



State Representative-Elect Jill Dutton, HD2
411 VZCR 4503, Ben Wheeler, TX 75754
903-355-8903; Jill@DuttonforTexas.com

February 9, 2024

Office of the Chief Clerk, MC 105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087

RE: Permit application 174388 -- proposed Hunt County concrete crushing plant

To Whom It May Concern:

As Representative-Elect for Texas House District 2, I would like to provide comments below regarding a permit application for a concrete crushing business on State Highway 276 in Southwest Hunt County. Thank you in advance for acknowledging receipt of this letter and adding me to your list for all communications regarding this permit application.

Private property rights are one of the pillars of Texas' strong economy, legal system, and moral obligations. I am a strong advocate for those rights and Texans' ability to accumulate, hold, delegate, rent, transfer, and sell their property. However, no property exists in isolation. This simple fact has led to thousands of ordinances and statutory law outlining the rights and obligations of property owners whose properties abut and potentially affect a community's ability to grow and flourish. We all share a basic understanding of the underlying right of a property owner to enjoy and use their property within certain "reasonable" limits. The balancing of the reasonable use of property, taking into consideration the rights of their neighbors and overarching community to reasonably use their own property, creates the underlying tension in Texas law, or in this case, the granting of a permit.

Having listened to all affected parties, and having viewed the situation personally on the ground, I strongly oppose granting a permit to allow a concrete rock crushing operation at the applicant's proposed site on State Highway 276 in Southwest Hunt County. I request that TCEQ deny this permit.

It is my understanding that significant evidence of public opposition has been documented by over 700 residents who have individually submitted comments to TCEQ opposing the granting of the permit. In my 25 years in the public arena, I have rarely seen this degree of active citizen opposition and I commend these active citizens for their professionalism, diligence in following due process, and perseverance of the preservation of their community.

Residents who have studied this application note that significant potential negative impacts could include, but are not limited to:

- Exposure to **carcinogenic silica dust** in air and water, with human **health consequences** including incurable silicosis as well as COPD, asthma, lung cancer, cardiovascular effects, and more
- Added **heavy tractor trailer truck traffic** on 4 major local highways and 6 local county/city roads – estimated 52,800 truck trips per year in 15-, 18-, and 25-ton payload in tri-axle and tandem axle trucks – more road repair costs, reduced public safety, greater congestion, longer commute times
- **Reduced property values** in affected areas – threatening residents' life savings, school funding, etc.
- **Significant added noise** from heavy truck traffic as well as the crushing facility itself
- **Lower citizen and taxpayer quality of life**
- **Deterrent to future businesses, retail, and housing**

I wholeheartedly agree with the conclusions and opposition of the elected officeholder entities who have also weighed in on this issue and met with residents. Highlights of their unanimously adopted resolutions in opposition are excerpted below. These elected bodies directly represent over 100,000 Hunt County residents, and since Hwy. 276

is a major thoroughfare through this growing region, many additional residents and businesses of House District 2 and neighboring communities may also be negatively affected.

HUNT COUNTY COMMISSIONERS COURT (12-27-23): "has always been a supporter of free market enterprise and the capitalist ideals that have allowed the County to grow and flourish both economically and socially. The County, however, does not promote and will not accept the expansion of business interests at the cost of citizen and taxpayer quality of life especially when it pertains to environmental and air quality concerns.... The current application...creates this type of situation and the County of Hunt, Texas is opposed to the application."

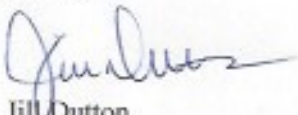
QUINLAN, TEXAS CITY COUNCIL (12-11-23): "rock and concrete crushers have significant potential to negatively impact noise and air quality conditions.... Will negatively impact...traffic and roadway conditions with an increase in heavy trucks.... poses a risk to the health, safety and welfare of local residents of the City, its ETJ and the surrounding area.... City Council of the City of Quinlan opposes [the permit application]."

UNION VALLEY, TEXAS CITY COUNCIL (12-16-23): "significant potential to overall negatively impact all environmental and natural resources along with noise pollution and air quality conditions...local traffic and roadway conditions.... Poses a risk to the health, safety, and welfare of local residents of the City, its ETJ and the surrounding area."

As a courtesy, please coordinate with me before finalizing details of TCEQ's promised local public meeting on this permit, since I plan to attend. As an officeholder, I am firmly committed to public participation. Therefore, I request you provide at least 60 days' public notice before the meeting, including notices to all individual commenters and recurring newspaper notices to communities along the Rockwall-Royse City-Union Valley-Quinlan corridor that would be affected by this concrete crushing business. It is my understanding that public participation was disadvantaged by the initial comment period's holiday timing and lack of required newspaper and signage notice; therefore, a reasonable 60 days' notice is especially important to the surrounding property owners as well as nearby businesses and communities.

Please provide your summary and documentation of past citizen complaints and TCEQ investigations, violation notices, fines, or enforcement actions of any kind regarding other facilities operated by this applicant, in the name of this company or any affiliated companies with which this applicant might be associated. Since this is the applicant's first attempt to obtain a crusher plant permit, the company's past track record as a sand pit operator may be pertinent. If you approve this permit, I request that that I be notified of all future complaints, investigations, violation notices, fines or enforcement actions regarding this plant or its operator.

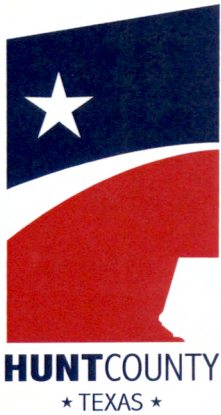
Sincerely,



Jill Dutton
Representative-Elect
Texas House District 2

Attachments: Resolutions in opposition passed by Hunt County Commissioners Court, Quinlan City Council, Union Valley City Council

cc: Chairman Jon Niermann
Commissioner Emily Lindley
Commissioner Bobby Janecka - MC 100, Texas Commission on Environmental Quality, PO Box 13087, Austin, TX 78711



18,543

December 27, 2023

FILED FOR RECORD
at 1:30 o'clock P M

DEC 27 2023

BECKY LANDRUM
County Clerk, Hunt County, Tex.
By

To Whom It May Concern,

Re: Proposed Air Quality Registration Number 174388

Bobby W. Stovall
Hunt County Judge

Jessica R. Sims
Executive Assistant

903.408.4146
903.408.4299 Fax

Post Office Box 1097
Greenville, TX
75403-1097

Hunt County, Texas has always been a supporter of free market enterprise and the capitalist ideals that have allowed the County to grow and flourish both economically and socially. The County, however, does not promote and will not accept the expansion of business interests at the cost of citizen and taxpayer quality of life especially when it pertains to environmental and air quality concerns.

The current application for permanent rock and concrete crushers at 4916 Hwy 276 W, Quinlan, Hunt County, Texas 75474 submitted by Dry Creek Materials LLC, 5221 Interstate 30 W, Caddo Mills, Texas 75135 creates this type of situation and the County of Hunt, Texas is opposed to the application.

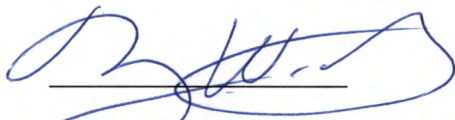
The Application itself is flawed and would not withstand strict legal scrutiny for several reasons. First of which is that the proposed address for the crushers as included on the permit application is incorrect. The location address on the application, 4196 Hwy 276 W, is actually that of the real property parcel directly to the east of the proposed rock and concrete crusher's location. That true address is 4310 Hwy 276 W, Quinlan, TX 75474 which corresponds to the real property parcel directly to the west of 4196 Hwy 276 W. The incorrect permit application address is a material and fundamental flaw in the permit application that prevents the public from accurately determining the location and distance the proposed source of air contaminants and their proximity to private homes, schools, or place of worship.

Furthermore, the applicant has not complied with the notice requirements of the Texas Health and Safety Code Section 382.056 in that they have not published notice in a local newspaper of general circulation (382.056(a)), nor have they placed a physical sign at the location of the facility

notifying the public of the application for an air quality permit nor stating the manner in which the TCEQ may be contacted for further information (382.056(c)). While the applicant has 30 days from the date on which the Commission finds that the application is technically complete to have the newspaper notice published, they have failed to do so as of December 22nd and per the Quinlan newspaper of record, the Greenville Herald Banner, no such notice has been provided for publication in the Saturday, December 23, 2023, newspaper either. This failure by the applicant to provide the statutorily required notice to the public concerning the potential threats to the air quality in their community demands that their application be rejected.

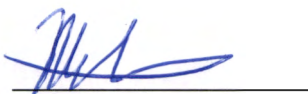
Lastly, the location of the proposed source of air contaminants is within 440 yards of a residence, school or place of worship which is prohibited by the Texas Health and Safety Code Section 382.065(a). The residence located on the property addressed as 4196 Hwy 276 W, Quinlan, TX 75474, which, as stated earlier, is not the correct address for the permit facility, is within this prohibited radius of the proposed location.

Sincerely,




Bobby W. Stovall

Hunt County Judge



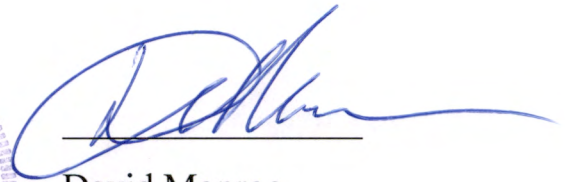
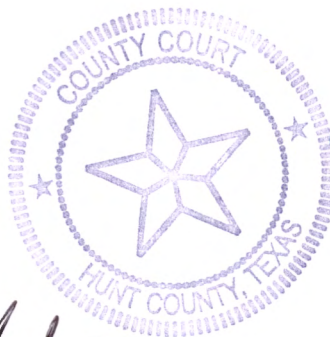
Mark Hutchins

Commissioner Precinct 1



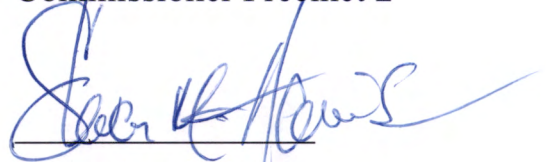
Phillip Martin

Commissioner Precinct 3



David Monroe

Commissioner Precinct 2



Steven M. Harrison

Commissioner Precinct 4

RESOLUTION NO. 2023-12-01

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF QUINLAN, TEXAS,
OPPOSING AN APPLICATION FOR AN AIR QUALITY PERMIT FOR
PERMANENT ROCK AND CONCRETE CRUSHERS, SUBMITTED BY DRY CREEK
MATERIALS; PROPOSED AIR QUALITY REGISTRATION NUMBER 174388.**

WHEREAS, an application for an air quality standard permit for permanent rock and concrete crushers has been submitted to the Texas Commission of Environmental Quality proposing to be located near the City of Quinlan, Texas; and

WHEREAS, if approved, the rock and concrete crushers have significant potential to negatively impact noise pollution and air quality conditions for nearby residents, including citizens of Quinlan, Texas; and

WHEREAS, if approved, the rock and concrete crushing operations will negatively impact local traffic and roadway conditions with an increase in heavy trucks serving this operation; and

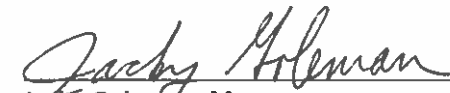
WHEREAS, the City Council of the City of Quinlan opposes the Commission's approval of this permit, as it poses a risk to the health, safety and welfare of local residents of the City, it's ETJ and the surrounding area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF QUINLAN, TEXAS:


SECTION 1:

THAT, the City Council of the City of Quinlan opposes the Air Quality Standard Application submitted by Dry Creek Materials, LLC, proposed Air Quality Registration Number 174388; and in recognition whereof, do hereby affix our signatures.

PASSED AND APPROVED in a meeting of the City Council of the City of Quinlan, Texas, held on the 11th day of December, 2023



Jacky Goleman, Mayor



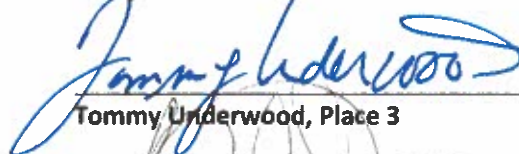
Bill Slaughter, Place 2



Michelle Mayberry, Mayor Pro Tem, Place 6



Dwayne Bowman, Place 1



Tommy Underwood, Place 3



Miguel Serrano, Place 5

ATTEST: 

Laura Kennemer, City Secretary

RESOLUTION NO. 2023-001

A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF UNION VALLEY, TEXAS OPPOSING AN APPLICATION FOR AN AIR QUALITY PERMIT FOR PERMANENT ROCK AND CONCRETE CRUSHERS, SUBMITTED BY DRY CREEK MATERIALS; PROPOSED AIR QUALITY REGISTRATION NUMBER 174388

- WHEREAS, an application for an air quality standard permit for permanent rock and concrete crushers has been submitted to the Texas Commission of Environmental Quality proposing to be located near the City of Union Valley, Texas; and
- WHEREAS, if approved, the rock and concrete crushers have significant potential to overall negatively impact all environmental and natural resources along with noise pollution and air quality conditions for nearby residents, including citizens of City of Union Valley, Texas; and
- WHEREAS, if approved, the rock and concrete crushing operations will negatively impact local traffic and roadway conditions with an increase in heavy trucks serving this operation; and
- WHEREAS, the City Council of the City of Union Valley opposes the Commission's approval of this permit, as it poses a risk to the health, safety and welfare of local residents of the City, its ETJ and the surrounding area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UNION VALLEY, TEXAS:

THAT, THE City Council of the City of Union Valley opposes the Air Quality Standard Application submitted by Dry Creek Materials, LLC, proposed Air Quality Registration Number 174388, and in recognition whereof, do hereby affix our signatures.

PASSED AND APPROVED in a meeting of the City Council of the City of Union Valley, Texas, held on the 16th day of December, 2023.

ATTEST:



Craig Waskow, Mayor

Therasa Curtis, Commission #1

ABSENT

Dianna Clark, Commissioner #2

City Secretary