

Brooke T. Paup, *Chairwoman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 3, 2025

THE HONORABLE ANDY EADS
DENTON COUNTY JUDGE
1 COURHOUSE DRIVE SUITE 3100
DENTON TX 76208

Re: Registration for an Air Quality Standard Permit for Concrete Batch Plant with Enhanced Controls

Dear Judge Eads:

Pursuant to the requirements of the Texas Clean Air Act § 382.0516 as codified in the Texas Health and Safety Code, this letter is to notify you of the recent receipt of an application for an air quality standard permit registration for a concrete batch plant with enhanced controls, located in your county. As part of the air permitting process, this applicant will be required to publish a formal public notice 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. The notice will inform the public of their right to ask questions, make comments, and attend a public hearing. The public hearing is not an evidentiary hearing, but a notice and comment hearing. This letter is being sent to you for information only and no action is required. The status of all pending air quality applications may be viewed by visiting our agency Web site at www2.tceq.texas.gov/airperm/index.cfm?fuseaction=airpermits.start.

100X Concrete LLC, 340 Trailside, Prosper, TX 75078-0345, has applied to construct a concrete batch plant to be located at 10400 Osburn Road, Pilot Point, Denton County, Texas 76258. This application is being processed in an expedited manner, as allowed by the commission's rules in 30 Texas Administrative Code, Chapter 101, Subchapter J. The Air Quality Registration Number is 180387.

If you need further information or have any questions, please call Mr. Alexander Hilla at (512) 239-0157 or write to the Texas Commission on Environmental Quality, Office of Air, Air Permits Division, MC-163, P.O. Box 13087, Austin, Texas 78711-3087.

Sincerely,

A handwritten signature in cursive script that reads "Bonnie Evridge".

Bonnie Evridge, Manager
Mechanical/Coatings New Source Review Permits Section
Air Permits Division

Brooke T. Paup, *Chairwoman*
Bobby Janecka, *Commissioner*
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 3, 2025

MR. CARTER SMITH
PRESIDENT
100X CONCRETE LLC
340 TRAILSIDE
Prosper TX 75078-0345

Re: Declaration of Technical Completeness
Registration for an Air Quality Standard Permit for Concrete Batch Plant with Enhanced Controls
Air Quality Registration Number: 180387
Concrete Batch Plant
Pilot Point, Denton County
Regulated Entity Number: RN112225438
Customer Reference Number: CN606393254

Dear Mr. Smith:

We have declared the above-referenced application, received on June 4, 2025, technically complete on June 18, 2025.

You are now required to publish notice of your proposed activity no earlier than June 21, 2025 and no later than July 6, 2025. To help you meet the regulatory requirements associated with this notice, we have included the following items:

- Notice for Newspaper Publication
- Instructions for Public Notice
- Affidavits of Publication for Air Permitting (Form TCEQ-20533) and Alternative Language Affidavit of Publication for Air Permitting (Form TCEQ-20534)
- 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. You are now required to publish notice of your proposed activity no earlier than June 21, 2025 and no later than July 6, 2025. As part of the expedited permitting process, it is recommended that you publish immediately.
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

Mr. Carter Smith
Page 2
July 3, 2025

Re: Registration: 180387

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

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 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, 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. Return the *Affidavit of Publication for Air Permitting* (enclosed) and, if applicable, *Alternative Language Affidavit of Publication for Air Permitting* (enclosed) and the **Public Notice Verification Form (Form TCEQ-20547)** should be emailed to PROOFS@tceq.texas.gov or mailed to the Office of the Chief Clerk and copies to those on the enclosed *Notification List* within **10 business days** after the notice is published in the newspaper. **The public notice verification 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 Mr. Alexander Hilla at (512) 239-0157.

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: 393909

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF APPLICATION AND PUBLIC HEARING FOR AN AIR QUALITY STANDARD PERMIT FOR A CONCRETE BATCH PLANT WITH ENHANCED CONTROLS

PROPOSED AIR QUALITY REGISTRATION NUMBER 180387

APPLICATION. 100X Concrete LLC, 340 Trailside, Prosper, TX 75078-0345 has applied to the Texas Commission on Environmental Quality (TCEQ) for an Air Quality Standard Permit for a Concrete Batch Plant with Enhanced Controls Registration Number 180387 to authorize the operation of a concrete batch plant. The facility is proposed to be located at 10400 Osburn Road, Pilot Point, Denton County, Texas 76258. This application is being processed in an expedited manner, as allowed by the commission's rules in 30 Texas Administrative Code, Chapter 101, Subchapter J. 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=-96.951352,33.332244&level=13>. This application was submitted to the TCEQ on June 4, 2025. The primary function of this plant is to manufacture concrete by mixing materials including (but not limited to) sand, aggregate, cement and water. The executive director has determined the application was technically complete on June 14, 2025.

PUBLIC COMMENT / PUBLIC HEARING. Public written comments about this application may be submitted at any time during the public comment period. The public comment period begins on the first date notice is published and extends to the close of the public hearing. Public comments may be submitted either in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, TX 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.

A public hearing has been scheduled, that will consist of two parts, an informal discussion period and a formal comment period. During the informal discussion period, the public is encouraged to ask questions of the applicant and TCEQ staff concerning the application, but comments made during the informal period will not be considered by the executive director before reaching a decision on the permit, and no formal response will be made to the informal comments. During the formal comment period, members of the public may state their comments into the official record. **Written comments about this application may also be submitted at any time during the hearing.** The purpose of a public hearing is to provide the opportunity to submit written comments or an oral statement about the application. **The public hearing is not an evidentiary proceeding.**

**The Public Hearing is to be held:
Monday, August 25, 2025, at 6:00 pm
City of Aubrey Community Center
226 Countryside Drive
Aubrey, TX 76227**

RESPONSE TO COMMENTS. A written response to all formal 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 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 35 days after the date of the public hearing, 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 am to 5:00 pm, Monday through Friday, beginning the first day of publication of this notice. The application, including any updates, is available electronically at the following webpage:
<https://www.tceq.texas.gov/permitting/air/airpermit-applications-notices>.

INFORMATION. For more information about the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en Español, puede llamar al 1-800-687-4040. You can also view our website for public participation opportunities at www.tceq.texas.gov/goto/participation.

Further information may also be obtained from 100X Concrete LLC, 340 Trailside, Prosper, TX 75078-0345, or by calling Ms. Amelia Hudson, Assistant Director, Compliance Planning at (972) 385-8069.

Notice Issuance Date: July 3, 2025

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



Instructions for Public Notice For Air Quality Standard Permit for Concrete Batch Plants With Enhanced Controls

Notice of Application and Public Hearing

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 of Application and Public Hearing* no earlier than June 21, 2025 and no later than July 6, 2025.] As part of the expedited permitting process, it is recommended that you publish immediately.
- You must publish the enclosed *Notice of Application and Public Hearing* 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. If a general circulation newspaper or publication printed in such language cannot be found, publishing in that language is not required. 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.
- 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 (Form TCEQ-20547)** with the acceptable proof of publication of the published notices 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 / AIR Expedited Permitting
P.O. Box 13087
Austin, Texas 78711-3087

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

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

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, the TCEQ may suspend further processing on your application or take other actions.**

Application at the Regional Office

- You must provide a copy of the technically complete application to the appropriate 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 hearing, which is the length 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 and Public Hearing*.

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: 100X Concrete LLC
Permit No.: 180387
Application Received Date: June 4, 2025

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: 100X Concrete LLC
Permit No.: 180387
Application Received Date: June 4, 2025

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-20547)*. Acceptable proof of publication and any affidavits and Form TCEQ-20547 should be emailed to PROOFS@tceq.texas.gov or mailed to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, AIR Expedited Permitting, 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 Mr. Alexander Hilla at Alexander.Hilla@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