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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 28, 2013

Mr. Steve Cone, Owner  
Top-Way Materials, LLC  
12775 North Saginaw Boulevard  
Fort Worth TX 76179-9446

Re: Complaint Investigation at: Top-Way Properties  
192 Private Road 4817, Rhome, Wise County, Texas  
RN100798644; CN604252700

Dear Mr. Cone:

On June 5, 2013, Mr. Ryan Rector of the Texas Commission on Environmental Quality (TCEQ) DFW Region Office conducted a complaint investigation of the above-referenced location to evaluate compliance with applicable requirements for air quality. No violations were documented during the investigation.

The TCEQ appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions regarding these matters, please feel free to contact Mr. Rector in the DFW Region Office at 817/588-5867.

Sincerely,

A handwritten signature in black ink that reads "Elizabeth M. Smith".

Elizabeth M. Smith  
Air Section Manager  
DFW Region Office

EMS/tap

RECEIVED  
MAY 08 2013  
TCEQ  
CENTRAL FILE ROOM





## TOP-WAY PROPERTIES - RHOME

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Properties (Regulated Entity) owned by Top-Way Materials, LLC (TopWay) located at 192 Private Road 4817, Rhome, Wise County, Texas.

The purpose of this investigation was to respond to a complaint, which was filed via telephone at 9:15 AM on May 6, 2013. The complainant alleged that dust from trucks driving on TopWay property was causing a dust nuisance at their property; preventing the use and enjoyment of their property.

Ms. Melissa Cone, Owner of TopWay, participated in the investigation.

### DAILY NARRATIVE

Mr. Rector arrived at the site at approximately 12:30 PM on June 5, 2013. The meteorological conditions recorded by the investigator were winds out of the south at 10 to 15 miles per hour and 89 degrees Fahrenheit. Mr. Rector noted active excavation and trucking of materials at the regulated entity during the investigation. Mr. Rector observed the site but did not note any dust leaving the property. Mr. Rector went to the complainant's property and met with complainant. The complainant showed the investigator multiple areas on their property where dust had accumulated, but no dust was observed blowing onto their property during the investigation. The specific source of the material could not be determined, as there are multiple sandpits in the area. The investigator proceeded to the TopWay offices off of Old Base Road. There the investigator met with Ms. Cone and informed her of the complaint received by the TCEQ and discussed dust control measures at the site. Mr. Rector informed Ms. Cone of the nuisance rules in Texas and she stated that TopWay utilizes a water-truck to apply water to their property to control dust. Mr. Rector left the area at approximately 1:40 PM.

At this time, dust nuisance conditions are not confirmed, the investigator did not observe any dust leaving TopWay's property and a source could not be determined for the dust accumulation on the complainant's property.

### Exit Interview

Before departing the site on June 5, 2013, Mr. Rector informed Ms. Cone, that a complaint had been received and that at this time there were are no violations.

### GENERAL FACILITY AND PROCESS INFORMATION

#### Process Description

The regulated entity is a sand pit where soil is excavated and sold.

### BACKGROUND

The regulated entity (RN100798644) does not have a compliance history or rating. The customer (CN604252700) does not have a compliance history or rating.

### Current Enforcement Action

There are no violations as a result of this investigation.

### Agreed Orders, Court Orders and Other Compliance Agreements

No agreed orders, court orders, or other compliance agreements have been issued in the past five years regarding air quality.

### Prior Enforcement Issues

There have been no prior enforcement issues associated with this regulated entity in the five years prior to this site assessment regarding air quality.

### Complaints

There have been no complaints against this site in the past five years regarding air quality, other than the complaint associated with this investigation.

### ADDITIONAL INFORMATION

Conclusions and Recommendations:

TOP-WAY PROPERTIES - RHOME

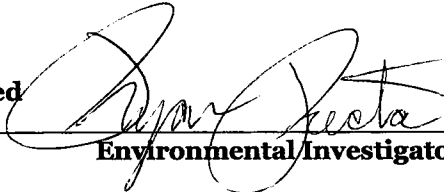
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Dust nuisance conditions were not confirmed. The investigator did not observe any dust leaving TopWay's property and a specific source could not be determined for the dust accumulation on the complainant's property. The complaint 182508 will be closed. Send a copy of the final report to the complainant and an alleged source letter to Topway.

Additional Issues  
None at this time.

**No Violations Associated to this Investigation**

Signed   
Environmental Investigator

Date 4/16/14

Signed   
Supervisor

Date 4/16/14

**Attachments: (in order of final report submittal)**

- Enforcement Action Request (EAR)
- Letter to Facility (specify type) : ASL
- Investigation Report
- Sample Analysis Results
- Manifests
- Notice of Registration

- Maps, Plans, Sketches
- Photographs
- Correspondence from the facility
- Other (specify) :
- \_\_\_\_\_
- \_\_\_\_\_