

# Request for Contested Case Hearing and Affected Person Status

**Requestor's Name:** *(recommend that each adult in household complete their own request and cite different issues)*

**Address, City, State, Zip of property:**

**Daytime phone number:**

**Applicant's Name and Permit Number:**

**Vulcan Construction Materials LLC**

**Permit Number 147392L001**

I, \_\_\_\_\_ <insert name> \_\_\_\_\_, hereby request a contested case hearing regarding the Vulcan Construction Materials LLC air permit No. 147392L001 and to be named an affected person for the issues noted below.

<Insert Map, if you wish>

Show your location, via distance markers, to the crusher and fence line. See attached instructions <https://www.stop3009vulcanquarry.com/wp-content/uploads/2018/08/measuring-distance.pdf>

**Location of the Requestor's Affected Property (i.e. home, business, or property)** *(You can use map as above and be sure to address the distance of your property from the crusher and nearest fence line.)*

**Provide a detailed description of how Requestor(s) would be adversely affected by the proposed facility or activity in a manner not common to the public. Be sure to describe the impact(s) of this regulated activity and its nuisance factors\* will have on the health and safety of the Requestor(s), quality of life, potential economic impact (if applicable), and how the use of property will be affected.** *(list 2, 3 or as many personal and individualized issues that are not germane to the public. If you do not remember your comments, or wish to see other comments, go to <http://www14.tceq.texas.gov/epic/eCID/index.cfm> - see instructions posted on website Also see this study: <https://pubs.usgs.gov/of/2001/ofr-01-0484/ofr-01-0484so.pdf> )*

**Provide a detailed description of how the Requestor(s) will be impacted by the regulated activity on use of the natural resource(s) also used by the Requestor(s)** *(i.e. Aquifers – water quality and availability, flooding, flora, fauna, caves, increased sink holes)*

**List of all relevant and material disputed issues of fact, or questions of fact and law, that were raised during the public comment period and that are the basis of the hearing request.** *(directly identify the 'Response # that is cited in the Response to Comments (RTC) that you wish dispute. Whatever regs/laws they state in the Response, look them up, and figure out how to counter them. Here are some links related facts of law,*

- [Texas Health and Safety Code: Texas Clean Air – Chapter 382](#)
- [Texas Surface Water Quality Standards](#)

\* Under Texas law, **nuisance** is a “condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities attempting to use and enjoy.”  
<https://agrilife.org/texasaglaw/2016/06/27/texas-supreme-court-addresses-nuisance-law/>

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## Instructions for Completing Contested Case Hearing and Affected Party Status Template

We have provided the above template for citizens to ensure that all necessary requirements by the TCEQ are included and ensure your best opportunity to be granted a Contested Case Hearing and to be named an Affected Party\*.

We strongly recommend that you follow this template exactly as written, and everything in **BOLD** be maintained and 'no changes' be made.

Prior to sending in your CCH/AP, those items in in "*Italics*" you can remove. These are 'notes' to assist you.

\*NOTE: The TCEQ Commissioners and/or SOAH judge are the final decision makers as to who will be named an 'affected party'. If in the first round you are not named an affected party, you will have the opportunity to request a 'Reconsideration'.