

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 14, 2024

MR STEVE CONE
PRESIDENT
TOP-WAY MATERIALS LLC
PO BOX 4363
FORT WORTH TX 76164-0363

Re: Declaration of Technical Completeness
Registration for an Air Quality Standard Permit for Permanent Rock and Concrete Crushers
Air Quality Registration Number: 176116
Permanent Rock and Concrete Crusher
Sanger, Denton County
Customer Reference Number: CN604252700
Regulated Entity Number: RN111771796

Dear Mr. Cone:

The Texas Commission on Environmental Quality (TCEQ) has determined the above-referenced application, received on April 18, 2024, technically complete on June 10, 2024.

You are now required to publish notice of your proposed activity within **30 calendar days** from the date of this letter. To help you meet the regulatory requirements associated with this notice, we have included the following items:

- Notice for Newspaper Publication
- Sign Posting Example
- Instructions for Public Notice
- Affidavits of Publication
- Notification List

Please note that it is very important that you follow all directions in the enclosed instructions. If you do not, you may be required to republish the notice. Some common errors are the unauthorized changing of notice wording or font, omission of air contaminants, and inaccurate plant site location information represented in the application. Additional information can be found at www.tceq.texas.gov/permitting/air/bilingual/how1_2_pn.html or **if you have any questions, please contact us before you proceed with publication.**

The following items and time limitations are also described in the enclosed instructions. However, due to their importance we want to highlight them for you. **The processing of your application may be delayed if these time limitations are not met.**

1. Publish the enclosed notice within **30 calendar days** from the date of this letter.
2. You may also be required to publish notice in an alternate language (refer to the enclosed *Instructions for Public Notice*). The Spanish notice templates are available at:

www.tceq.texas.gov/permitting/air/nav/air_publicnotice.html

Mr. Steve Cone
Page 2
June 14, 2024

Re: Registration: 176116

3. Ensure a copy of your application is provided to the TCEQ Regional Office that has oversight for the county in which you intend to operate your plant. This copy must be in place at the TCEQ Regional Office for the entire public comment period and be accessible to the public for review and copying.
4. Proof of publication of the notices, which show publication date and newspaper name, *Affidavit of Publication for Air Permitting*, and, if applicable, *Alternative Language Affidavit of Publication for Air Permitting* should be emailed to PROOFS@tceq.texas.gov or mailed to the TCEQ Office of the Chief Clerk and copies to those on the enclosed *Notification List* within **10 business days** after the notice is published.
5. **Public Notice Verification (Form TCEQ-20548)** verifying that the sign requirements have been met should be emailed to PROOFS@tceq.texas.gov or mailed to the TCEQ Office of the Chief Clerk and copies to those on the enclosed *Notification List* within **10 business days** after the end of the publications' designated comment period. **This form is available at:**

www.tceq.texas.gov/permitting/air/nav/air_publicnotice.html

If you do not comply with **all** requirements described in the instructions, further processing of your application may be suspended or the agency may take other actions.

If you have any questions regarding publication requirements, please contact the Office of the Chief Clerk at (512) 239-3300. If you have any other questions, please contact Ms. Anna Nugent at (512) 239-1206.

Sincerely,



Bonnie Evridge, Manager
Mechanical/Coatings New Source Review Permits Section
Air Permits Division
Texas Commission on Environmental Quality

Enclosure

cc: Air Section Manager, Region 4 - Dallas/Fort Worth

Project Number: 372894

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF APPLICATION FOR AN AIR QUALITY STANDARD PERMIT FOR PERMANENT ROCK AND CONCRETE CRUSHERS

PROPOSED AIR QUALITY REGISTRATION NUMBER 176116

APPLICATION. Top-Way Materials LLC, PO Box 4363, Fort Worth, Texas 76164-0363 has applied to the Texas Commission on Environmental Quality (TCEQ) for an Air Quality Standard Permit, Registration Number 176116, which would authorize construction of a permanent rock and concrete crusher. The facility is proposed to be located at 12231 Interstate Highway 35 North, Sanger, Denton County, Texas 76266. 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. <https://gisweb.tceq.texas.gov/LocationMapper/?marker=-97.181111,33.319722&level=13>. This application was submitted to the TCEQ on April 18, 2024. The executive director has determined the application was technically complete on June 10, 2024.

PUBLIC COMMENT. Written public comments about this application may be submitted at any time during the public comment period. You may submit public comments either in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087, or electronically at www14.tceq.texas.gov/epic/eComment/. 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. The deadline to submit public comments is 30 days after newspaper notice is published.

RESPONSE TO COMMENTS. A written response to all relevant comments will be prepared by the executive director after the comment period closes. The response, along with the executive director's decision on the application, will be mailed to everyone who submitted public comments and requested to be added to the mailing list. The response to comments will be posted in the permit file for viewing.

The executive director shall approve or deny the application not later than 30 days after the end of the public comment period, considering all comments received within the comment period, and base this decision on whether the application meets the requirements of the standard permit.

CENTRAL/REGIONAL OFFICE. The application will be available for viewing and copying at the TCEQ Central Office and the TCEQ Dallas/Fort Worth Regional Office, located at 2309 Gravel Drive, Fort Worth, Texas 76118-6951, during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, beginning the first day of publication of this notice.

INFORMATION. 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.

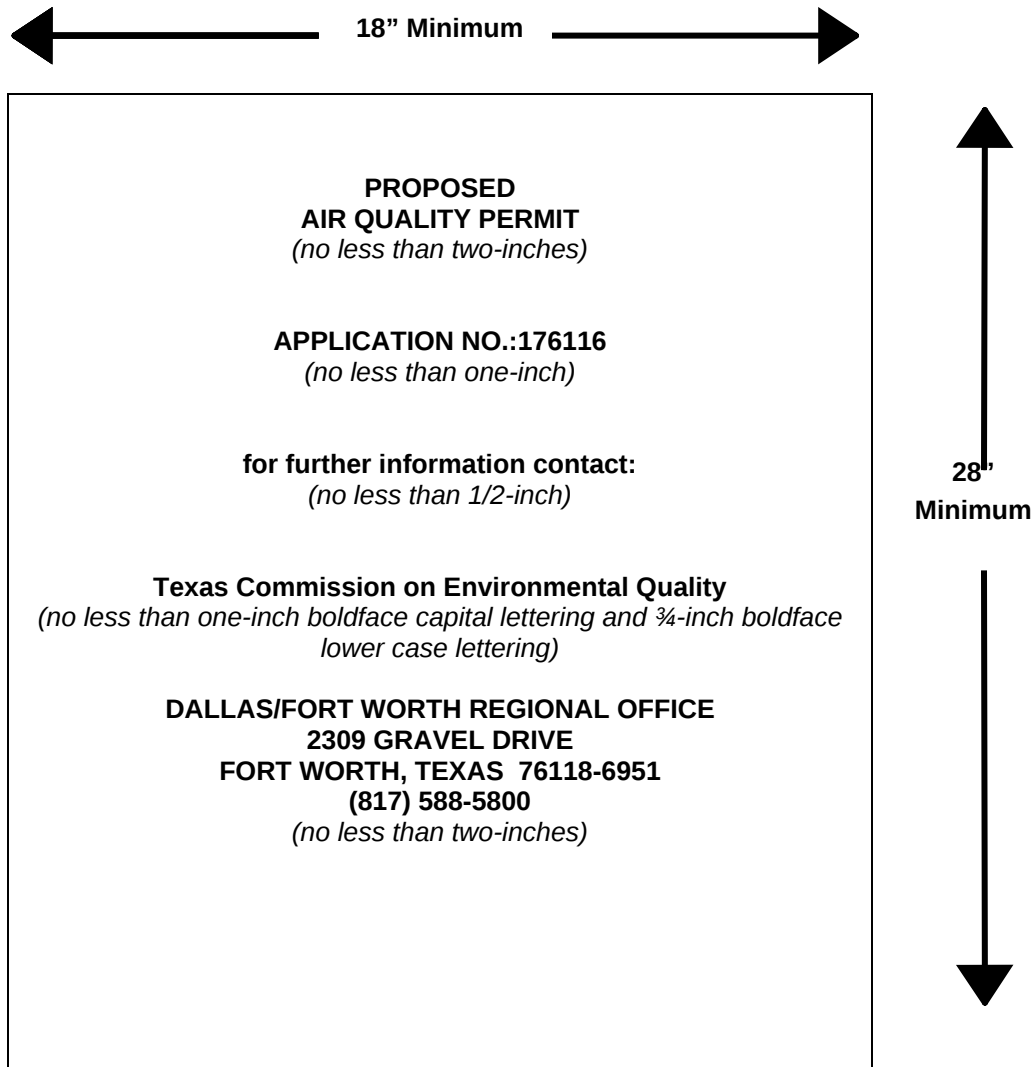
Further information may also be obtained from Top-Way Materials LLC, PO Box 4363, Fort Worth, Texas 76164-0363, or by calling Mr. Steve Cone, President, at (817) 946-4344.

Notice Issuance Date: June 14, 2024

Example C

Sign Posting

Sign(s) must be in place on day of publication of first newspaper notice and must remain in place and be legible for the 30-day public comment period (which begins on the last day of newspaper publication, either English or alternate language, whichever is later). Note - The information shown is an example only. It is your responsibility to verify that the appropriate information pertaining to your application is accurate. Each sign placed at the site must be located within 10 feet of each (every) property line paralleling a street or other public thoroughfare. Signs must be completely visible from the street and spaced at not more than 1,500-foot intervals. A minimum of one sign, but not more than three signs shall be required along any property line paralleling a public thoroughfare.



Sign(s) must be placed at whatever height above the ground is necessary for sign(s) to be 100% visible from the street.

WHITE BACKGROUND WITH BLACK LETTERS

All lettering must be boldface block-print.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



Instructions for Public Notice For Air Quality Standard Permit for Permanent Rock and Concrete Crushers

Notice of Application

Your application has been declared technically complete and now you must comply with the following instructions:

Please Review Notice

We have included in the notice all of the information which we believe is necessary. Please read it carefully and notify us immediately if it contains any errors or omissions. You are responsible for ensuring the accuracy of all information published. You may not change the text of the notice without prior approval from the TCEQ.

Newspaper Notice

- You must publish the enclosed notice within **30 calendar days** from the date of the cover letter.
- You must publish the enclosed Notice of Application at your expense, in a newspaper of general circulation in the municipality in which the plant is proposed to be located or in the municipality nearest to the proposed location of the plant.
- You must publish this notice in one issue of any applicable newspaper.
- You will find an example notice enclosed in this package. This example must be published in the "public notice" section of the newspaper.

Alternate Language Notice

In certain circumstances, applicants for air permits must complete notice in alternate languages.

- Public notice rules require the applicant to determine whether a bilingual program is required at either the elementary or middle school nearest to the proposed facility location. Bilingual education programs are determined on a district-wide basis. When students who are required to attend either school are eligible to be enrolled in a bilingual education program, some alternative language notice is required (newspaper notice).
- Since the school district, and not the schools, must provide the bilingual education program, these programs do not have to be located at the above-mentioned schools to trigger the alternative language notice requirement. If there are students who would normally attend the

nearest schools, but are eligible to be taught in a bilingual education program at a different location, alternative language notice is required.

- If triggered, publication of alternative language notices must be made in a newspaper or publication printed primarily in each language taught in the bilingual education program. This notice is required if such a newspaper or publication exists in the municipality or the county where the facility is or will be located.
- The applicant must demonstrate a good faith effort to identify a newspaper or publication in the required language. Publication in an alternative language section or insertion within a large publication which is not printed primarily in that alternative language does not satisfy these requirements. If a newspaper or publication of general circulation published at least once a month in such language cannot be found, publishing in that language is not required, but signs must still be posted adjacent to each English language sign.
- It is suggested the applicant work with the local school district for the following:
 - (a) Determine if a bilingual program is required in the district;
 - (b) Determine which language is required by the bilingual program;
 - (c) Locate the nearest elementary and middle schools; and
 - (d) Determine if any students attending either school are eligible to be enrolled in a bilingual educational program.

Proof of Publication

- You must submit proof of publication that shows the notice, the date of publication, and the name of the newspaper to the Office of the Chief Clerk within **10 business days** after the date of publication. Acceptable proofs of publication are 1) copies of the published notice or 2) the newspaper clippings of the published notice. If you choose to submit copies of the published notice to the Office of the Chief Clerk, copies must be on standard-size 8½" x 11" paper and must show the actual size of the published notice (do not reduce the image when making copies). Published notices longer than 11" must be copied onto multiple 8½" x 11" pages. Please note, submitting a copy of your published notice could result in faster processing of your application. It is recommended that you maintain newspaper clippings or tear sheets of the notice for your records.
- You are encouraged to submit the **affidavits of publication** and the **Public Notice Verification (Form TCEQ-20548)** with the proof of publication described above to the Office of the Chief Clerk. **You must use the enclosed affidavit.** The affidavit must clearly identify the applicant's name and TCEQ Registration Number. **The public notice verification form is available at www.tceq.texas.gov/permitting/air/nav/air_publicnotice.html**
- The **affidavits of publication** and **acceptable proof of publication of the published notices** should be emailed to PROOFS@tceq.texas.gov or mailed to:

Texas Commission on Environmental Quality
Office of the Chief Clerk, MC-105
Attn: Notice Team
P.O. Box 13087
Austin, Texas 78711-3087

Please ensure that the affidavits you send to the Chief Clerk have all blanks on the affidavits filled in correctly.

- **Photocopies of newspaper clippings, affidavits, and verification form must also** be sent to those listed on the enclosed *Notification List* within the deadlines specified above.

Sign Posting

Applicants for this standard permit must also post signs.

- You must post at least one sign in English and as applicable, in each alternative language.
- Signs must be in place on the first day of publication in a newspaper and must remain in place and be legible and be visible from the street for the entire duration of the publications' designated comment period.
- The sign template enclosed (*Example C*) is an example only. Read the sign template carefully and notify the TCEQ if it has an error or omissions. It is your responsibility to verify that the appropriate information pertaining to your application is accurate. Any changes to the text prepared by the TCEQ must be approved by the agency.
- Signs placed at the site must be located within 10 feet of each (every) property line paralleling a street or other public thoroughfare. Signs must be completely visible from the street and spaced at not more than 1,500-foot intervals. A minimum of one sign, but not more than three signs are required along any property line paralleling a public thoroughfare. Sign(s) must be placed at a sufficient height above the ground that is necessary for sign(s) to be 100 percent visible from the street.
- All lettering on the sign must be boldface block-printed lettering. The sign must be at least 18" wide and 28" tall, and consist of black lettering on a white background. (See Example "C" of sign posting for specific lettering size requirements).
- Alternative language signs are required if alternative notice is required, even if no newspaper can be found.
- Inspect each posted sign daily to ensure it is present and visible throughout the entire comment period.
- You must submit verification of sign posting using the [Public Notice Verification Form \(Form TCEQ-20548\)](https://www.tceq.texas.gov/permitting/air/nav/air_publicnotice.html) within 10 business days after end of the publications' designated comment period. Do not submit the *Public Notice Verification Form* verifying sign posting until after the comment period is over. You cannot certify that the sign posting is in compliance until after the comment period is over. This form is available at www.tceq.texas.gov/permitting/air/nav/air_publicnotice.html.

Failure to Publish and Submit Proof of Publication

You must meet all publication requirements. **If you fail to publish the notice or submit proof of publication on time, then the TCEQ may suspend further processing on your application or take other actions.**

Application at the TCEQ Regional Office

- You must provide a copy of the technically complete application to the appropriate TCEQ Regional Office that has jurisdiction over the county in which the plant is to be located. The application must be available for review and copying by the public.
- The technically complete application must be available beginning the first day of newspaper publication and remain available until the end of the public comment period.
- If the application is submitted to the TCEQ with information marked as confidential, you are required to indicate which specific portions of the application are not being made available to the public. These portions of the application must be accompanied with the following statement: "Any request for portions of this application that are marked as confidential must be submitted in

writing, pursuant to the Public Information Act, to the Texas Commission on Environmental Quality, Public Information Coordinator, MC-197, P.O. Box 13087, Austin, Texas 78711-3087.”

General Information

When contacting the Commission regarding this application, please refer to the Registration Number at the top of the Notice of Application.

If you wish to obtain an electronic copy, please contact the technical reviewer who assisted in the preparation of this public notice package. The electronic copy will consist of the example notice, the equivalent in Spanish (if applicable), and the instructions. The electronic version is available in Microsoft Word format only and can be requested once your application has been declared technically complete.

If you have questions or need assistance regarding publication requirements, please contact the Office of the Chief Clerk at (512) 239-3300 or the technical reviewer listed in the cover letter.

TCEQ-Office of the Chief Clerk
MC-105 Attn: Notice Team
P.O. Box 13087
Austin, Texas 78711-3087

Applicant Name: Top-Way Materials, LLC
Permit No.: 176116
Application Received Date: April 18, 2024

AFFIDAVIT OF PUBLICATION FOR AIR PERMITTING

STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared

_____, who being by me duly sworn, deposes and says that (s)he is *(Name of Person Representing Newspaper)*

the _____ of the _____
(Title of Person Representing Newspaper) *(Name of the Newspaper)*

that said newspaper is generally circulated in _____, Texas;
(The municipality or nearest municipality to the location of the facility or the proposed facility)

that the enclosed notice was published in said newspaper on the following date(s):

(Newspaper Representative's Signature)

Subscribed and sworn to before me this the _____ day of _____, 20____
to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

My Commission Expires

[Affix Seal]

TCEQ-Office of the Chief Clerk
MC-105 Attn: Notice Team
P.O. Box 13087
Austin, Texas 78711-3087

Applicant Name: Top-Way Materials, LLC
Permit No.: 176116
Application Received Date: April 18, 2024

ALTERNATIVE LANGUAGE AFFIDAVIT OF PUBLICATION FOR AIR PERMITTING

STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared

_____, who being by me duly sworn, deposes and says that (s)he is (*Name of Person Representing Newspaper*)

the _____ of the _____;
(*Title of Person Representing Newspaper*) (*Name of the Newspaper*)

that said newspaper is generally circulated in _____, Texas;
(*The **municipality or county** in which the facility or proposed facility is located*)

that the enclosed notice was published in said newspaper on the following date(s):

(*Newspaper Representative's Signature*)

Subscribe and sworn to before me this the _____ day of _____, 20_____
to certify which witness my hand and seal of office.

[Affix Seal]

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

My Commission Expires

Notification List

It is the responsibility of the applicant to furnish the following offices with copies of the notices published, the *Affidavit of Publication for Air Permitting*, the *Alternative Language Affidavit of Publication for Air Permitting (if applicable)*, and a completed copy of the *Public Notice Verification Form (Form TCEQ-20548)*. Acceptable proof of publication and any affidavits and Form TCEQ-20548 should be emailed to PROOFS@tceq.texas.gov or mailed to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087.

Electronic copies should be submitted via email to the U.S. Environmental Protection Agency (EPA), **Region 6** at R6AirPermitsTX@EPA.gov. Please contact Ms. Aimee Wilson (wilson.aimee@epa.gov) at (214) 665-7596 if you have any questions pertaining to electronic submittals to the EPA.

Email copies to Ms. Anna Nugent at Anna.Nugent@tceq.texas.gov

Hard copies should be sent to the following:

Texas Commission on Environmental Quality
Dallas/Fort Worth Regional Office
2309 Gravel Drive
Fort Worth, Texas 76118-6951