

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



EXAMPLE A



NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN AIR PERMIT RENEWAL

PERMIT NUMBER 49068

APPLICATION CEMEX Construction Materials South, LLC, has applied to the Texas Commission on Environmental Quality (TCEQ) for renewal of Air Quality Permit Number 49068, which would authorize continued operation of a Concrete Batch Plant located 550 Farm to Market 78, Schertz, Guadalupe County, Texas 78154.. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=29.5525&lng=-98.266388&zoom=13&type=r>. The existing facility and/or related facilities are authorized to emit the following air contaminants: particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less.

This application was submitted to the TCEQ on May 17, 2021. The application will be available for viewing and copying at the TCEQ central office, the TCEQ San Antonio regional office, and the Schertz Public Library 798 Schertz Parkway Schertz, Guadalupe County, Texas beginning the first day of publication of this notice. The facility's compliance file, if any exists, is available for public review in the San Antonio regional office of the TCEQ.

The executive director has determined the application is administratively complete and will conduct a technical review of the application. In addition to the renewal, this permitting action includes the incorporation of changes in emission factors related to this permit. An amendment application that is not subject to public notice or an opportunity for a contested case hearing is also being reviewed. The reasons for any changes or incorporations, to the extent they are included in the renewed permit, may include the enhancement of operational control at the plant or enforceability of the permit. **The TCEQ may act on this application without seeking further public comment or providing an opportunity for a contested case hearing if certain criteria are met.**

PUBLIC COMMENT You may submit public comments, or a request for a contested case hearing to the Office of the Chief Clerk at the address below. The TCEQ will consider all public comments in developing a final decision on the application. **The deadline to submit public comments is 15 days after newspaper notice is published.** After the deadline for public comments, the executive director will prepare a response to all relevant and material, or significant public comments. Issues such as property values, noise, traffic safety, and zoning are outside of the TCEQ's jurisdiction to address in the permit process.

After the technical review is complete the executive director will consider the comments and prepare a response to all relevant and material, or significant public comments. If only comments are received, the response to comments, along with the executive director's decision on the application, will then be mailed to everyone who submitted public comments or who is on the mailing list for this application, unless the application is directly referred to a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING You may request a contested case hearing. The applicant or the executive director may also request that the application be directly referred to a

contested case hearing after technical review of the application. A contested case hearing is a legal proceeding similar to a civil trial in state district court. Unless a written request for a contested case hearing is filed within 15 days from this notice, the executive director may act on the application. **If no hearing request is received within this 15 day period, no further opportunity for hearing will be provided.** According to the Texas Clean Air Act § 382.056(o) a contested case hearing may only be granted if the applicant's compliance history is in the lowest classification under applicable compliance history requirements and if the hearing request is based on disputed issues of fact that are relevant and material to the Commission's decision on the application. Further, the Commission may only grant a hearing on those issues submitted during the public comment period and not withdrawn.

A person who may be affected by emissions of air contaminants from the facility is entitled to request a hearing. If requesting a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a specific description of how you would be adversely affected by the application and air emissions from the facility in a way not common to the general public; (5) the location and distance of your property relative to the facility; (6) a description of how you use the property which may be impacted by the facility; and (7) a list of all disputed issues of fact that you submit during the comment period. If the request is made by a group or association, one or more members who have standing to request a hearing must be identified by name and physical address. The interests the group or association seeks to protect must also be identified. You may also submit your proposed adjustments to the application/permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing within 15 days following this notice to the Office of the Chief Clerk at the address below.

If any requests for a contested case hearing are timely filed, the Executive Director will forward the application and any requests for a contested case hearing to the Commissioners for their consideration at a scheduled Commission meeting. Unless the application is directly referred to a contested case hearing, the executive director will mail the response to comments along with notification of Commission meeting to everyone who submitted comments or is on the mailing list for this application. The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material air quality concerns submitted during the comment period.** Issues such as property values, noise, traffic safety, and zoning are outside of the Commission's jurisdiction to address in this proceeding.

MAILING LIST In addition to submitting public comments, you may ask to be placed on a mailing list for this application by sending a request to the Office of the Chief Clerk at the address below. Those on the mailing list will receive copies of future public notices (if any) mailed by the Office of the Chief Clerk for this application.

AGENCY CONTACTS AND INFORMATION Public comments and requests must be submitted either electronically at www14.tceq.texas.gov/epic/eComment/, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the Public Education Program toll free at 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from CEMEX Construction Materials South, LLC, 16100 Dillard Drive, Jersey Village, Texas 77040-2077 or by calling Mr. Daniel Escobar, Senior Environmental Manager at (713) 332-4040.

Notice Issuance Date: May 18, 2021