



**SENATOR ANGELA S. PAXTON**  
DISTRICT 8

April 22, 2024

Via Email Delivery

Chairman Jon Niermann  
Texas Commission on Environmental Quality  
TCEQ MC 100  
P. O. Box 13087  
Austin, Texas 78711-3087

***Re: Requesting an immediate pause in the permitting processes for permanent rock and concrete crusher standard permit 174388 in Hunt County until the Texas Legislature can provide guidance on the permitting processes and location of new plants.***

Dear Chairman Niermann,

I am in receipt of Lieutenant Governor Patrick's April 16, 2024, letter asking TCEQ to immediately pause the permitting processes for all permanent cement production plants until the Texas Legislature meets in the 89<sup>th</sup> Regular Session to provide guidance on the permitting processes and location of new plants.

The Lieutenant Governor's letter outlined his opposition to the proposed Black Mountain Cement permanent cement kiln in Grayson County. Due to my very similar experience with the pending permit application for Dry Creek Materials' proposed standard permit 174388 for a permanent rock and concrete crusher in Hunt County located in my senate district, I share the Lieutenant Governor's conviction that as elected officials we must look beyond TCEQ's current permitting formulas to the bigger picture of what is best for our communities.

Therefore, I request that TCEQ pause the permitting process for the permanent rock and concrete crusher standard permit 174388 in Hunt County until the 89<sup>th</sup> Regular Legislative Session.

As I stated in my February 16, 2024, letter to Executive Director Keel communicating my formal opposition to approval of this permit, I too seek balance with economic development, private property rights, public safety interests, public health interests, and community interests. I cited as my reason for opposing the permit the overwhelming opposition of my constituents due to the proposed crusher's negative impacts on their community interests.

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Union Valley Mayor Waskow has publicly stated that approval of the crusher permit “would be a death sentence to our community and growth and our well-being.” Hunt County Commissioners Court said in its letter to TCEQ opposing the permit that the “County 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.”


Overwhelming citizen opposition has also been shown by more than 1,200 written comments submitted to TCEQ, reportedly a record number regarding a crusher permit and almost all from nearby residents giving health-based and quality of life reasons for opposition. To my knowledge, no comment favored the permit. The large number of communications my office has received also unanimously oppose the permit.

I am very appreciative that at my request, TCEQ conducted a March 21, 2024, informational meeting in Quinlan. This meeting, which I attended in its entirety, drew an estimated 600 attendees. Virtually all wore “Crush the Crusher” opposition stickers. More than 40 speakers, including the environmental attorney for the citizens’ group leading permit opposition, actively engaged in 4 hours of comments, questions and answers with TCEQ representatives that included more than 100 precise technical and procedural questions. Opposition to the permit was overwhelming.

From my previous participation in the Sunset Advisory Commission process, I am well aware of TCEQ’s challenging task to find the balance between economic development and public health. I share these concerns. However, it is clear that plant siting and operating approvals must include not only accurately evaluating and assuring public health protections, but also acknowledging and weighing the many other kinds of risks especially to rural counties and citizens.

I specifically request a pause on the pending permit application for Dry Creek Materials’ standard permit 174388 for a permanent rock and concrete crusher in Hunt County. Because the entire concrete production process has significant potential for harmful pollutant emissions that must be carefully controlled, as well as other significant potential harmful economic and quality of life impacts if located in close proximity to communities, the Texas Legislature should comprehensively evaluate these impacts and provide guidance in the upcoming legislative session.

Blessings,



Angela S. Paxton  
Texas State Senator

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Enclosures

cc: Executive Director Kelly Keel, TCEQ, MC 109  
Chief Clerk Laurie Gharis, TCEQ MC 105  
Commissioner Bobby Janecka, TCEQ MC 100  
Commissioner Catarina Gonzales, TCEQ MC 100  
Director of Intergovernmental Relations Katherine Thigpen, TCEQ

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# Dan Patrick

Lieutenant Governor of Texas  
President of the Senate

FOR IMMEDIATE RELEASE:  
Tuesday, April 16, 2024

CONTACT:  
512-463-0715

## **Lt. Gov. Dan Patrick Sends Letter to Texas Commission on Environmental Quality (TCEQ) Chairman Jon Niermann**

AUSTIN - Lt. Gov. Dan Patrick sent this letter today to TCEQ Chairman Jon Niermann:

Dear Chairman Niermann,

I have great concerns about the permanent cement kiln proposed project in Grayson County. Business leaders, clergy, elected officials, community leaders, and an overwhelming majority of the public have all voiced their objections to the Texas Commission on Environmental Quality (TCEQ) granting a permit to Black Mountain Cement for this project.

I have studied the issue and spoken with my staff to learn as much as possible on the subject. I also traveled to the Sherman area to tour the potentially impacted area and visited with local officials, businesspeople, and the public. I hosted a town hall in Sherman on Monday, April 15. The huge crowd was unanimously opposed to granting a permit to build a cement kiln in their area.

This is not a personal attack on Black Mountain Cement by the citizens or by me. The citizens simply don't want a cement kiln plant near the heart of their community for many reasons.

I read the TCEQ analysis, including your conclusion that there is no air quality danger to the area. Grayson County residents believe the TCEQ numbers are not accurate, and the residents also have concerns about the project's impact on their water quality. Either way, it is clear to me from my visit that there is more to consider, and to move forward would cause the entire community great damage now and for the foreseeable future.

If the project goes forward, the negative economic impact on the community could be cataclysmic. GlobalWafers, a semiconductor manufacturing specialist that built a plant in the area, said they would not have constructed their plant in Sherman if they knew this site was going to be developed. This may limit future expansion in the area if the cement kiln is built. Other companies have said the same. The GlobalWafers spokesperson said if any issue arises that impacts their plant, they will have no choice but to go to court.

These are smart people who work in complex and precise industries that are vital to Texas and the rest of the country. The Grayson County economy could lose billions of dollars of economic activity and hundreds, and potentially, thousands of high-paying jobs. This beautiful area and its robust economy could spiral downward and never recover.

I appreciate that TCEQ has a difficult job. You have a formula, and you follow it. However, as Lt. Governor, I must look at the bigger picture of what is best for our communities.

The survival and strength of our rural communities is vital to the future of our state. I believe in free markets in Texas. However, in certain situations, when dealing with businesses that can potentially hurt our communities, we also have to weigh what is in the public's best interest.

Due to these concerns, I cannot support the project. I ask you to immediately pause the permitting processes for all permanent cement production plants statewide until the legislature can weigh in. Under no circumstance should this permit be expedited.

During the upcoming legislative session, beginning in January 2025, the legislature must be able to provide guidance on the permanent cement production plant permitting process and the location of new plants.

Based on everything I have reviewed and my time with the local community, I am firmly opposed to the granting of this permit. There is simply too much risk to the county and its citizens.

Economic development is key to Texas' future. It is not yet clear that permanent cement production plants located in close proximity to Texas communities further that mission.

Thank you for your attention to this matter.

Lt. Gov. Dan Patrick

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**SENATOR ANGELA S. PAXTON**  
DISTRICT 8

February 16, 2024

*Via Email Delivery to Intergovernmental Relations Division*

Mrs. Kelly Keel  
Executive Director, Texas Commission on Environmental Quality  
TCEQ MC 109  
P.O. Box 13087  
Austin, TX 78711-3087

***Re: Air Quality Permit 174388***

Dear Director Keel,

Thank you for your work on reviewing all of the various permits under the Texas Commission on Environmental Quality (TCEQ) purview and ensuring the public comments are reviewed in a timely manner. From my review of TCEQ during the recent Sunset Advisory Commission process, I know each permit is unique, that public comments are valued, and that TCEQ strives to find the balance between economic development and public health.

With regard to a proposed air quality permit for a rock crusher facility near Quinlan, Texas (Air Quality Permit 174388), please accept this letter as my formal opposition to the approval of this air quality standard permit. I, too, try to seek the balance with economic development interests, private property rights, public safety interests, public health interests, and community interests which is frequently difficult in the legislative process. I support my constituents and their community interests which is my reason for opposing the approval of this permit and ask that you take action to deny the permit after the close of the public comment period.

My constituents near Quinlan, Union Valley, and Royse City are overwhelmingly opposed to this air quality permit and have submitted hundreds of comments to TCEQ in opposition, providing many reasons as to why having a rock crushing facility in their neighborhood would impact air quality and the quality of life in the neighborhood. I have been in communication with a number of constituents directly and have heard the common concerns about how the approval of this permit will impact their community interests in a negative way, including:

- Additional heavy truck traffic on State Highway 276 affecting daily road safety.

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- Significant increase in noise levels affecting quality of life.
- Additional silica dust in the immediate neighborhood which will have an impact on personal health for a number of individuals.

These are just a few of the comments that I have received. I know the noise and traffic are not under the TCEQ review criteria for the air quality standard permit, so I want to especially voice these concerns on behalf of the overall area as I ask you to deny the air quality permit. These concerns have also been raised by the Hunt County Commissioners Court, the Union Valley City Council, and the Quinlan City Council in resolutions opposing this specific air quality permit and those resolutions have been sent to TCEQ as part of the public record.

If you have any questions regarding this letter, please contact my staff. Thank you for addressing this important issue for my constituents and listening to their sincere comments on behalf of southwestern Hunt County.

Blessings,



Angela S. Paxton  
Texas State Senator

Cc: Laurie Gharis, TCEQ Chief Clerk  
TCEQ Commissioners  
TCEQ Intergovernmental Relations Division

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