

123 Main Street
Anytown, TX 78163
(830) 123-4567

Bridget Bohac, Chief Clerk
Office of the Chief Clerk (MC-105)
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, TX 78711-3087

September 1, 2018

Re: Contested Case Hearing Request as Affected Person, TCEQ Air Quality Permit #147392L001

Dear Ms. Bohac:

My name is John Q. Doe. My address is 123 Main Street, Anytown, TX 78163. My daytime telephone number is (830) 123-4567. I am hereby requesting a contested case hearing naming myself as an affected person on TCEQ air quality permit number 147392L001. The applicant for this permit is Vulcan Construction Materials, LLC.

My home and affected property are located at 123 Main Street, Anytown, TX 78163. I have illustrated the location of my home on the attached map. My property is located approximately 4,900 feet (0.9 miles) from the proposed location of the portable crusher as specified in the permit application (29.7683°N, 98.3088°W). According to Comal County property records, this is approximately 900 feet (0.2 miles) from the property where applicant intends to install crusher and conduct mining operations.

Should this permit application be approved, I will personally be affected in a manner not common to the general public. I am a 76-year-old man and I have asthma.

Over the years I've realized that my greatest trigger for an attack is exposure to outdoor air pollutants, especially dust and particulate matter (PM). My physician and my pulmonologist will both attest to this. I have moved multiple times in an attempt to reduce my exposure to dust, air pollution and these particles and thought I had finally relocated to a low-risk area.

The United States Environmental Protection Agency (EPA) defines air pollution as "any visible or invisible particulate or gas found in the air that is not part of the natural composition of air." The PM that poses the greatest risk to my health are very small, invisible to the naked eye, and are referred to as PM 2.5—less than 2.5 micrometers wide, 30 times smaller than a human hair. This PM is produced by diesel exhaust (such as from gravel trucks) and manufacturing processes (such as portable crushers).

Because of my age and compromised lung function I am particularly vulnerable to the adverse effects of breathing dust and exhaust that contains this particulate matter. My physicians have told me that even short-term exposure can further reduce my lung function and exacerbate more acute asthma attacks.

Should this permit be approved, there will be severe and possibly life-threatening impacts to my health and lifestyle in the following ways:

1. Increased expenses for treating an illness which already exists but is likely to become more serious such as:
 - a. Asthma attacks resulting in visits to my doctor or emergency department (which will cost hundreds of dollars per visit) and possibly hospital admission (which will cost thousands of dollars per admission)
 - b. Medications are the bedrock of my treatment. I need three different drugs to control my asthma which costs me \$5,000 each year. I am on a fixed income and an increase in medication costs will mean that I will have to start rationing my medication by treating only flare-ups, which will lead to more doctor and ER visits.
2. Installing HEPA filters in every room in my house to try to remove PM, which will cost approximately \$2,500.
3. I will have to severely curtail time I spend outdoors, if not give this up altogether.

Additionally, my property will be affected in the following manners not common to members of the general public:

- Private water well subject to collapse from nearby blasting operations
- Lower water table resulting from high-volume pumping from the quarry operation increases risk of well drying out and will likely necessitate drilling a brand new well (approximately \$30,000). Well drilled on property in question reports output of 150 gallons per minute:
<http://www2.twdb.texas.gov/apps/waterdatainteractive//GetReports.aspx?Num=439830&Type=SDR-Well>)
- Decreased value of my real estate property. Studies show that based on my distance from the proposed quarry/mine, I can expect to lose approximately 25 percent of my property's market value—a valuation loss of approximately \$200,000 (<http://research.upjohn.org/reports/222/> and <https://www.stop3009vulcanquarry.com/wp-content/uploads/2018/01/Austin-Quarry-Economics-Report.pdf>).
- On average, from March to October, the prevailing winds blow from the south-southeast and often gust over 25 miles per hour. Because the land between the proposed crusher location and my is on a south-facing slope, wind speeds are often higher than surrounding areas and will tend to catch and deposit more particles than would be deposited on relatively level terrain. In addition to transporting the invisible particulate matter described above, these winds will carry visible dust particles from the mining and crushing operations directly over my property and home, depositing and blowing visible dust across my entire property. On pleasant spring and autumn days, I will no longer be able to open the windows in my home or enjoy the outdoor areas of my property. This will significantly decrease the ability to enjoy my property and increase my utility bills.

I hereby dispute the following issues of fact and/or law:

1. TCEQ Site Review performed by Andra Nava-Garcia incorrectly identified the surrounding land use as "Agriculture." This is clearly incorrect since I live only 900 feet from the site location and have multiple neighbors who live even closer.
2. Air modeling data incorrectly... _____
3. Nuisance from blasting... _____
4. Water issues... _____
5. The applicant's unsatisfactory compliance history demonstrates consistent disregard for the regulatory process and relevant environmental laws. In Texas alone, over 80 formal complaints have been filed with TCEQ against Vulcan since 2002. Vulcan's Loop 1604 plant has cited over 35 violations of air, storm water, and wastewater regulations during the past several years. Violations included exceeding air pollution limits, failure to construct and maintain permanent spray bars, failure to perform benchmark monitoring, and various hazardous waste violations (<https://www.stop3009vulcanquarry.com/wp-content/uploads/2018/02/vulcan-violations.pdf>).

For the reasons listed above, I hereby ask that you grant affected person status to me in the contested case hearing on air quality permit number 147392L001.

Yours truly,

John Q. Doe

Enclosure: Map showing location of my home

