Dry Comal Creek, and Stop 3009 Vulcan Quarry*)
5. Is the 0.2% crystalline silica concentration that Vulcan determined based on analysis of a sample of the aggregate material that will be processed in the Rock Crushing Plant and that Vulcan used to calculate the crystalline silica emissions that were input into the Air Quality Analysis modeling credible? (*Friends of Dry Comal Creek and Stop 3009 Vulcan Quarry*)
6. Is there any inappropriate discrepancy between either of the following as reported in Vulcan's Air Quality Analysis report and as input to the modeling associated

with the Air Quality Analysis: (i) PM₁₀ fugitives emissions rates; or (i) PM_{2.5} paved road emissions rates? (*Friends of Dry Comal Creek and Stop 3009 Vulcan Quarry*)

7. Does the Application demonstrate that the proposed PM₁₀ and PM_{2.5} emissions controls for the crushers, screens, transfer points, and stockpiles that will be associated with the Rock Crushing Plant constitute Best Available Control Technology (“BACT”), even though the Application does not specifically demonstrate that each of the following would be technically impracticable and/or economically unreasonable: (i) achieving more than 70% reduction in PM₁₀ and PM_{2.5} emissions from the crushers, screens, transfer points, and stockpiles; or (ii) a dry dust suppression system like the one used by a similar rock crushing plant in Hays County? (*Friends of Dry Comal Creek and Stop 3009 Vulcan Quarry*)
8. Does the Application demonstrate that the proposed emissions of nitrogen oxides (“NOx”) and sulfur dioxide (“SO₂”) from the engines Vulcan proposes to use at the Rock Crushing Plant will meet BACT, even though the Application does not specifically discuss whether each of the following will be technically impracticable and/or economically unreasonable: (i) the use of electric engines, or (ii) the use of controls for NOx emissions from the proposed engines? (*Friends of Dry Comal Creek and Stop 3009 Vulcan Quarry*)
9. Does Vulcan’s compliance history demonstrate the TCEQ should not issue the requested permit for the Rock Crushing Plant? (*Pru Guckian, Friends of Dry Comal Creek, and Stop 3009 Vulcan Quarry*)
10. Was it illegal for the landowners near the property on which the Rock Crushing Plant is proposed to be located to not be notified individually about the Application, in addition to being notified through the public notice process? (*Friends of Dry Comal Creek and Stop 3009 Vulcan Quarry*)

Vulcan respectfully requests that the list of disputed issues the Commission refers to SOAH be the same or similar to Vulcan’s proposed list of disputed issues above.

E. The maximum expected duration for the contested case hearing (addressing 30 TAC § 55.209(e)(7))

As required by 30 TAC § 55.209(e)(7), Vulcan believes that if the Commission grants a contested case hearing for the Application, the contested case hearing should last no less than six (6) months.

III. VULCAN'S RESPONSE TO THE REQUEST FOR RECONSIDERATION

One request for reconsideration was filed regarding the Application -- by Ms. Kyra Faught. It raised no issue that the TCEQ Executive Director did not appropriately address during its review of the Application and/or did not appropriately discuss in its RTC. For that reason, and for the specific reasons discussed below, there is no basis for the Commission to grant her request for reconsideration.

More specifically, Ms. Faught's request for reconsideration raised the following issues: (i) her concern about possible impacts of the emissions from the Plant on her son, whom she describes as a member of a "sensitive population", (ii) her concern regarding the accuracy of the air dispersion modeling that was used to demonstrate that the maximum allowable emissions from the Plant will be protective of the health of all members of the public, including those in "sensitive populations", and, as a result, whether TCEQ should require fenceline monitoring of particulate matter emissions to ensure that the Plant's emissions will be protective of "sensitive populations", and (iii) her concern about Vulcan's compliance history. In accordance with 30 TAC § 55.209(f), Vulcan addresses each of those issues below.

A. The emissions from the Plant will cause no negative impacts on Ms. Faught's son's health or the health of any other member of the public

There is no evidence supporting any concern that the emissions from the Plant will or might cause negative impacts on the health of Ms. Faught's son or any other member of the public. As discussed above, Vulcan's Air Quality Analysis demonstrates that the maximum allowable emissions rates from the Plant will not cause or contribute to any negative impact on the health or safety of any member of the public, including any sensitive member of the public,

such as Ms. Faught's son. (See, e.g., Air Quality Analysis Report, p.1) That is because the Air Quality Analysis demonstrates that the maximum allowable emissions from the Plant will not cause or contribute to any off-site exceedance of any NAAQS or applicable TCEQ ESL, and the NAAQS and applicable TCEQ ESLs have been established at levels that are protective of the health of all members of the public, even sensitive members of the public, such as Ms. Faught's son. (*Id.*)

B. There is no need for fenceline monitoring of particulate matter emissions as there are no accuracy issues regarding the air dispersion modeling results

There is no evidence supporting any concern about the accuracy of the air dispersion modeling results, and, thus, there is no need for fenceline monitoring of particulate matter emissions.

As discussed above, the TCEQ Executive Director determined that the air dispersion modeling that was conducted as part of Vulcan's Air Quality Analysis was conducted in accordance with all applicable written and oral TCEQ guidance, including TCEQ's "Air Quality Modeling Guidelines". (See, e.g., Executive Director's RTC, p. 13; Air Quality Analysis Modeling Report, pp.1 and 4) Ms. Faught's request for reconsideration provided no information, much less any evidence, that supports a different conclusion. In fact, the results of the air dispersion modeling that was conducted as part of Vulcan's Air Quality Analysis are conservative due to the many conservative assumptions and aspects associated with the modeling. (See, e.g., Air Quality Analysis Report, p. 1; Executive Director's RTC, p. 12) That conservatism resulted in the maximum off-site ground level concentrations predicted by the modeling being higher than what the actual maximum off-site ground level concentrations are expected to be upon operation of the Rock Crushing Plant. (*Id.*) Therefore, there is no evidence supporting any concern about the accuracy of the air dispersion modeling results.

In addition, there is no other basis for TCEQ to require Vulcan to install and conduct fenceline monitoring of particulate matter emissions from the Rock Crushing Plant. There is no state or federal requirement for fenceline monitoring of particulate matter emissions from individual minor sources, such as the Rock Crushing Plant. (Executive Director's RTC, p. 54) In addition, TCEQ historically has not required fenceline monitoring of particulate matter emissions from rock crushing plants, such as the Rock Crushing Plant. (Executive Director's RTC, p. 55)

C. Vulcan's compliance history rating and classification are the highest possible

There is no evidence supporting any concern about Vulcan's compliance history. While the compliance history rating and classification for the site where the Plant will be located is "Not Applicable" since the Plant has yet to be constructed, Vulcan's rating and classification as a company is "High", (Executive Director's RTC, p. 60). That means Vulcan has the highest possible compliance history classification, i.e., the best possible classification with respect to compliance with applicable environmental requirements. (30 TAC § 60.2(a)(1)) Vulcan's company rating and classification of "High" is comprehensive because it reflects all violations for all environmental media that have occurred at all sites that Vulcan owns and operates in Texas. (Executive Director's RTC, p. 60)

IV. PRAYER

For the foregoing reasons, Vulcan respectfully requests that the Commission do the following:

1. Deny all of the hearing requests regarding the Application, with the possible exception of those submitted by or on behalf of the following: Milann Guckian, Pru Guckian, Kenneth Higby, Diane Higby, Craig Johnson, Pamela Seay, Dennis Seay, Renee Wilson, Friends of Dry Comal Creek, Stop 3009 Vulcan Quarry, and Smithson Valley Heritage Oaks Property Owners Association.
2. If the Commission grants any hearing request, make the list of disputed issues it refers to SOAH the same or similar to Vulcan's proposed list of disputed issues at the end of Section II.D of this Response.
3. Deny the request for reconsideration submitted by Kyra Faught.

Respectfully Submitted,

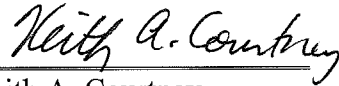
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A handwritten signature in cursive script that reads "Keith A. Courtney". The signature is written in black ink and is positioned above a horizontal line.

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CERTIFICATE OF SERVICE

I certify that a true and complete copy of the foregoing Response and attachment were served on the following parties on November 19, 2018 in the manner described below.

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New Braunfels, TX 78132-2676

Edrick Reyes
29276 FM 3009
New Braunfels, TX 78132-2614

Mrs. Corissa N. Owens
404 Eagle Rock Rd.
Spring Branch, TX 78070-5515

Annalisa Peace
Greater Edwards Aquifer Alliance
P.O. Box 15618
San Antonio, TX 78212-8818

David Perelstein
1010 Bendel Ranch Rd.
Canyon Lake, TX 78133-5931

Mr. Paul Petrino
2314 Occidente
New Braunfels, TX 78132-1886

Debra Phelps
5451 Meadow Lark Dr.
Bulverde, TX 78163-2317

Shawwna Poor
31403 Sunlight Dr.
Bulverde, TX 78163-2787

Mr. William Kyle Pringle
1200 Crest Hvn.
Bulverde, TX 78163-2820

Jason M. Rammel
17080 Highway 46 W, Ste. 108B
Spring Branch, TX 78070-7104

Deborah Reid
Greater Edwards Aquifer Alliance
702 Sumner Dr.
San Antonio, TX 78209-4953

Connie Reyes
29276 FM 3009
New Braunfels, TX 78132-2614

Eugene Reyes
29276 FM 3009
New Braunfels, TX 78132-2614

Teresa Rogers
428 Redland Dr.
Spring Branch, TX 78070-6047

Mrs. Jakki M. Saul
251 S. Fork
Bulverde, TX 78163-2862

Anderson M. Schule
31215 Beck Rd.
Bulverde, TX 78163-3915

Mr. Jarrette D. Schule
1974
31215 Beck Rd.
Bulverde, TX 78163-3915

Arthur Seago
233 Copper Rim
Spring Branch, TX 78070-6022

Julie M. Seay
9602 Monmouth Cir
Austin, TX 78753-4643

Travis J Seay
6712 Vine St.
Austin, TX 78757-2309

Grace Shaer
30284 Cloud View Dr.
Bulverde, TX 78163-4029

Robbi Elaine Shipley
10502 Tandom Ct.
San Antonio, TX 78217-3946

Gregory Snider
300 Homestead Rdg
New Braunfels, TX 78132-1641

Wilbert D. Spaeth
1944
9510 FM 1863

Lindsey Saathoff
26330 Rockwall Pkwy.
New Braunfels, TX 78132-2786

Vallye Sawyer
3704 Whitefield Sq.
Schertz, TX 78154-2913

Cade H. Schule
31215 Beck Rd.
Bulverde, TX 78163-3915

Mrs. Lauri R. Schule
31215 Beck Rd.
Bulverde, TX 78163-3915

Dennis W. Seay
580 Seay Ln.
New Braunfels, TX 78132-2612

Ms. Pamela Seay
580 Seay Ln.
New Braunfels, TX 78132-2612

Elias H Shaer
30284 Cloud View Dr.
Bulverde, TX 78163-4029

Rick Shimon
P.O Box 17851
San Antonio, TX 78217-0851

Mr. Howard Shipman
8231 Foxcross Dr
Spring Branch, TX 78070-6433

Margie E. Spaeth
1944
9510 FM 1863
San Antonio, TX 78266-2663

Dr. James V. Spickard
30545 Bridlegate Dr.
Bulverde, TX 78163-4164

San Antonio, TX 78266-2663

Mike B. Stemig
1357 Capitare
New Braunfels, TX 78132-0002

Trudy Striegel
6027 Keller Rdg.
New Braunfels, TX 78132-3901

Laura Terrell
176 Dry Bear Crk.
New Braunfels, TX 78132-1665

Jeff R. Thomas
1128 Provence Pl.
New Braunfels, TX 78132-2770

Mary & R. Trujillo
5748 Palisades Vw.
New Braunfels, TX 78132-3910

Tina Tsui
1273 Via Principale
New Braunfels, TX 78132-2604

Millie Vonstultz
4224 Richmond Ave.
Spring Branch, TX 78070-6425

Mrs. Francesca W. Watson
7264 Circle Oak Dr.
Bulverde, TX 78163-2433

Mrs. Deborah S. Zimmerman
29256 FM 3009
New Braunfels, TX 78132-2614

Cap. Michael J. Zimmerman
29256 FM 3009
New Braunfels, TX 78132-2614

Sandra Zimmerman
450 Shearer Rd.
Bulverde, TX 78163-2822

Nova Stephenson
309 N. Pleasant Valley Dr.
Boerne, TX 78006-5772

Connie Terao
2241 Appellation
New Braunfels, TX 78132-2774

Stephen Terrell
176 Dry Bear Crk.
New Braunfels, TX 78132-1665

Carl Thompson
1026 Stradina
New Braunfels, TX 78132-2778

Amanda Trussell
539 Solms Frst.
New Braunfels, TX 78132-3424

Dragos & Mariana Ungurean
1231 Porto Pt.
New Braunfels, TX 78132-2687

Sylvia Walker
450 Shearer Rd.
Bulverde, TX 78163-2822

Renee Wilson
160 Seay Ln.
New Braunfels, TX 78132-2612

Doug Wayne Zimmerman
890 Shearer Rd.
Bulverde, TX 78163-2932

Sandra Dee Zimmerman
890 Shearer Rd.
Bulverde, TX 78163-2932

Steve Wayne Zimmerman
450 Shearer Rd.
Bulverde, TX 78163-2822

Benton P. Zwart
309 Copper Tree.
New Braunfels, TX 78132-3914

Kathryn Ann Zwart
309 Copper Tree.
New Braunfels, TX 78132-3914

Keith A. Courtney
Keith A. Courtney

ATTACHMENT 1

TCEQ Docket No. 2018-1303-AIR

APPLICATION BY	§	BEFORE THE TEXAS
VULCAN CONSTRUCTION MATERIALS, LLC	§	COMMISSION ON
FOR PERMIT NO. 147392L001	§	ENVIRONMENTAL
	§	QUALITY
	§	

AFFIDAVIT OF CURT G. CAMPBELL, P.E.

STATE OF TEXAS
COUNTY OF KENDALL

BEFORE ME, the undersigned notary public, on this day personally appeared Curt G. Campbell, P.E., who known to me to be the person whose name is subscribed below, and who after being duly sworn by me, did upon his oath, state and depose as follows:

1. My name is Curt G. Campbell, P.E. I am over 21 years of age, am of sound mind, and am fully competent to make this affidavit. Each and every statement contained in this affidavit is based upon my personal knowledge, and each and every statement is true and correct.
2. I am the Vice President - Engineering & Natural Resources for Westward Environmental Inc. ("Westward"). I am a licensed Professional Engineering in the State of Texas. I have about 15 years of professional experience using mapping programs and Graphic Information Systems ("GIS") to prepare maps for various projects. That experience has included me regularly utilizing, and overseeing the use of, mapping programs and GIS to prepare maps that show the locations of proposed process equipment covered by permit applications and the addresses/locations of people who have raised issues regarding those applications.
3. ESRI ARC-MAP 10.6 was used under my direct supervision and oversight to locate (i) the proposed location of the rock crushing plant ("Plant") that is covered by the application for Permit No. 147392L001 ("Application"), based on the GPS coordinates of the Plant as represented in the Application, (ii) a circle with a one (1) mile radius around the proposed location of the Plant, and (iii) the residence of each person who filed a contested case hearing request regarding the Application or who is an identified member of a group or association who filed a hearing request (each such person is referred to herein as a "hearing requestor"). ESRI World Imagery was used as the base map in that effort. To locate the residence of each hearing requestor, the address lookup tool within ESRI ARC-MAP 10.6 was used to locate the address that is listed for that hearing requestor on the mailing

list that was attached to the Texas Commission on Environmental Quality (“TCEQ”) Chief Clerk’s November 7, 2018 letter stating that the Application and all timely filed hearing requests will be considered by the TCEQ commissioners at their December 12, 2018 meeting. Then, I conducted a visual review of the area around that location on the ESRI World Imagery base map to determine the location of the residence, where the residence was visible. Where the residence was not visible on the ESRI World Imagery base map (e.g., due to trees), its location was determined using updated imagery from Google Earth and the Comal County Appraisal District’s online database and mapping tools. I verified that all of the work described in this paragraph that I did not personally conduct was conducted properly.

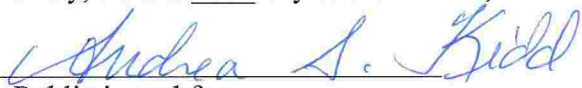
Exhibit A to this affidavit contains a map that was prepared under my direct supervision and oversight, and was verified by me for accuracy. It shows (i) the proposed location of the Plant -- represented on the map by a red dot, (ii) a circle with a one (1) mile radius around the proposed location of the Plant -- highlighted on the map in yellow, and (iii) the residences of the hearing requestors that are located close enough to the proposed location of the Plant to be plotted on that map -- which are represented on the map by blue dots and corresponding numbers. Exhibit A also contains a table of the names of those hearing requestors, their addresses, and the numbers that correspond to the blue dots that show the locations of their residences on the map. Further, Exhibit A also contains a table of the names and addresses of those hearing requestors whose addresses are located too far away from the proposed location of the Plant to be plotted on the map in Exhibit A.

4. Exhibit B contains a map that was prepared under my direct supervision and oversight, and was verified by me for accuracy, and shows (i) the proposed location of the Plant -- represented on the map by a red dot, (ii) a circle with a one (1) mile radius around it -- highlighted on the map in yellow, (iii) the City of Bulverde’s and the City of New Braunfels’ city limits and extraterritorial jurisdiction (“ETJ”) boundaries -- represented on the map by cross-hatching and blue shading, respectively, and (iv) the locations of the two Comal County ISD schools and one potential Comal County ISD school referenced in the hearing request that was filed on behalf of Comal ISD -- represented on the map by dark pink triangles. The ESRI Open Street Map was used as the base map in the preparation of this map. The proposed location of the Plant and the one (1) mile radius circle around it were located using the same technique as was used for the map in Exhibit A. The city limits and ETJ boundaries for the City of Bulverde and the City of New Braunfels were obtained from Comal County in the GIS Shapefile format, and then imported to the map using ESRI ARC-MAP 10.6. I obtained the addresses of the two Comal County ISD schools (Smithson Valley Middle School and Smithson Valley High School) and the GPS coordinates of the potential Comal County ISD elementary school from the Comal ISD hearing request, and the schools’ addresses and GPS coordinates were located on the map using ESRI ARC-MAP 10.6.

Further, affiant sayeth not.


Curt G. Campbell, P.E.

Sworn to and signed before me, the undersigned authority, on this 13 day of November, 2018.


Notary Public in and for
The State of Texas

My Commission Expires: 11-6-19
Commission No. 12631464-7

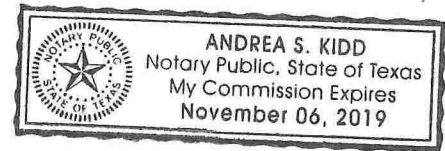


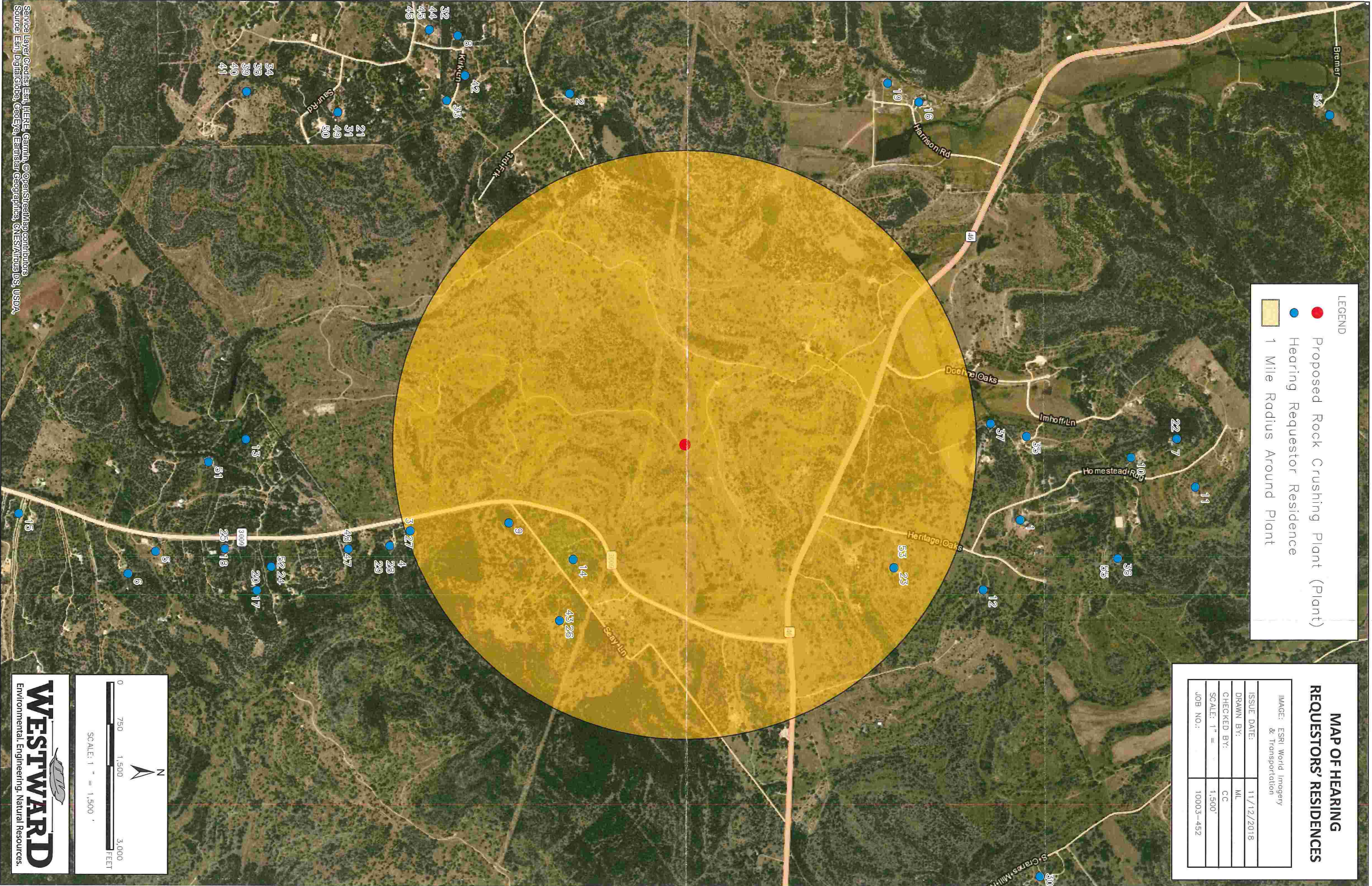
EXHIBIT A

LEGEND

- Proposed Rock Crushing Plant (Plant)
- Hearing Requestor Residence
- 1 Mile Radius Around Plant

MAP OF HEARING
REQUESTORS' RESIDENCES

IMAGE: ESRI World Imagery & Transportation	
ISSUE DATE:	11/12/2018
DRAWN BY:	ML
CHECKED BY:	CC
SCALE: 1" =	1,500'
JOB NO.:	10003-452



Hearing Requestors Plotted on the Map

Map ID	Hearing Requestor	Address Provided by Hearing Requestor
1	Snider, Gregory	300 Homestead Rdg New Braunfels, Tx, 78132 -1641
2	Bell, Devin	2323 Shearer Rd Bulverde, Tx, 78163 -2837
3	Guckian, Milann	30954 Fm 3009 New Braunfels, Tx, 78132 -2931
4	James, Liz M	30838 Fm 3009 New Braunfels, Tx, 78132 -2649
5	Farrar, Deborah	29924 Fm 3009 New Braunfels, Tx, 78132 -2637
6	Coley, Herbert A	29800 Fm 3009 New Braunfels, Tx, 78132 -2639
7	Grun, Debbie Sabins	1041 Homestead Rdg New Braunfels, Tx, 78132 -1652
8	Burton, Billy Wayne	297 Kirk Ln Bulverde, Tx, 78163 -3914
9	Wilson, Renee	160 Seay Ln New Braunfels, Tx, 78132 -2612
10	Cobb, William B	909 Homestead Rdg New Braunfels, Tx, 78132 -1637
11	Laroe, Daniel J	922 Homestead Rdg New Braunfels, Tx, 78132 -1644
12	Martin, Elizabeth	290 Heritage Oaks New Braunfels, Tx, 78132 -1650
13	Hopmann, Chris M	30323 Fm 3009 New Braunfels, Tx, 78132 -2633
14	Johnson, Craig	31450 Fm 3009 New Braunfels, Tx, 78132 -2648
15	Quisenberry, Laura Allen	29486 Fm 3009 New Braunfels, Tx, 78132 -2635
16	Harrison, Douglas	1000 Harrison Rd New Braunfels, Tx, 78132 -1671
17	Drake, James Kevin	30380 Fm 3009 New Braunfels, Tx, 78132 -2630
18	Nebergall, Robert Francis	30268 Fm 3009 New Braunfels, Tx, 78132 -2630
19	Polasek, Lori	820 Harrison Rd New Braunfels, Tx, 78132 -1669
20	Drake, Michele M	30380 Fm 3009 New Braunfels, Tx, 78132 -2630
21	Olson, Nathan	245 Saur Rd Bulverde, Tx, 78163 -3909
22	Grun, Edward A	1041 Homestead Rdg New Braunfels, Tx, 78132 -1652
23	Higby, Kenneth	292 Heritage Oaks New Braunfels, Tx, 78132 -1650
24	Gerdes, Charles David	30422 Fm 3009 New Braunfels, Tx, 78132 -2630
25	Nebergall, Mary Jean	30268 Fm 3009 New Braunfels, Tx, 78132 -2630
26	Seay, Pamela	580 Seay Ln New Braunfels, Tx, 78132 -2612
27	Guckian, Pru	30954 Fm 3009 New Braunfels, Tx, 78132 -2931
28	Cox, Becky L	30838 Fm 3009 New Braunfels, Tx, 78132 -2649
29	Hartmann, Ruby	30838 Fm 3009 New Braunfels, Tx, 78132 -2649
30	McClellan, Ellen	2282 S Cranes Mill Rd New Braunfels, Tx, 78132 -1604
31	Olson, Kira	245 Saur Rd Bulverde, Tx, 78163 -3909
32	Schule, Lauri	31215 Beck Rd Bulverde, Tx, 78163 -3915
33	Hibler, Prentis Otis	360 Kirk Lane Bulverde, TX 78163-3919
34	Olson, Terry	414 Saur Road, Bulverde, TX 78163-3913
35	Bell, Michael Anthony	1120 Imhoff Lane New Braunfels, TX, 78132
36	Martin, Ted Michael	900 Heritage Oaks New Braunfels, TX 78132-1667
37	Bigbee, Elaine & Ron	10900 Highway 46 W, New Braunfels, TX 78132-1612
38	Olson, Michael L.	414 Saur Road, Bulverde, TX 78163-3913
39	Frisch, Ora Lee	414 Saur Road, Bulverde, TX 78163-3913
40	Olson, Peri	414 Saur Road, Bulverde, TX 78163-3913
41	Jaroszewski, Kendall	414 Saur Road, Bulverde, TX 78163-3913
42	Faught, Kyra N.	315 Kirk Lane, Bulverde, TX 78163-3919
43	Seay, Dennis	580 Seay Lane New Braunfels, TX 78132-2612
44	Schule, Cade H	31215 Beck Road Bulverde, TX 78163-3915

Hearing Requestors Plotted on the Map

Map ID	Hearing Requestor	Address Provided by Hearing Requestor
45	Schule, Anderson M.	31215 Beck Road Bulverde, TX 78163-3915
46	Schule, Jarrette D.	31215 Beck Road Bulverde, TX 78163-3915
47	Hammack, Kathryn L.	30700 FM 3009, New Braunfels, TX 78132-2630
48	Hammack, Alan M.	30700 FM 3009, New Braunfels, TX 78132-2630
49	Olson, Kennedy	245 Saur Road, Bulverde, TX 78163-3909
50	Olson, Karis	245 Saur Road, Bulverde, TX 78163-3909
51	Cannon, Windell	30045 FM 3009, New Braunfels, TX 78132-2600
52	Gerdes, Shirley	30422 FM 3009, New Braunfels, TX 78132-2630
53	Higby, Diane P.	292 Heritage Oaks New Braunfels, Tx, 78132 -1650
54	Bremer,Dawson	485 Bremer New Braunfels, Tx, 78132 -1602
55	Martin, Elizabeth	900 Hertage Oaks, New Braunfels TX 78132-1667

Hearing Requestors Not Plotted on the Map

Hearing Requestor	Address Provided by Hearing Requestor
Cawley, Mason	3552 Comal Spgs Canyon Lake, Tx, 78133 -6059
Brown, Kelly	2902 Briarcroft Street, San Antonio, TX 78217-3801
Shipman, Howard	8231 Foxcross, Spring Branch, TX, 78070 -6433
Trussell, Amanda	539 Solms Frst New Braunfels, Tx, 78132 -3424
Howe, Jeanne	30722 Onion Crk Bulverde, Tx, 78163 -2723
Mathews, Terressa	1168 Provence Place, New Braunfels, TX 78132-2770
Corkill, Shirley	1436 Palermo New Braunfels, Tx, 78132
Fletcher, David N	1847 Rush Creek, Canyon Lake, TX 78133-5992
Black, Kathryn A	26530 Forest Link New Braunfels, Tx, 78132 -4663
Vonstulz, Milie	4224 Richmond Avenue, Spring Branch, TX 78070-6425
Brzozowski, Kristine	544 Copper Rim Bulverde, Tx, 78070 -6017
Shaer, Elias H.	30284 Cloud View Drive, Bullverde, TX 78163-4029
Seago, Arthur	233 Copper Rim Spring Branch, Tx, 78070 -6022
Shaer, Grace	30284 Cloud View Drive, Bullverde, TX 78163-4029
Poor, Shawwna	31403 Sunlight Dr Bulverde, Tx, 78163 -2787
Maurer, Michael L	16129 Sh 46 Spring Branch, Tx, 78070
Mohr, Linda Holley	6013 Cornwall Drive, Spring Branch, TX 78070-7222
Brunson, Barbara	1515 Imbuto New Braunfels, Tx, 78132 -2696
Cason, Russel Rembert	9040 Ozark Terrace, Garden Ridge, TX 78266-2656
Watson, Francesca W	7264 Circle Oak Dr Bulverde, Tx, 78163 -2433
Harris, Rhonda	1625 Angolo, New Braunfels, TX 78132-2782
Rogers, Teresa	428 Redland Dr Spring Branch, Tx, 78070 -6047
Ungurean, Dragos and Mariana	1231 Porto Point, New Braunfels, TX 78132-2687
Mabee, Roger Phelps	518 Cantera Rdg New Braunfels, Tx, 78132 -3948
Chapman, Yvonne L	30809 Sunlight Dr Bulverde, Tx, 78163 -2772
Stemig, Mike B	1357 Capitare, New Braunfels, TX 78132-0002
Hermann, Eric	249 Rogers Rd Spring Branch, Tx, 78070 -5909
Everingham, Linda	601 Pfeiffer Road, Bulverde, TX 78163-4022
Halsell, Susan	454 Bentwood Dr Spring Branch, Tx, 78070 -6039
Bullock, David	190 Travis Pt Bulverde, Tx, 78163 -3474
Terrell, Stephen	176 Dry Bear Creek, New Braunfels, TX 78132-1665
Ellison, Thomas Banon	2559 Comal Spgs Canyon Lake, Tx, 78133 -6081
Terrell, Laura	176 Dry Bear Creek, New Braunfels, TX 78132-1665
Ellison, Kim	2559 Comal Spgs Canyon Lake, Tx, 78133 -6081
MacDonald, Kevin	176 Dry Bear Creek, New Braunfels, TX 78132-1665
Harris, Denise L	1670 S Cranes Mill Rd New Braunfels, Tx, 78132 -1651
Olivier, Jack	1509 Cabernet, New Braunfels, TX 78132-2768
Carvajal, Hugo	2471 John Charles Rd Bulverde, Tx, 78163 -1897
Mauthe, Carrie	1443 Brand Rd Bulverde, Tx, 78163 -3469
Thompson, Carl	1026 Stradina New Braunfels, Tx, 78132 -2778
Murphy, Bruce P	311 Lookout Rdg New Braunfels, Tx, 78132 -3894
Murphy, Grace	311 Lookout Rdg New Braunfels, Tx, 78132 -3894
Bryant, Katy	8701 Perrin Beitel Rd San Antonio, Tx, 78217 -4820
Burbank, Julie	634 River Way, Spring Branch, TX 78070-5969

Hearing Requestors Not Plotted on the Map

Hearing Requestor	Address Provided by Hearing Requestor
Krup, Mike	3012 Comal Spgs Canyon Lake, Tx, 78133 -6061
Jenkins, Mary Lou	795 Persimmon Hl Bulverde, Tx, 78163 -5006
Beward, Nancy Ann	1175 Diretto Dr New Braunfels, Tx, 78132 -2739
Laster, Melissa	1121 Right Fork Bulverde, TX 78163-2815
Beward, Larry	1175 Diretto Dr New Braunfels, Tx, 78132 -2739
Seay, Julie	9602 Monmouth Circle Austin, TX 78753-4643
Seay, Travis	6712 Vine Street, Austin, TX 78757-2309
Hall, Terri Lynn	5002 Cornwall Dr Spring Branch, Tx, 78070 -7229
Peace, Annalisa	1809 Blanco Rd San Antonio, Tx, 78212
Thomas, Jeff R	1128 Provence Pl New Braunfels, Tx, 78132 -2770
Medeiros, Dawn	2063 Italia New Braunfels, Tx, 78132 -4446
Anzalotta, Adrah Lea	130 Little Round Top, Bulverde, TX 78163-3431
Harris, Edward	1670 S Cranes Mill Rd New Braunfels, Tx, 78132 -1651
Zwart, Benton P.	309 Copper Trace, New Braunfels, TX 78132-3914
Petty, Stephen	5737 Comal Vista, New Braunfels, TX 78132-4457
Everingham, Don	601 Pfeiffer Rd Bulverde, Tx, 78163 -4022
Hawk, Veronica	615 Shepherds Ranch. Bulverde, TX 78163-3442
Armstrong, Gary B	30474 Cloud View Dr Bulverde, Tx, 78163 -4006
Deyle, Brigitte	218 Dry Bear Creek, New Braunfels, TX 78132-1633
Phelps, Debra	5451 Meadow Lark Dr Bulverde, Tx, 78163 -2317
Spickard, James V.	30545 Bridlegate Drive, Bulverde, TX 78163-4164
Brysch, Alyssa D	526 Cantera Rdg New Braunfels, Tx, 78132 -3948
Zimmerman, Sandra	450 Shearer Rd Bulverde, Tx, 78163 -2822
Shimon, Rick	PO Box 17851, San Antonio, TX 78217-0851
Walker, Sylvia	450 Shearer Rd Bulverde, Tx, 78163 -2822
Foster, Deborah	600 Shearer Rd Bulverde, Tx, 78163 -2824
Zimmerman, Doug Wayne	890 Shearer Rd Bulverde, Tx, 78163 -2932
Chaney, Thomas Martin	1135 Sapling Spring, New Braunfels, TX 78132-2676
Zimmerman, Sandra Dee	890 Shearer Rd Bulverde, Tx, 78163 -2932
Haag, Scott	150 N Seguin Ave New Braunfels, Tx, 78130 -5146
Laster, Paul	2319 Echoing Oak, New Braunfels, TX 78132-3660
Zimmerman, Deborah S	29256 Fm 3009 New Braunfels, Tx, 78132 -2614
Glover, Bruce R.	2230 Meritage, New Braunfels, TX 78132-3943
Correa, Ayden Shane	1317 Bordeaux Ln New Braunfels, Tx, 78132 -2681
Glover, Carol N.	2230 Meritage, New Braunfels, TX 78132-3943
Chew, James Albert	1022 Blend Way New Braunfels, Tx, 78132 -2698
Shipley, Robbie	10502 Tandom Court, San Antonio, TX 78217-3946
Dunlap, Susan L	462 San Marcos Trl New Braunfels, Tx, 78132 -1653
Greeneaux, Thomas P	462 San Marcos Trl New Braunfels, Tx, 78132 -1653
Banse, Kathleen	1251 Ridge Creek Ln Bulverde, Tx, 78163 -2924
Leonard, Byron L	110 Key Rd New Braunfels, Tx, 78132 -1660
Dell, Donna H. Gibson	13037 Overlook Pass, Roswell, GA 30075-6478
Pringle, William Kyle	1200 Crest Hvn Bulverde, Tx, 78163 -2820
McSweeney, Robert	29276 FM 3009, New Braunfels, TX 78132-2614

Hearing Requestors Not Plotted on the Map

Hearing Requestor	Address Provided by Hearing Requestor
McSweeney, Debra	29276 FM 3009, New Braunfels, TX 78132-2614
Reyes, Connie	29276 FM 3009, New Braunfels, TX 78132-2614
Reyes, Edrick	29276 FM 3009, New Braunfels, TX 78132-2614
Reyes, Eugene	29276 FM 3009, New Braunfels, TX 78132-2614
Zwart, Kathryn Ann	309 Copper Trace, New Braunfels, TX 78132-3914
Sawyer, Vallye	3704 Whitefield Sq Schertz, Tx, 78154 -2913
Keady, Richard	1244 Merlot, New Braunfels, TX 78132-3941
Abolafia-Rosenzweig, Betty	112 Fork Creek, Canyon Lake, TX 78133
Harrison, Matthew	2371 Oak Pebble New Braunfels, Tx, 78132 -3817
Abolafia-Rosenzweig, Mark	112 Fork Creek, Canyon Lake, TX 78133
Miller, Balous	430 S Santa Rosa Ave San Antonio, Tx, 78207 -4551
McGuire, Meredith Anne	30545 Bridlegate Drive, Bulverde, TX 78163-4164
Zimmerman, Michael J	29256 Fm 3009 New Braunfels, Tx, 78132 -2614
Edwards, D Lee	311 Hunters Creek Dr New Braunfels, Tx, 78132 -4704
Chapman, Lynn	225 Crown Rdg New Braunfels, Tx, 78132 -3807
Given, Cece	12526 Elm Manor St San Antonio, Tx, 78230 -2757
Clark, Wes	4444 W State Highway 46 New Braunfels, Tx, 78132 -3751
Norris, Wendy	10411 Felsblock Ln New Braunfels, Tx, 78132 -4317
Granato, Debbie L	2141 Appellation New Braunfels, Tx, 78132 -2773
Granato, David Lee	2141 Appellation New Braunfels, Tx, 78132 -2773
Tsui, Tina	1273 Via Principale New Braunfels, Tx, 78132 -2604
Pence, Patrick E	17 Preston Wood New Braunfels, Tx, 78132 -3858
Albright, Karen	28050 Sierra Dr New Braunfels, Tx, 78132 -2659
Ecks, Robin	1194 Magnum New Braunfels, Tx, 78132 -2925
Laubach, Clint	639 Herbelin Rd New Braunfels, Tx, 78132 -1837
Amaya, Hector Houser-Amaya, Sabrina	1659 W State Highway 46 Ste 115 New Braunfels, Tx, 78132 -4745
Terao, Connie	2241 Appellation New Braunfels, Tx, 78132 -2774
Callihan, Teri	516 Solms Frst New Braunfels, Tx, 78132 -3424
Ellis, Dillon	26495 Natural Bridge Caverns Rd San Antonio, Tx, 78266 -2671
Eccleston, Donna	150 N Seguin Ave New Braunfels, Tx, 78130 -5146
Perelstein, David	1010 Bendel Ranch Rd Canyon Lake, Tx, 78133 -5931
Rammell, Phelon Tyler	30704 Horseshoe Path Bulverde, Tx, 78163 -2339
Maciula, Madeleine	2783 River Way Spring Branch, Tx, 78070 -6013
Mather, Brian	1328 Piedmont New Braunfels, Tx, 78132 -1861
Browning, Ginger	28743 Sierra Dr New Braunfels, Tx, 78132 -2627
Drewa, David A	21406 Encino Lookout San Antonio, Tx, 78259 -2656
Drewa, Tiffany	21406 Encino Lookout San Antonio, Tx, 78259 -2656
Hannemann, Grace	5323 Eagle Claw Dr Bulverde, Tx, 78163 -2241
Harvey, Sally	2243 Meritage New Braunfels, Tx, 78132 -3943
Aristeguieta, Rick D	27115 Park Loop Rd New Braunfels, Tx, 78132 -2650
Owens, Corissa	404 Eagle Rock Rd Spring Branch, Tx, 78070 -5515
Hall, Duane R	1206 Hidden Cave Dr New Braunfels, Tx, 78132 -2148
Magers, Christine M	931 Cypress Pass Rd Spring Branch, Tx, 78070 -5510
Graham, Terry L	714 Loma Doble Spring Branch, Tx, 78070 -6065

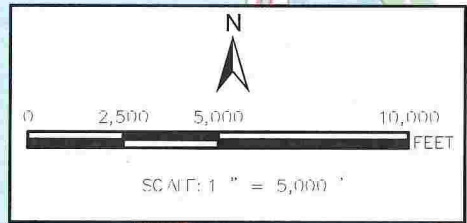
Hearing Requestors Not Plotted on the Map

Hearing Requestor	Address Provided by Hearing Requestor
Ohlrich,Deborah K	160 Elm Creek Rd New Braunfels, Tx, 78132 -3006
Beshore,Katherine	1015 Twin Deer Ln Canyon Lake, Tx, 78133 -4177
Saul,Jakki M	251 S Fork Bulverde, Tx, 78163 -2862
Nott,Sandy L	143 Dry Bear Crk New Braunfels, Tx, 78132 -1665
Nott,Teresa	143 Dry Bear Crk New Braunfels, Tx, 78132 -1665
Johnson,Kendra	2415 Black Bear Dr New Braunfels, Tx, 78132 -4332
Brand,Troy Calvin	1980 S Cranes Mill Rd New Braunfels, Tx, 78132 -1630
Baugh,Ali	5212 Honeysuckle Br Bulverde, Tx, 78163 -2274
Petrino,Paul	2314 Occidente New Braunfels, Tx, 78132
Cunningham,Joel	6408 Circle Oak Dr Bulverde, Tx, 78163 -2332
Kean,Kilian	5676 Copper Crk New Braunfels, Tx, 78132 -3921
Croom,Catherine	30412 Heimer Cv Bulverde, Tx, 78163 -4594
Defelice,Rocco	1456 Decanter Dr New Braunfels, Tx, 78132 -2690
Peters,Wayne	550 Landa St New Braunfels, Tx, 78130 -6110
Casteel,Barron	550 Landa St New Braunfels, Tx, 78130 -6110
Paveglio,Cole	27422 Parkweg Loop New Braunfels, Tx, 78132 -2643
Hall,Jacey	5002 Cornwall Dr Spring Branch, Tx, 78070 -7229
Mays,Sheryl Lynn	1953 Pinotage New Braunfels, Tx, 78132 -1857
Martinez,Maureen A	324 Ibis Falls Dr New Braunfels, Tx, 78130 -7238
Meneilly,Daniel	1321 Piedmont New Braunfels, Tx, 78132 -1861
Geiger,Nicole M	2631 Melbourne Ave New Braunfels, Tx, 78132 -4458
Baker,Gary	3223 Single Peak San Antonio, Tx, 78261 -1818
Carrillo,Robert	111 Marlena Dr San Antonio, Tx, 78213 -2856
Dophied,Teresa	1265 Paladin Trl Spring Branch, Tx, 78070 -4977
Izzat,Steven	18225 Fm 2252 San Antonio, Tx, 78266 -2717
Izzat,Sarah Kassiss	18225 Fm 2252 San Antonio, Tx, 78266 -2717
Gilpin,Cheryl Allen	964 Stonewall St New Braunfels, Tx, 78130 -5840
Posey,Johanna	120 Deveraux Canyon Lake, Tx, 78133 -6205
Reid,Deborah	702 Sumner Dr San Antonio, Tx, 78209 -4953
Hall,Mckenna	5002 Cornwall Dr Spring Branch, Tx, 78070 -7229
Hall,Nathanael	5002 Cornwall Dr Spring Branch, Tx, 78070 -7229
Gonzalez,Andrea M	2736 Heynis N New Braunfels, Tx, 78130 -6407
Barr,Clifford G	2025 Appellation New Braunfels, Tx, 78132 -2772
Saathoff,Lindsey	26330 Rockwall Pkwy New Braunfels, Tx, 78132 -2786
Mcvicker,Hilary	3241 Hawthorne Spring Branch, Tx, 78070 -6424
Morse,Gloria	292 San Marcos Trl New Braunfels, Tx, 78132 -1664
Hall,Jaclyn	5002 Cornwall Dr Spring Branch, Tx, 78070 -7229
Trujillo,Mary Trujillo,R	5748 Palisades Vw New Braunfels, Tx, 78132 -3910
Maurer,Roseann	16901 Highway 46 W Spring Branch, Tx, 78070 -7088
Striegel,Trudy	6027 Keller Rdg New Braunfels, Tx, 78132
Alonzo,Melissa	1814 Mountain Spgs Canyon Lake, Tx, 78133 -2360
Stephenson,Nova	309 N Pleasant Valley Dr Boerne, Tx, 78006 -5772
Azzaro,Lauri Sue	1692 Rebecca Ranch Rd Canyon Lake, Tx, 78133 -6092
Azzaro,Sean Vincent	1692 Rebecca Ranch Rd Canyon Lake, Tx, 78133 -6092

Hearing Requestors Not Plotted on the Map

Hearing Requestor	Address Provided by Hearing Requestor
Broth, Harold	5820 Keller Rdg New Braunfels, Tx, 78132 -3902
Newman, Linda Sue	1684 Rebecca Ranch Rd Canyon Lake, Tx, 78133 -6092
Spaeth, Wilbert D	9510 Fm 1863 San Antonio, Tx, 78266 -2663
Newman, Butch	1684 Rebecca Ranch Rd Canyon Lake, Tx, 78133 -6092
Spaeth, Margie E	9510 Fm 1863 San Antonio, Tx, 78266 -2663
Heikes, Lynda L	5505 Sh 46W New Braunfels, Tx, 78132
Mayfield, William	26771 Cynthia Dr Garden Ridge, Tx, 78266 -2635
Middlecamp, Steve	5751 High Forest Dr New Braunfels, Tx, 78132 -3920
Mayfield, Rachel	26771 Cynthia Dr Garden Ridge, Tx, 78266 -2635
Correa, Belinda	1317 Bordeaux Ln Apt 2005, New Braunfels, Tx, 78132 -2681
Remey, Robert	1159 Sapling Spg, New Braunfels, Tx, 78132 -2676
Zimmerman, Steve Wayne	450 Shearer Rd, Bulverde, Tx, 78163 -2822
Amaya, Sabrina	8 Ohio Street, New Braunfels, TX 78130-8106
Banase, Kathleen	33200 U.S. Highway 281 N., Bulverde, TX 78163-3125

EXHIBIT B



LEGEND

- School Location
- Proposed Rock Crushing Plant (Plant)
- 1 Mile Radius Around Plant
- City Limits
- ETJ Limits

MAP OF CITIES AND SCHOOL DISTRICT HEARING REQUESTORS

IMAGE: ESRI Open Street Basemap	
ISSUE DATE:	11/12/2018
DRAWN BY:	MI
CHECKED BY:	CC
SCALE: 1" =	5,000'
JOB NO.:	10003-452

