

November 15, 2024

Texas Commission on Environmental Quality

Office of the Chief Clerk, MC-105

P.O. Box 13087

Austin, TX 78711

RE: Urgent Motion to Overturn Air Quality Permit 174419 to Julpit Inc.

To the Honorable Members of the Texas Commission on Environmental Quality, I, **Angelica B. Baines**, representing Rosharon Clean Air/Caldwell Ranch Resident, urgently file this Motion to Overturn the Executive Director's decision to grant Standard Air Permit 174419 to Julpit Inc. on October 25, 2024.

The proposed plant, located within 1 mile of over 600 households and close to five schools, a church, and three parks, this proximity raises serious concerns.

I am writing to express my concerns about the potential air quality in my area, which I believe may be negatively impacted by emissions from the proposed plan. While I understand that industrial operations are necessary for economic development, I am deeply concerned about the potential health risks posed by the pollutants being emitted into the air. In particular, I am worried about volatile organic compounds (VOCs), nitrogen oxides and sulfur dioxide that may be affecting the air quality and public health in our community.

I respectfully request that the Texas Commission on Environmental Quality take immediate action to investigate the air quality in the immediate area. Specifically, I urge the Commission to:

1. **Conduct air quality monitoring** near the plant to assess the level of pollutants being emitted into the atmosphere.
2. **Ensure compliance** with all federal and state environmental regulations by the plant and enforce corrective actions if any violations are found.
3. **Provide the public with regular updates** regarding air quality testing and findings, as well as any measures being taken to address potential environmental concerns.
4. **Engage the community** in discussions about potential health impacts, mitigation strategies, and preventative measures to safeguard public health.

Our community deserves clean air, and it is critical that we prioritize the health and well-being of residents, especially vulnerable groups such as children, the elderly, and those with pre-existing health conditions. I trust the Commission will take these concerns seriously and work diligently to protect our air quality.

The Executive Director's decision overlooked objections from healthcare providers, neighborhoods, leaders, religious entities, non-profits, and concerned citizens, totaling over 578 comments against the proposed permit. Despite objections, the permit was granted under the assumption that it met standard requirements.

This permit should not have been granted because: (1) of the detrimental health hazard it poses to the community (2) this permit is not protective of human health.

Health Hazards posed to the community

- Particulate Matter 2.5 (super-fine particles of soot, dust, silica, etc.) Can enter into lung tissue and the bloodstream, triggering asthma attacks and adverse cardiovascular outcomes for vulnerable persons.
- Carbon monoxide, volatile organic compounds, sulfur dioxide and nitrogen oxides.
- Noise and light pollution: impacts the mental well-being of residents around the facility.

This permit contradicts the TCEQ's duty to protect human health.

Ms. Elizabeth Howley, Assistant Director with SPARK School Park Program, stated in her comments that the SPARK program is currently working with Fort Bend ISD to develop playgrounds and educational opportunities for students to enjoy throughout the day and school year. A concrete crusher, also operating during school hours, would have extreme adverse effects on these 4,471 children, and their teachers, who attend and work at these schools– they would be the first to take the dust into their lungs.

In Fort Bend, lung cancer is a leading cause of death– this includes those who have been affected and changed by the density of particulate matter pollution from concrete crushers. Ms. Lisa Jackson, a Rosharon resident and cancer survivor, stated in her comments that she does not wish to have this crusher in her area because it will lead to other families having to endure a life with a cancer diagnosis or death.

Everyone has a right to breathe clean air and to live a cancer-free life. Granting this permit, is tacit approval by the State to allow a company to actively work against the community, educators, health professionals, and local businesses.

The Executive Director asserts that meeting standard permit requirements ensures the protection of human health, welfare, and the environment. However, these regulations are examined in isolation, overlooking cumulative health impacts and the enduring effects of environmental racism. The community is already burdened with the proximity to the W.A. Parish Coal Plant– the fourth deadliest coal plant in the state.

The demographics of the community are:

65% of the population comprises people of color, with 27% identifying as Black and 30% as Hispanic.

31% of residents speak Spanish.

Furthermore, data reveals that surrounding zip codes experience elevated rates of heart disease, stroke, asthma, and chronic obstructive pulmonary disease (COPD) compared to county, state, and national averages, resulting in lower life expectancy levels overall.

The disproportionate concentration of concrete batch plants and commercial facilities in these communities correlates with their health challenges. This intersection of environmental and social justice is evident, highlighting that the legacy of racism and environmental injustices faced by communities of color should be considered when evaluating the potential health impacts of the proposed concrete crusher. It is crucial to consider these factors when assessing the potential health impacts of all current and future permits.

As we strive for environmental justice, let us heed the words of leaders who have advocated for clean air and a healthy environment. Martin Luther King Jr., a leader in the fight against injustice, once said, "We can't segregate the air you breathe or the water you drink." This statement resonates today as we fight against decisions that may disproportionately impact the health of communities of color. In honoring this sentiment, we must ensure that the permit granted aligns with the principles of equity and justice for all.

Given the concerns elucidated above, I, the signatory authority for Rosharon Clean Air/Caldwell Ranch Resident, where our mission asserts that everyone, regardless of their location of residence, work, or learning, deserves to breathe clean air. I respectfully urge the Commission to consider and grant my Motion to Overturn, ultimately denying the application.

Thank you for your attention to this important matter. I look forward to hearing from you and learning about any steps the Commission may take in response to this issue. Please feel free to contact me at (954) 801 6611 or email abbaines@bellsouth.net if you require further information or if I can assist in any way.

Sincerely,

Angelica B. Baines

Caldwell Ranch Resident

**TCEQ AIR QUALITY STANDARD PERMIT REGISTRATION NUMBER 174419 FOR
A CONCRETE BATCH PLANT**

APPLICATION BY	§	BEFORE THE TEXAS
JULPIT, LLC FOR AIR	§	COMMISSION ON
QUALITY STANDARD PERMIT NO.	§	ENVIRONMENTAL QUALITY
174419	§	TCEQ DOCKET # 2024-1751-AIR

FORT BEND COUNTY’S MOTION TO OVERTURN

TO THE HONORABLE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CHAIRMAN NIERMANN, AND COMMISSIONERS JANECKA AND GONZALES:

Fort Bend County (“County”) files this Motion to Overturn (“Motion”) the decision by the Executive Director of the Texas Commission on Environmental Quality (“TCEQ”) to approve Julpit, LLC’s (“Julpit” or “Applicant”) application to operate a permanent rock-concrete crusher (Air Quality Standard Permit No. 174419) and in support thereof shows the following:

I. INTRODUCTION

TCEQ administers the Texas Clean Air Act (“TCAA”), which establishes a framework “to safeguard the state's air resources from pollution by controlling or abating air pollution and emissions of air contaminants.”¹ One way the TCAA protects Texas’ air is to require a permit for construction of a new facility that may emit air contaminants.² TCAA authorizes TCEQ to issue “Standard Permits” to similar types of air-contaminant emitting facilities. The Standard Permit process is meant to increase efficiency by allowing qualifying facilities to obtain permits by means other than a case-specific air quality permit. The facilities must meet established criteria and

¹ TEX. HEALTH & SAFETY CODE §382.002.

² TEX. HEALTH & SAFETY CODE §385.0518(a); TEX. ADMIN. CODE §116.110.

comply with operating and emissions limitations to ensure that, despite the lack of measuring and reporting for individual sites, the facilities comply with state and federal standards designed to protect the health of Texas citizens.

In 2008 TCEQ promulgated an Air Quality Standard Permit for Permanent Rock and Concrete Crushers (“Rock Crusher Standard Permit”). This Standard Permit was intended to provide “a streamlined preconstruction authorization process to be used by any owner or operator of a crusher that *can comply with the standard permit requirements and all other state or federal permitting statutes or regulations.*”³ TCEQ justifies this expedited administrative process and limited technical review for Standard Permits for rock and concrete crushers by a) relying on a “protectiveness review” that is supposed to evaluate the safety of crusher facilities throughout the state assuming the facilities comply with the terms of the Standard Permit and b) setting strict regulatory distance limitations to make sure the community, especially sensitive assets such as homes and schools, are adequately protected from the pollution emitted by the crushers.

For every crusher facility, the Executive Director of TCEQ (“ED”) must decide whether to approve or deny the application for the Standard Permit based on whether *the application meets the requirements of this standard permit.*”⁴

³ TCEQ SUMMARY DOCUMENT FOR AIR QUALITY STANDARD PERMIT FOR PERMANENT ROCK AND CONCRETE CRUSHERS. (emphasis added).

⁴AIR QUALITY STANDARD PERMIT FOR PERMANENT ROCK AND CONCRETE CRUSHERS (emphasis added).

Julpit's application does not "meet the requirements of this standard permit" and its approval should be overturned for the following reasons:

- Julpit has not demonstrated that its Facility will be at least 440 yards from any residence as required by the Air Quality Standard Permit for Permanent Rock and Concrete Crushers. Fort Bend County has identified three residences within 440 yards from Julpit's proposed Facility's boundaries.
- The ED has not responded to Fort Bend County's written comments. Consequently, Fort Bend County's participation in the permit process, and its ability to challenge the ED's decision have been irreparably harmed.
- The Air Quality Standard Permit for Permanent Rock and Concrete Crushers relies on a 2008 protective review that is woefully outdated and does not comply with "all other state or federal permitting statutes or regulations." As a result, the Julpit Facility has not been proven to be safe for the surrounding area even if it operates as required.

II. BACKGROUND

On or about October 23, 2023, Julpit applied to TCEQ for a Standard Permit to operate a permanent rock and concrete crusher ("Facility") in Fort Bend County Texas. If granted, this permit will authorize the Applicant to construct a new facility that may emit air contaminants, including particulate matter with diameters of 10 microns or less (PM10) and 2.5 microns or less (PM2.5).

The Applicant chose to provide only skeletal information regarding the proposed Facility by providing a map that appears to be from Google Earth and the following description: "from the intersection of Texas Highway 6 and FM 521, go South on FM 521 for approximately 3.8 miles and turn right onto the site." Julpit provided no coordinates, no metes and bounds, and nothing more than a digitally imposed outline of the boundaries of its Facility. From this limited information, the TCEQ ED cannot determine with sufficient certainty where the Facility will be

located in relation to the nearby residences. The proposed Facility will be surrounded by established residential neighborhoods with schools, churches, parks and playgrounds. There are more than 600 homes nearby.

On November 24, 2023, TCEQ found that Julpit's application was "technically complete." "Notice of the Application for an Air Quality Standard Permit for Permanent Rock and Concrete Crushers" was published in English in *The Fort Bend Star* on March 27, 2024, and in Spanish in *The Greensheet* on March 28, 2024.

An informational meeting was held on August 20, 2024. Approximately 100 community members and public officials unanimously opposed to the Facility attended the meeting and spoke out in passionate, but reasoned, opposition. The public comment period ended on September 26, 2024. TCEQ received over 500 comments from citizens living near the Facility who are worried about the impact of the Facility's emissions on their and their children's health, from residents concerned about negative impact to the economy and property values, from State Senator Borris L. Miles who echoed his constituents' pleas that Julpit not locate its rock and concrete crusher in their neighborhood, and from Fort Bend County who urged the permit be denied because deficiencies in the permit application and approval process rendered the Facility insufficiently protective of the health and environment of the county.

Despite the large community outcry, and without providing the public with TCEQ's response to the hundreds of comments, on October 25, 2024, the Executive Director of TCEQ informed Fort Bend County that he had approved the permit application for "Julpit Inc."

III. MOVANT

Fort Bend County is a local subdivision of the State of Texas.⁵ As such, Fort Bend County has the authority to inspect the Facility for compliance with various state environmental statutes, and TCEQ rules and orders issued thereunder.⁶ In addition to these investigatory powers, Fort Bend County, as a local government, has the authority to file civil suits for injunctive relief, civil penalties, or both.⁷ Fort Bend County actively participated in the TCEQ permitting process and timely submitted comments on September 26, 2024.⁸ Fort Bend County has standing to file this motion to overturn.⁹

TEXAS HEALTH AND SAFETY CODE § 382.061 and 30 T.A.C. § 50.139 provide that applicants, the public interest counsel, or other persons may file a motion to overturn the ED's decision with the chief clerk of TCEQ no later than 23 days after the date the agency mails notice of the signed permit, approval, or other action of the ED. The Chief Clerk mailed notice of the ED's decision on October 25, 2024. The beginning date of the period in which to file a motion to overturn was October 26, 2024, and the last day of the twenty-three-day period, is November 17,

⁵ TEX. CIV. PRAC. & REM. CODE § 101.001(3)(B); TEX. LOC. GOV'T CODE § 232.0315; TEX. LOC. GOV'T CODE § 177.002.

⁶ TEX. HEALTH & SAFETY CODE §§ 361.032, 382.111 and TEX. WATER CODE § 26.173. Fort Bend County can investigate and/or pursue enforcement within its jurisdiction, which includes everything within the physical boundaries of Fort Bend County. The Facility will be within the physical boundaries of Fort Bend County and therefore within its jurisdiction.

⁷ TEX. WATER CODE § 7.351.

⁸ Letter from Assistant Fort Bend County Attorney Huma Ahmed to Chief Clerk Laurie Gharis, Texas Commission on Environmental Quality (Sept. 26, 2024) (filed in comments on Texas Commission on Environmental Quality Commissioners' Integrated Database).

⁹ See *Tex. Comm'n on Env'tl. Quality v. Maverick Cnty.*, 642 S.W.3d 537, 540 (Tex. 2022), reh'g denied (Apr. 22, 2022).

2024. Because the time period ends on a Sunday, the last day on which to timely file a motion to overturn in this matter is November 18, 2024.¹⁰ Therefore, this motion is timely filed. TCEQ has thus far received nine motions to overturn the Executive Director's decision to approve Julpit Inc.'s permit application.

IV. ERRORS IN THE REVIEW AND DECISION PROCESS

A. The Executive Director Did Not Respond to Comments Prior to the Deadline for Filing the Motion to Overturn.

To date, the ED has not responded to Fort Bend County's written comments or to any written comments submitted during the formal comment period prior to the deadline for filing this motion. The Administrative Code requires the ED to prepare a response to "all timely, relevant and material, or significant public comment.... **before an application is approved.**"¹¹ The Texas Health and Safety Code (Standard Permit) provides that a written response to comments will be issued "**at the same time** the commission issues or denies the permit."¹² The Air Quality Standard Permit for Permanent Rock and Concrete Crushers states that "the executive director shall issue a written response to any public comments received related to the issuance of an authorization to use the Standard Permit **at the same time as or as soon as practicable** after the executive director grants or denies the application."¹³

¹⁰ See 30 T.A.C. § 1.7; TCEQ Commissioner Integrated Database report for Permit No. 174419.

¹¹ 30 T.A.C. 55.156(b)(1) (emphasis added). See also 30 T.A.C. 50.139: "Wherever other Commission rules refer to a "motion for reconsideration," that term should be considered interchangeable with the term "motion to overturn executive director's decision."

¹² TEX. HEALTH & SAFETY CODE § 382.05195(d).

¹³ TEX. HEALTH & SAFETY CODE § 382.05199 (emphasis added).

Issuing the ED's response to comments after the granting of the application undermines the intent of the Administrative Code and the TCEQ's commitment to public participation in the permit process as outlined in its "Resolution Concerning Public Participation":

"WHEREAS, in recognition of this the Commission has adopted as one of its philosophies the need to ensure meaningful public participation in the agency's decision-making process"¹⁴

In the Notice of Public Meeting, TCEQ told the community that "[t]he TCEQ will consider all public comments in developing a final decision on the application."¹⁵ The Air Quality Standard Permit for Permanent Rock and Concrete Crushers requires the ED to consider "all public comments received during the comment period in deciding whether to approve the application." Clearly that did not happen as the ED made his decision without responding to the community's written comments.

To require the public to file motions to overturn without the benefit of the ED's response to comments puts the public and the parties at a distinct and unfair disadvantage. Fort Bend County and other commentors raised concerns regarding emissions from the proposed project, including the generation of dust, the effects on air quality and health of the public, and that prevailing winds in the area will cause additional and unavoidable health impacts. Fort Bend County also raised the issue of the cumulative effect of this project with pending or existing facilities in the area and

¹⁴ https://www.tceq.texas.gov/agency/decisions/participation/permitting-participation/particip_res.html.

¹⁵ Notice of Public Meeting for an air Quality Standard Permit for Permanent Rock and Concrete Crushers, No. 174419, July 16, 2024.

that the current Standard Permit for rock crushers is no longer protective. The ED did not respond to those comments before announcing that he had approved the permit, nor did the ED publish his response to those comments “as soon as practical.”

Three weeks have passed since the ED announced his decision and the clock started ticking on the public’s ability to file a motion to overturn that decision. This not only violates TCEQ’s own requirements, but it is also unfair to the community whose daily lives will be impacted by the Facility. The ED’s failure to respond to comments has deprived Fort Bend County of any opportunity to review and consider the ED’s responses to the issues Fort Bend County raised in its written comments before filing this motion. Fort Bend County will, therefore, be blindsided by the ED’s response to its motion to overturn.

The ED has severely prejudiced Fort Bend County’s ability to challenge the ED’s decision. The County’s motion to overturn is necessarily limited because Fort Bend County does not know – and cannot address – what it does not know, *i.e.* the ED’s response to public comments. Not only does this prevent the County from presenting certain arguments and evidence in this motion, but it also impacts the County’s ability to seek judicial review, as well as the scope of that judicial review if the Court may not consider issues Fort Bend County did not (and because of the ED’s lack of written responses, cannot) raise in this motion.

Fundamental principles of due process, respect for the public it serves, and adherence to its own rules and policies dictate that TCEQ overturn the ED’s decision because the ED did not consider or publish a response to the public’s comments before making his decision, did not

provide written comments as soon as practical, and did not provide written comments before the deadline to file motions to overturn.

B. The Executive Director Reviewed and Approved the Wrong Applicant.

Julpit, LLC submitted the notification for a Standard Permit for a permanent rock-concrete crusher, Juliff Pit Crusher, on October 20, 2023.¹⁶ The October 25, 2024, letter announcing the ED's decision references Julpit Inc. The TCEQ Core Data Form represents that Julpit, LLC – not Julpit Inc. - is the independently owned “small business source” with less than 20 employees that TCEQ considered for the permit. The Standard Permit New Registration checklist contains no federal, state or local tax identification for Julpit, LLC. Fort Bend County has been unable to locate information about Julpit, LLC, or Julpit Inc. with the Texas Secretary of State and the registration documents do not list a Secretary of State filing number. The ED approved a permit application to conduct rock and concrete crushing operations and emit potentially dangerous pollutants into Fort Bend County without knowing basic information about the owner and operator of the Facility, including its correct, legal name. The ED approved a permit for a company that did not request a permit and has not approved a permit for the company that did request it. This application, review and decision is based on inaccurate information, is therefore fundamentally flawed, and should be overturned.

¹⁶ Standard Permit Notification Permanent Rock-Concrete Crusher Fort Bend County, Texas TCEQ.

V. DEFICIENCIES IN THE APPLICATION

A. TCEQ Must Overturn the ED's Decision Because Julpit Failed to Establish that the Facility Will Be Located At Least 440 yards from a Residence.

The TCAA and Rock Crusher Standard Permit prohibit the operation of certain concrete crushing facilities “within 440 yards of a building in use as a single family or multifamily residence. . . at the time the application for a permit to operate the facilityis filed with the Commission.”¹⁷ The “measurement of distance . . . shall be taken from the point on the concrete crushing facility that is nearest to the . . . residence that is nearest to the concrete crushing facility.”¹⁸ A “facility” is “a discrete or identifiable structure, device, item, equipment, or enclosure that constitutes or contains a stationary source, including appurtenances other than emission control equipment.”¹⁹ The Rock Crusher Standard Permit clarifies that “[s]creens, belt conveyors, generator sets, and material storage or feed bins are considered to be facilities.”²⁰

Julpit provided barely any information regarding the size of the Facility or its specific location within the property to permit TCEQ to confirm that the Facility would be located more than 440 yards from a residence. According to Julpit's application, the Facility will consist of a feed hopper, a grizzly screen, a primary crusher, and a secondary screen as well as engines and generator sets. However, the application contains no information about the location or dimensions of the

¹⁷ TEX. HEALTH & SAFETY CODE § 382.065(a) (emphasis added); Air Quality Standard Permit for Permanent Rock and Concrete Crushers, General Requirement (1)(B).

¹⁸ TEX. HEALTH & SAFETY CODE § 382.065(a).

¹⁹ 30 TEX. ADMIN. CODE § 116.10(4).

²⁰ Air Quality Standard Permit for Permanent Rock and Concrete Crushers, General Requirement (1)(A)(ii).

Facility equipment. Julpit provided TCEQ no surveys, maps, drawings or any form of plans and measurements such that Julpit or the ED could determine whether the closest points of the (as yet theoretical) Facility to any residence will be less than 440 yards.

The “evidence” submitted by Julpit appears to be a screenshot of a google earth/maps aerial photograph. The screenshot purports to be an “area map/plot plan” but it does not show the three residences closest to what Julpit claims are its property boundaries or to the yellow rectangle labeled “Juliff Pitt Crusher.” Julpit submitted no photographs, no address and no description of the physical property. The size and specific location of the yellow rectangle is not known. There are no coordinates or schematics. There is absolutely no evidence in the application or registration materials that the point of the (imagined) Facility closest to nearby residences has been identified or measured.

The Investigation Report for the Application shows that three TCEQ investigators visited the site for thirty minutes on June 26, 2024, to conduct an “on-site review of the draft permit application for Permit #174419.”²¹ The project managers reportedly showed the investigators “the location where the permanent concrete crusher would operate.” But the report does not explain how this could have been done other than simply pointing because the land is undeveloped, overgrown and swampy. **“Discussions between the investigators and project managers were held to confirm the distances to the nearest property line and nearest off-property receptor. The use of a range finder was not possible due to the presence of dense foliage on site.”** Plotting or even

²¹ TCEQ Central File Room for Permit 174419.

walking the site with stakes, tape, measuring tools or a camera were apparently not options either. The investigative report contains no recorded distances, no measurements, no photographs, no documentation or any type of verification of the planned location for the Facility equipment or the “nearest receptors.”

Julpit has not demonstrated that the Facility will be 440 yards (.25 miles) from a residence because the layout and dimensions of the Facility equipment are not known and, probably, are not knowable until the land is drained and cleared. As the attached map at Exhibit A shows, at least three residences may sit within 440 yards of the Facility – depending on the eventual location of the Facility’s equipment and different structures. Fort Bend County created this map relying upon the two GPS coordinates Julpit provided in its application. Whether Julpit’s Facility meets the regulatory distance requirements depends on the exact dimensions and placement of the various pieces of equipment. Meeting this important distance requirement requires more than a single point identified by two coordinates. The ED improperly approved the permit without sufficient – or any – information upon which to conclude that these three residences do not lie within the statutory required setback.

It is Julpit’s responsibility to demonstrate compliance with all conditions of this permit upon request by the ED. Julpit’s application did not provide TCEQ with any supporting information regarding that or how measurements were taken. At this point, it is not possible to know whether the Facility will or can meet the statutory set back requirements of the Rock Crusher Standard Permit. TCEQ must overturn the ED’s decision and Julpit’s permit application should be denied until Julpit can properly demonstrate compliance with the statutory distance limits. Julpit should, at a bare

minimum, be required to provide latitude/longitude coordinates for each and every portion of the Facility's equipment and record its distance from nearby residences.

B. TCEQ must overturn the ED's decision because the Rock Crusher Standard Permit is outdated and no longer protective of human health and the environment.

The Federal Clean Air Act (FCAA) requires the Environmental Protection Agency (EPA) to identify air pollutants that may reasonably be anticipated to endanger public health and welfare.²² These pollutants are referred to as "criteria pollutants." For each criteria pollutant, EPA must set National Ambient Air Quality Standards ("NAAQS") for the protection of public health and welfare. Criteria pollutants with established NAAQS include PM_{2.5}, PM₁₀, SO₂, CO, O₃, and NO₂.²³ EPA is required to review scientific evidence and adjust the NAAQS as necessary to protect public health and the environment at least every five years.²⁴ The EPA sets the standards for criteria pollutants, but the states determine how those standards are to be met. To implement the NAAQS, states create State Implementation Plans (SIPs) which demonstrate to the EPA how federal standards will be achieved. As long as federal standards are met, the state may select any mix of control devices.

Texas' SIP attempts to satisfy the NAAQS with its Standard Permit program.²⁵ TCEQ performs a protectiveness review when it promulgates a Standard Permit. The purpose of the protectiveness review is to analyze different emissions control measures to determine what controls

²² 42 U.S.C. §§ 7408(a), 7409(a).

²³ 42 U.S.C. § 7408(a); 40 C.F.R. §§ 50.4 - 50.19.

²⁴ 42 U.S.C. § 7409(d).

²⁵ SIP: Introduction - Texas Commission on Environmental Quality - www.tceq.texas.gov.

can be uniformly applied to an industry to ensure the facilities do not in aggregate exceed NAAQS. Control measures include distance limitations placed on the facility, emissions control technologies, and mandatory best practices.

Fort Bend County raised concerns about the underlying protectiveness review in its written comments. The protectiveness review for the Rock Crusher Standard Permit took place almost two decades ago and has not been revised to comply with subsequent changes in the NAAQS for PM_{2.5}. The 2008 review also relies on outdated background considerations for PM₁₀, fails to account for background considerations for PM_{2.5} emissions, does not comply with TCEQ rules regarding quartz silica, and does not address cumulative impacts.

- 1) TCEQ has not updated the Rock Crusher Standard Permit Protectiveness Review since NAAQS standards were lowered.

Protectiveness reviews for the Rock Crusher Standard Permit were performed in January and March of 2006.²⁶ Since then and in light of scientific evidence about the harms associated with PM_{2.5}, EPA has lowered the NAAQS.²⁷ In October 2006 EPA lowered the PM_{2.5} 24-hour NAAQS from 65 µg/m³ to 35 µg/m³ (“2006 PM_{2.5} 24-hour NAAQS”) and in 2012 EPA lowered the PM_{2.5} Annual NAAQS from 15.0 µg/m³ to 12.0 µg/m³ (“2012 PM_{2.5} Annual NAAQS”).²⁸ In

²⁶ TCEQ, MEMO from Keith Zimmermann, P.E., to Larry Buller, P.E., Modeling Report – Rock Crusher Standard Permit (January 2, 2006); TCEQ, MEMO from Keith Zimmermann, P.E., to Larry Buller, P.E., Second Modeling Report – Rock Crusher Standard Permit (March 27, 2006).

²⁷ EPA, National Ambient Air Quality Standards (NAAQS) for PM, EPA.GOV (March 29, 2023) <https://www.epa.gov/pm-pollution/national-ambient-air-quality-standards-naaqspm#:~:text=Currently%2C%20EPA%20has%20primary%20and,150%20C2%B5g%2Fm3> (Participate matter pollution updates, including recent proposal to lower PM_{2.5} within a range of 9-10 µg/m³).

²⁸ 32 EPA, National Ambient Air Quality Standards for Particulate Matter, 71 Fed. Reg. 61,144 (Oct. 17, 2006); EPA, National Ambient Air Quality Standards for Particulate Matter, 78 Fed. Reg. 3,085 (Jan. 15, 2013).

2024, EPA strengthened the NAAQS for the primary annual PM_{2.5} to 9 µg/m³.²⁹ Accordingly, by current standards, the Rock Crusher Permit is no longer protective of human health and the environment for PM_{2.5} because it is based on 2006 standards that exceed current PM_{2.5} standards by a factor of 1.6. Fort Bend County has been provided no information to explain why the TCEQ has not updated its Standard Permit since the NAAQS for PM_{2.5} changed, or why TCEQ has not performed an impact analysis since (at least) 2008 or how, given that the NAAQS for PM_{2.5} is lower than the NAAQS in effect when the Rock Crusher Standard Permit protectiveness review took place, the Standard Permit protects Fort Bend County's health and environment.

2) The protectiveness review for the Rock Crusher Standard Permit was/is not protective because it does not account for current PM_{2.5} background in Fort Bend County.

The March 2006 PM_{2.5} protectiveness review performed for the Rock Crusher Standard Permit did not account for background levels of PM_{2.5}, contrary to current TCEQ Policy. When determining whether to account for background, TCEQ compares the highest modeled concentration to a significant impact level ("SIL").³⁰ For fine particulate matter emissions, the 24-hour PM_{2.5} SIL is 1.2 µg/m³, and the Annual PM_{2.5} SIL is 0.2 µg/m³.³¹ According to TCEQ's guidance documents, if the modeled concentration is greater than the SIL, the proposed source could make a significant

²⁹ <https://www.tceq.texas.gov/airquality/sip/criteria-pollutants/sip-pm#latest>.

³⁰ TCEQ, Air Permit Reviewer Reference Guide, APDG 5874, Modeling and Effects Review Applicability (MERA), TCEQ.GOV (March 2018), <https://www.tceq.texas.gov/assets/public/permitting/air/Guidance/NewSourceReview/mera.pdf>; TCEQ, APDG 6232, Air Quality Modeling Guidelines, TCEQ.GOV (Nov. 2019), <https://www.tceq.texas.gov/assets/public/permitting/air/Modeling/guidance/airquality-mod-guidelines6232.pdf>, at Pages 17 and 33-35..

³¹ *Id.*

impact on existing air quality.³² In that case, the predicted concentration, plus representative monitoring background concentrations, are compared to the respective PM NAAQS.³³ TCEQ should have accounted for background when comparing modeled concentrations to the PM2.5 NAAQS as it has recently done for the updated Concrete Batch Plant Standard Permit, a similar TCEQ air Standard Permit, following an updated protectiveness review (2023 CBP Modeling Report).³⁴ The 2023 CBP Modeling Report accounted for background concentrations and examined NAAQS compliance assessment by regions to account for variability.³⁵

Regardless of the method to determine an appropriate background level, background and modeled emissions together will likely exceed the current (12.0 µg/m³) 2012 PM2.5 Annual NAAQS and the 2024 revised primary annual PM2.5 of 9 µg/m³ on the first day the Facility operates. The Rock Crusher Standard Permit modeling is not protective - as demonstrated by the CBP updated regulations - and TCEQ must therefore overturn the ED's decision granting the application.

- 3) The Rock Crusher Standard Permit fails to protect human health and the environment from PM10 Emissions.

³² *Id.*

³³ *Id.*

³⁴ TCEQ, Memo from Dan Jamieson to Mechanical/Coatings Section, Concrete Batch Plant Standard Permit Protectiveness Review, (February 24, 2023) <https://www.tceq.texas.gov/downloads/permitting/air/nsr/nsrstakeholders/2033-oth-nr-cbpcsp23-4-modelingreport.pdf>

³⁵ *Id.* at page 6.

The Rock Crusher Standard Permit January 2006 protectiveness review evaluated PM10 emissions and compared worst-case modeled results to the PM10 24-hour NAAQS (150 µg/m³).³⁶ The maximum modeled off-property ground concentration for 24-hour PM10 was 86 µg/m³.³⁷ TCEQ considered background concentrations in the modeling analysis using a September 4, 1998 memorandum “Screening Background Concentrations,” which set PM10 background at 60 µg/m³.³⁸ At the time, the total Annual modeled concentration plus background was 146 µg/m³, just shy of the NAAQS standard of 150 µg/m³.

In the intervening 17 years, TCEQ policies have evolved and the approach to quantifying background particulate matter has modernized. The referenced September 4, 1998 memorandum “Screening Background Concentrations,” is no longer an active TCEQ Policy and Guidance Memo for Modeling.³⁹ Current TCEQ Air Quality Modeling Guidelines focus on existing air quality monitors, when available, to provide representative background concentrations.⁴⁰ Since this is a permit of general applicability, the recently re-evaluated Concrete Batch Plant Standard Permit protectiveness review can and should be instructive. The permit should be denied until the Rock

³⁶ 71 FR 61144 (October 17, 2006).

³⁷ 7 January Protectiveness Review, Page 3, *supra* note 26.

³⁸ *Id.*

³⁹ TCEQ, Policy and Guidance Memos for Modeling, TCEQ .TEXAS.GOV, https://www.tceq.texas.gov/permitting/air/memos/modeling_memos.html (last updated February 24, 2023).

⁴⁰ TCEQ, APDG 6232, Air Quality Modeling Guidelines, TCEQ.GOV (Nov. 2019), http://www.tceq.texas.gov/assets/public/permitting/air/Modeling/guidance/airquality-mod-guidelines_6232 at Page 43.

Crusher Standard Permit is reviewed and updated as was the CBP for the same reasons TCEQ revised the CBPSP, that being it is not protective of health and the environment.

- 4) The Rock Crusher Standard Permit does not comply with TCEQ Long-Term Screening Levels for Quartz Silica.

Concrete and rock crushers emit quartz silica. In 2008, the ED concluded that a maximum concentration of quartz silica at $0.3 \mu\text{g}/\text{m}^3$ was protective because it was below the then current level at the time which was $1.0 \mu\text{g}/\text{m}^3$. TCEQ has since lowered the standard to $.27 \mu\text{g}/\text{m}^3$. The Juliff crusher, if relying on projected concentrations in the 2008 protectiveness review, will exceed current TCEQ Long-Term Effects Screening Level by 10%.

- 5) The protectiveness review for the Rock Crusher Standard Permit was not protective because it did not account for cumulative impact.

The Texas Water Code states “[t]he [TCEQ] shall: (1) develop and implement policies, by specific environmental media, to protect the public from cumulative risks in areas of concentrated operations.”⁴¹ Fort Bend County commented that the application should be denied because the protectiveness review failed to account for the cumulative impact of concentrated industry. Fort Bend County identified at least three other concrete facilities within a five-mile radius of the Facility. TCEQ should deny Julpit’s application and suspend the Rock Crusher Standard Permit until the Standard Permit complies with Texas law by accounting for and protecting the public from clusters of concrete plants.⁴²

⁴¹ Summary Document for Air Quality Standard Permanent Rock and Concrete Crusher at 8.

⁴² TEX. WATER CODE § 5.130.

VI. CONCLUSION

For the foregoing reasons, Fort Bend County files this Motion to Overturn pursuant to 30 T.A.C. § 50.139(b) and requests that the Commission grant this Motion to Overturn the Executive Director's Decision on Julpit, LLC's Standard Permit permanent rock-concrete crusher, Registration No. 174419.

Respectfully submitted,

BAKER • WOTRING LLP

/s/ Debra Tsuchiyama Baker

Debra Tsuchiyama Baker

State Bar Number: 15089600

Earnest W. Wotring

State Bar No. 22012400

Tammy Jones

State Bar No. 10959075

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ewotring@bakerwotring.com

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**ATTORNEYS FOR FORT BEND
COUNTY**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and complete copy of the foregoing was served on the following via electronic service and certified mail on November 18, 2024.

/s/ Earnest W. Wotring

FOR THE APPLICANT:

John Beeson
President
Julpit, LLC
1020 West Loop N
Houston, TX 77055-7255
Jsb5595@aol.com
tyler@nolimitconstructionsvc.com

FOR THE EXECUTIVE DIRECTOR:

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Environmental Assistance Division
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FOR THE CHIEF CLERK:

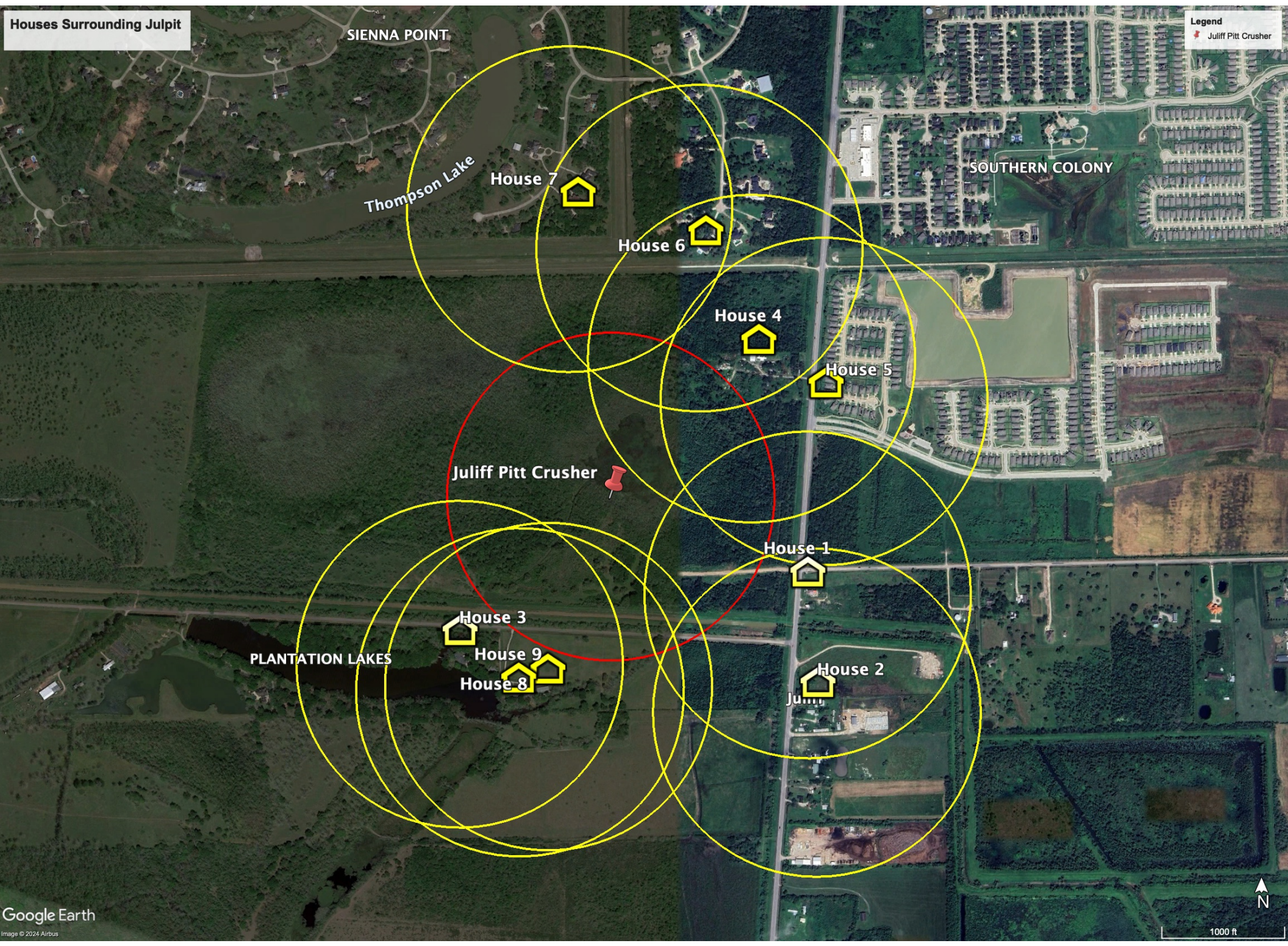
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EXHIBIT A

Houses Surrounding Julpit

Legend

 Juliff Pitt Crusher



From: rsolis@bakerwotring.com
To: [EFiling](#)
Subject: Filing on Permit Number/Docket Number 2024-1751-air
Date: Monday, November 18, 2024 4:09:02 PM
Attachments: [Julpit Motion to Overturn.pdf](#)

FILING CONFIRMATION NUMBER 406581342024323

REGULATED ENTY NAME JULIFF PIT CRUSHER

RN NUMBER: RN111833539

PERMIT NUMBER: 174419

DOCKET NUMBER: 2024-1751-AIR

COUNTY: FORT BEND

PRINCIPAL NAME: Julpit Inc, CN606195014

FROM

FILED BY: Ruby Solis

FILED FOR NAME: Earnest W. Wotring

E-MAIL: rsolis@bakerwotring.com

COMPANY: Baker Wotring

ADDRESS: 600 TRAVIS ST Suite 6400
HOUSTON TX77002-3009

PHONE: 713-980-1700

DOCUMENT NAME: Julpit Motion to Overturn.pdf

Based on 30 TAC Section 1.10(h), the TCEQ General Counsel has waived the filing requirements of Section 1.10(c) to allow the filing of documents using this online system. The General Counsel also has waived the requirements of Section 1.10(e) so that the time of filing your documents is the time this online system receives your filings. Filings are considered timely if received by close of business (usually 5:00 p.m. CST) on the deadline date unless otherwise ordered. If your document is 20 pages or less (including cover letter, mailing list, and attachments) and it is for Commission consideration at an open meeting, the General Counsel has also waived the requirement of Section 1.10(d) to file paper copies with the Office of the Chief Clerk.

November 14, 2024

Texas Commission on Environmental Quality

Office of the Chief Clerk, MC-105

P.O. Box 13087

Austin, TX 78711

RE: Urgent Motion to Overturn Air Quality Permit 174419 to Julpit Inc.

To the Honorable Members of the Texas Commission on Environmental Quality, I, Leslie Boards, representing Rosharon Clean Air urgently file this Motion to Overturn the Executive Director's decision to grant Standard Air Permit 174419 to Julpit Inc. on October 25, 2024.

The proposed plant, located within 1 mile of over 600 households and close to five schools, a church, and three parks, this proximity raises serious concerns. This is serious pollution and is hazardous to our health.

The Executive Director's decision overlooked objections from healthcare providers, neighborhoods, leaders, religious entities, non-profits, and concerned citizens, totaling over 578 comments against the proposed permit. Despite objections, the permit was granted under the assumption that it met standard requirements.

This permit should not have been granted because: (1) of the detrimental health hazard it poses to the community (2) this permit is not protective of human health.

I. Health Hazards posed to the community

- Particulate Matter 2.5 (super-fine particles of soot, dust, silica, etc.) Can enter into lung tissue and the bloodstream, triggering asthma attacks and adverse cardiovascular outcomes for vulnerable persons.
- Carbon monoxide, volatile organic compounds, sulfur dioxide and nitrogen oxides.
- Noise and light pollution: impacts the mental well-being of residents around the facility.

This is serious pollution and is hazardous to our health.

II. This permit contradicts the TCEQ's duty to protect human health.

Ms. Elizabeth Howley, Assistant Director with SPARK School Park Program, stated in her comments that the SPARK program is currently working with Fort Bend ISD to develop playgrounds and educational opportunities for students to enjoy throughout the day and school year. A concrete crusher, also operating during school hours, would have extreme adverse effects on these 4,471 children, and their teachers, who attend and work at these schools– they would be the first to take the dust into their lungs.

In Fort Bend, lung cancer is a leading cause of death– this includes those who have been affected and changed by the density of particulate matter pollution from concrete crushers. Ms. Lisa Jackson, a Rosharon resident and cancer survivor, stated in her comments that she does not wish to have this crusher in her area because it will lead to other families having to endure a life with a cancer diagnosis or death.

Everyone has a right to breathe clean air and to live a cancer-free life. Granting this permit, is tacit approval by the State to allow a company to actively work against the community, educators, health professionals, and local businesses.

The Executive Director asserts that meeting standard permit requirements ensures the protection of human health, welfare, and the environment. However, these regulations are examined in isolation, overlooking cumulative health impacts and the enduring effects of environmental racism. The community is already burdened with the proximity to the W.A. Parish Coal Plant– the fourth deadliest coal plant in the state.

The demographics of the community are:

65% of the population comprises people of color, with 27% identifying as Black and 30% as Hispanic.

31% of residents speak Spanish.

Furthermore, data reveals that surrounding zip codes experience elevated rates of heart disease, stroke, asthma, and chronic obstructive pulmonary disease (COPD) compared to county, state, and national averages, resulting in lower life expectancy levels overall.

The disproportionate concentration of concrete batch plants and commercial facilities in these communities correlates with their health challenges. This intersection of environmental and social justice is evident, highlighting that the legacy of racism and environmental injustices faced by communities of color should be considered when evaluating the potential health impacts of the proposed concrete crusher. It is crucial to consider these factors when assessing the potential health impacts of all current and future permits.

As we strive for environmental justice, let us heed the words of leaders who have advocated for clean air and a healthy environment. Martin Luther King Jr., a leader in the fight against injustice, once said, "We can't segregate the air you breathe or the water you drink." This statement resonates today as we fight against decisions that may disproportionately impact the health of communities of color. In honoring this sentiment, we must ensure that the permit granted aligns with the principles of equity and justice for all.

Given the concerns elucidated above, I, the signatory authority for Rosharon Clean Air, where our mission asserts that everyone, regardless of their location of residence, work, or learning,

deserves to breathe clean air. I respectfully urge the Commission to consider and grant my Motion to Overturn, ultimately denying the application.

If you have any questions about his request or need additional information, please contact me at any time at 281-972-9477 or lnsmith-boards@live.com.

Sincerely,

Leslie Boards

From: [Afolake Adeniyi](#)
To: [CHIEFCLK](#)
Subject: Urgent Motion to Overturn Air Quality Permit 174419 to Julpit Inc.
Date: Friday, November 15, 2024 9:25:21 PM

November 15, 2024

Texas Commission on Environmental Quality

Office of the Chief Clerk, MC-105

P.O. Box 13087

Austin, TX 78711

RE: Urgent Motion to Overturn Air Quality Permit 174419 to Julpit Inc.

To the Honorable Members of the Texas Commission on Environmental Quality, I, Afolake Cannon, member of Rosharon Clean Air, urgently file this Motion to Overturn the Executive Director's decision to grant Standard Air Permit 174419 to Julpit Inc. on October 25, 2024.

The proposed plant, located within 1 mile of over 1500 households and close to five schools, a church, and three parks, this proximity raises serious concerns. Many in the neighborhood suffer with various health conditions which would be seriously affected by allowing this project to come near our Caldwell neighborhood. Traffic on Hwy 6 and FM 521 is horrendous as it is and the many truck loading/unloading would be catastrophic to our people. Plus there are already 2 other facilities in the area killing us slowly.

The Executive Director's decision overlooked objections from healthcare providers, neighborhoods, leaders, religious entities, non-profits, and concerned citizens, totaling over 578 comments against the proposed permit. Despite objections, the permit was granted under the assumption that it met standard requirements.

This permit should not have been granted because: (1) of the detrimental health hazard it poses to the community (2) this permit is not protective of human health.

Health Hazards posed to the community

Particulate Matter 2.5 (super-fine particles of soot, dust, silica, etc.) Can enter into lung tissue and the bloodstream, triggering asthma attacks and adverse cardiovascular outcomes for vulnerable persons.

Carbon monoxide, volatile organic compounds, sulfur dioxide and nitrogen oxides.

Noise and light pollution: impacts the mental well-being of residents around the facility.

This permit contradicts the TCEQ's duty to protect human health.

Ms. Elizabeth Howley, Assistant Director with SPARK School Park Program, stated in her comments that the SPARK program is currently working with Fort Bend ISD to develop playgrounds and educational opportunities for students to enjoy throughout the day and school year. A concrete crusher, also operating during school hours, would have extreme adverse effects on these 4,471 children, and their teachers, who attend and work at these schools— they would be the first to take the dust into their lungs.

In Fort Bend, lung cancer is a leading cause of death— this includes those who have been affected and changed by the density of particulate matter pollution from concrete crushers. Ms. Lisa Jackson, a Rosharon resident and cancer survivor, stated in her comments that she does not wish to have this crusher in her area because it will lead to other families having to endure a life with a cancer diagnosis or death.

Everyone has a right to breathe clean air and to live a cancer-free life. Granting this permit, is tacit approval by the State to allow a company to actively work against the community, educators, health professionals, and local businesses.

The Executive Director asserts that meeting standard permit requirements ensures the protection of human health, welfare, and the environment. However, these regulations are examined in isolation, overlooking cumulative health impacts and the enduring effects of environmental racism. The community is already burdened with the proximity to the W.A. Parish Coal Plant— the fourth deadliest coal plant in the state.

The demographics of the community are:

65% of the population comprises people of color, with 27% identifying as Black and 30% as Hispanic.

31% of residents speak Spanish.

Furthermore, data reveals that surrounding zip codes experience elevated rates of heart disease, stroke, asthma, and chronic obstructive pulmonary disease (COPD) compared to county, state, and national averages, resulting in lower life expectancy levels overall.

The disproportionate concentration of concrete batch plants and commercial facilities in these communities correlates with their health challenges. This intersection of environmental and social justice is evident, highlighting that the legacy of racism and environmental injustices faced by communities of color should be considered when evaluating the potential health impacts of the proposed concrete crusher. It is crucial to consider these factors when assessing the potential health impacts of all current and future permits.

As we strive for environmental justice, let us heed the words of leaders who have advocated for clean air and a healthy environment. Martin Luther King Jr., a leader in the fight against injustice, once said, "We can't segregate the air you breathe or the water you drink." This statement resonates today as we fight against decisions that may disproportionately impact the health of communities of color. In honoring this sentiment, we must ensure that the permit granted aligns with the principles of equity and justice for all.

Given the concerns elucidated above, I, a member of Rosharon Clean Air, where our mission asserts that everyone, regardless of their location of residence, work, or learning, deserves to breathe clean air. I respectfully urge the Commission to consider and grant my Motion to Overturn, ultimately denying the application.

If you have any questions about his request or need additional information, please contact me at any time at 832-866-5269 or at a.adeniyi@icloud.com

Sincerely,

Afolake Cannon

November 15, 2024

Texas Commission on Environmental Quality

Office of the Chief Clerk, MC-105

P.O. Box 13087

Austin, TX 78711

RE: Urgent Motion to Overturn Air Quality Permit 174419 to Julpit Inc.

To the Honorable Members of the Texas Commission on Environmental Quality, I, Orlando Parra, representing Rosharon Clean Air, urgently file this Motion to Overturn the Executive Director's decision to grant Standard Air Permit 174419 to Julpit Inc. on October 25, 2024.

The proposed plant, located within 1 mile of over 600 households and close to five schools, a church, and three parks, this proximity raises serious concerns. With the continued growth of the communities surrounding the proposed rock plant many families will unexpectedly find themselves living near the rock plant shortly after moving in the area increasing the potential for health risks and impacting families with unknown health conditions. My wife and I recently purchased a home near the proposed site. This would have made me think twice if this was something I would think could be even possible for a resident to live within such a distance from a concrete plant. Traffic on Hwy 6 and FM 521 is horrendous as it is and the many truck loading/unloading would be catastrophic to the public at large.

The Executive Director's decision overlooked objections from healthcare providers, neighborhoods, leaders, religious entities, non-profits, and concerned citizens, totaling over 578 comments against the proposed permit. Despite objections, the permit was granted under the assumption that it met standard requirements.

This permit should not have been granted because: (1) of the detrimental health hazard it poses to the community (2) this permit is not protective of human health.

Health Hazards posed to the community

Particulate Matter 2.5 (super-fine particles of soot, dust, silica, etc.) Can enter into lung tissue and the bloodstream, triggering asthma attacks and adverse cardiovascular outcomes for vulnerable persons.

Carbon monoxide, volatile organic compounds, sulfur dioxide and nitrogen oxides.

Noise and light pollution: impacts the mental well-being of residents around the facility.

This permit contradicts the TCEQ's duty to protect human health.

Ms. Elizabeth Howley, Assistant Director with SPARK School Park Program, stated in her comments that the SPARK program is currently working with Fort Bend ISD to develop playgrounds and educational opportunities for students to enjoy throughout the day and school year. A concrete crusher, also operating during school hours, would have extreme adverse effects on these 4,471 children, and their teachers, who attend and work at these schools– they would be the first to take the dust into their lungs.

In Fort Bend, lung cancer is a leading cause of death– this includes those who have been affected and changed by the density of particulate matter pollution from concrete crushers. Ms. Lisa Jackson, a Rosharon resident and cancer survivor, stated in her comments that she does not wish to have this crusher in her area because it will lead to other families having to endure a life with a cancer diagnosis or death.

Everyone has a right to breathe clean air and to live a cancer-free life. Granting this permit, is tacit approval by the State to allow a company to actively work against the community, educators, health professionals, and local businesses.

Furthermore, data reveals that surrounding zip codes experience elevated rates of heart disease, stroke, asthma, and chronic obstructive pulmonary disease (COPD) compared to county, state, and national averages, resulting in lower life expectancy levels overall.

The disproportionate concentration of concrete batch plants and commercial facilities in these communities correlates with their health challenges. This intersection of environmental and social justice is evident, highlighting that the legacy of racism and environmental injustices faced by communities of color should be considered when evaluating the potential health impacts of the proposed concrete crusher. It is crucial to consider these factors when assessing the potential health impacts of all current and future permits.

As we strive for environmental justice, let us heed the words of leaders who have advocated for clean air and a healthy environment. Martin Luther King Jr., a leader in the fight against injustice, once said, "We can't segregate the air you breathe or the water you drink." This statement resonates today as we fight against decisions that may disproportionately impact the health of communities of color. In honoring this sentiment, we must ensure that the permit granted aligns with the principles of equity and justice for all.

Given the concerns elucidated above, I, the signatory authority for Rosharon Clean Air, where our mission asserts that everyone, regardless of their location of residence, work, or learning, deserves to breathe clean air. I respectfully urge the Commission to consider and grant my Motion to Overturn, ultimately denying the application.

If you have any questions about his request or need additional information, please contact me at any time at 9798245663 or at claytoncollier36@gmail.com

Sincerely,

Clayton Collier

November 14, 2024

Texas Commission on Environmental Quality

Office of the Chief Clerk, MC-105

P.O. Box 13087

Austin, TX 78711

RE: Urgent Motion to Overturn Air Quality Permit 174419 to Julpit Inc.

To the Honorable Members of the Texas Commission on Environmental Quality, I, Erika Johnson, representing Rosharon Clean Air and a resident of Caldwell, urgently file this Motion to Overturn the Executive Director's decision to grant Standard Air Permit 174419 to Julpit Inc. on October 25, 2024.

The proposed plant, located within 1 mile of over 600 households and close to five schools, a church, and three parks, this proximity raises serious concerns. I live near the proposed rock plant facility. Alongside many others in our community, I am writing to express my strong opposition to the permit for this facility. As a mother, a wife, and someone battling Lupus, I am deeply concerned about the health risks this facility will bring. The pollutants it will release threaten the well-being of over 600 homes, five schools, three parks, and a place of worship, all within a mile of this site. Let's be honest: the owners of Julpit Inc. would never consider placing this plant near their own communities, so why is it acceptable to place it near ours, near the homes of hardworking, working-class families? We deserve the same respect, protection, and consideration as any other neighborhood. I have to ask, what price can be put on our health? What dollar amount justifies risking our lives, our children's lives, and the safety of our entire community? A "yes" from the TCEQ would mean sacrificing our health and safety, contaminating our air with pollutants that can trigger asthma, worsen respiratory conditions, and lead to long-term health problems. It would mean our children face more asthma attacks, miss school days due to illness, and lose their right to a safe and healthy childhood. A "yes" would send the message that our community is less deserving of clean air and protection. But you have the power to say "no." You have the power to protect us, to keep our air clean, and to show that our lives matter. Please do not grant this permit.

The Executive Director's decision overlooked objections from healthcare providers, neighborhoods, leaders, religious entities, non-profits, and concerned citizens, totaling over 578 comments against the proposed permit. Despite objections, the permit was granted under the assumption that it met standard requirements.

This permit should not have been granted because: (1) of the detrimental health hazard it poses to the community (2) this permit is not protective of human health.

I. Health Hazards posed to the community

- Particulate Matter 2.5 (super-fine particles of soot, dust, silica, etc.) Can enter into lung tissue and the bloodstream, triggering asthma attacks and adverse cardiovascular outcomes for vulnerable persons.
- Carbon monoxide, volatile organic compounds, sulfur dioxide and nitrogen oxides.
- Noise and light pollution: impacts the mental well-being of residents around the facility.

II. This permit contradicts the TCEQ's duty to protect human health.

Ms. Elizabeth Howley, Assistant Director with SPARK School Park Program, stated in her comments that the SPARK program is currently working with Fort Bend ISD to develop playgrounds and educational opportunities for students to enjoy throughout the day and school year. A concrete crusher, also operating during school hours, would have extreme adverse effects on these 4,471 children, and their teachers, who attend and work at these schools– they would be the first to take the dust into their lungs.

In Fort Bend, lung cancer is a leading cause of death– this includes those who have been affected and changed by the density of particulate matter pollution from concrete crushers. Ms. Lisa Jackson, a Rosharon resident and cancer survivor, stated in her comments that she does not wish to have this crusher in her area because it will lead to other families having to endure a life with a cancer diagnosis or death.

Everyone has a right to breathe clean air and to live a cancer-free life. Granting this permit, is tacit approval by the State to allow a company to actively work against the community, educators, health professionals, and local businesses.

The Executive Director asserts that meeting standard permit requirements ensures the protection of human health, welfare, and the environment. However, these regulations are examined in isolation, overlooking cumulative health impacts and the enduring effects of environmental racism. The community is already burdened with the proximity to the W.A. Parish Coal Plant– the fourth deadliest coal plant in the state.

The demographics of the community are:

65% of the population comprises people of color, with 27% identifying as Black and 30% as Hispanic.

31% of residents speak Spanish.

Furthermore, data reveals that surrounding zip codes experience elevated rates of heart disease, stroke, asthma, and chronic obstructive pulmonary disease (COPD) compared to county, state, and national averages, resulting in lower life expectancy levels overall.

The disproportionate concentration of concrete batch plants and commercial facilities in these communities correlates with their health challenges. This intersection of environmental and

social justice is evident, highlighting that the legacy of racism and environmental injustices faced by communities of color should be considered when evaluating the potential health impacts of the proposed concrete crusher. It is crucial to consider these factors when assessing the potential health impacts of all current and future permits.

As we strive for environmental justice, let us heed the words of leaders who have advocated for clean air and a healthy environment. Martin Luther King Jr., a leader in the fight against injustice, once said, "We can't segregate the air you breathe or the water you drink." This statement resonates today as we fight against decisions that may disproportionately impact the health of communities of color. In honoring this sentiment, we must ensure that the permit granted aligns with the principles of equity and justice for all.

Given the concerns elucidated above, I, the signatory authority for Rosharon Clean Air and a resident of Caldwell, where our mission asserts that everyone, regardless of their location of residence, work, or learning, deserves to breathe clean air. I respectfully urge the Commission to consider and grant my Motion to Overturn, ultimately denying the application.

If you have any questions about his request or need additional information, please contact me at any time at 346-297-7196 or hello@erikaejjohnson.com.

Sincerely,

From: [latoya mitchell](#)
To: [CHIEFCLK](#)
Subject: Permit 174419 to Julpit Inc.
Date: Thursday, November 14, 2024 2:13:24 PM

November 14, 2024

Texas Commission on Environmental Quality
Office of the Chief Clerk, MC-105
P.O. Box 13087
Austin, TX 78711

RE: Urgent Motion to Overturn Air Quality Permit 174419 to Julpit Inc.

To the Honorable Members of the Texas Commission on Environmental Quality, I, Latoya & Marquis Lane representing Huntington Place , urgently file this Motion to Overturn the Executive Director's decision to grant Standard Air Permit 174419 to Julpit Inc. on October 25, 2024.

The proposed plant, located within 1 mile of over 600 households and close to five schools, a church, and three parks, this proximity raises serious concerns. I have a child who is 13 and currently have breathing issues; he had several surgeries in the past ; if y'all allow this you will get apart of new health concerns that may develop if my child breaths this poison! this will show you don't care about his health nor future health issues that will develop against my family and that money matters more than our health. The Executive Director's decision overlooked objections from healthcare providers, neighborhoods, leaders, religious entities, non-profits, and concerned citizens, totaling over 578 comments against the proposed permit. Despite objections, the permit was granted under the assumption that it met standard requirements.

This permit should not have been granted because: (1) of the detrimental health hazard it poses to the community (2) this permit is not protective of human health.

Health Hazards posed to the community

Particulate Matter 2.5 (super-fine particles of soot, dust, silica, etc.) Can enter into lung tissue and the bloodstream, triggering asthma attacks and adverse cardiovascular outcomes for vulnerable persons.

Carbon monoxide, volatile organic compounds, sulfur dioxide and nitrogen oxides.

Noise and light pollution: impacts the mental well-being of residents around the facility.

This permit contradicts the TCEQ's duty to protect human health.

Ms. Elizabeth Howley, Assistant Director with SPARK School Park Program, stated in her comments that the SPARK program is currently working with Fort Bend ISD to develop playgrounds and educational opportunities for students to enjoy throughout the day and school year. A concrete crusher, also operating during school hours, would have

extreme adverse effects on these 4,471 children, and their teachers, who attend and work at these schools– they would be the first to take the dust into their lungs.

In Fort Bend, lung cancer is a leading cause of death– this includes those who have been affected and changed by the density of particulate matter pollution from concrete crushers. Ms. Lisa Jackson, a Rosharon resident and cancer survivor, stated in her comments that she does not wish to have this crusher in her area because it will lead to other families having to endure a life with a cancer diagnosis or death.

Everyone has a right to breathe clean air and to live a cancer-free life. Granting this permit, is tacit approval by the State to allow a company to actively work against the community, educators, health professionals, and local businesses.

The Executive Director asserts that meeting standard permit requirements ensures the protection of human health, welfare, and the environment. However, these regulations are examined in isolation, overlooking cumulative health impacts and the enduring effects of environmental racism. The community is already burdened with the proximity to the W.A. Parish Coal Plant– the fourth deadliest coal plant in the state.

The demographics of the community are:

65% of the population comprises people of color, with 27% identifying as Black and 30% as Hispanic.

31% of residents speak Spanish.

Furthermore, data reveals that surrounding zip codes experience elevated rates of heart disease, stroke, asthma, and chronic obstructive pulmonary disease (COPD) compared to county, state, and national averages, resulting in lower life expectancy levels overall.

The disproportionate concentration of concrete batch plants and commercial facilities in these communities correlates with their health challenges. This intersection of environmental and social justice is evident, highlighting that the legacy of racism and environmental injustices faced by communities of color should be considered when evaluating the potential health impacts of the proposed concrete crusher. It is crucial to consider these factors when assessing the potential health impacts of all current and future permits.

As we strive for environmental justice, let us heed the words of leaders who have advocated for clean air and a healthy environment. Martin Luther King Jr., a leader in the fight against injustice, once said, "We can't segregate the air you breathe or the water you drink." This statement resonates today as we fight against decisions that may disproportionately impact the health of communities of color. In honoring this sentiment, we must ensure that the permit granted aligns with the principles of equity and justice for all.

Given the concerns elucidated above, I, the signatory authority for Huntington Place, where our mission asserts that everyone, regardless of their location of residence, work, or learning, deserves to breathe clean air. I respectfully urge the Commission to consider and grant my Motion to Overturn, ultimately denying the application.

If you have any questions about his request or need additional information, please contact me at any time at 832-883-6555 or Latoya.Mitchell03@yahoo.com

Sincerely, Latoya&Marquis Lane

[Sent from Yahoo Mail for iPhone](#)

November 17, 2024

Texas Commission on Environmental Quality
Office of the Chief Clerk, MC-105
P.O. Box 13087
Austin, TX 78711

RE: Urgent Motion to Overturn Air Quality Permit 174419 to Julpit Inc.

To the Honorable Members of the Texas Commission on Environmental Quality, I, Courtney Lewis, a resident of Caldwell and a member of Rosharon Clean Air, urgently file this Motion to Overturn the Executive Director's decision to grant Standard Air Permit 174419 to Julpit Inc. on October 25, 2024.

The proposed plant is located within one mile of numerous growing communities that include 600+ households, 5 schools, 3+ parks, and 1 church. The proximity of this proposed plant raises serious concerns. The Executive Director's decision overlooked objections from healthcare providers, neighborhoods, community leaders, local officials, religious entities, non-profits, and concerned citizens, totaling over 578 comments against the proposed permit. Despite objections, the permit was granted under the assumption that it met standard requirements.

This permit should have never been granted. The mission of TCEQ is to protect our state's public health and natural resources consistent with sustainable economic development. The goal of TCEQ is clean air, clean water, and the safe management of waste. By allowing the construction of rock and concrete crushing facilities in such proximity to growing communities and schools, TCEQ is choosing to forego the health, the natural resources, and the clean air for the economic gain of another corporation.

Rock and concrete crushing facilities are known to emit Particulate Matter 2.5 (PM2.5), Carbon Monoxide, Sulfur Dioxide, Nitrogen Oxide, Volatile Organic Compounds, and more. These air pollutants can easily enter the bloodstream and lung tissue, triggering asthma attacks and adverse cardiovascular outcomes for vulnerable populations. Additionally, the noise and light pollution from the facility will have detrimental effects on the local environment. The increased traffic from the facility will greatly impact an infrastructure that is already overwhelmed and unable to support the growing local communities.

At the age of 17, I was diagnosed with an auto-immune disorder. I have spent my entire adult life learning to advocate for my health, fighting against systemic medical practices, and growing in my understanding of what a healthy life looks like. This year, I started walking in my neighborhood. I have had the ability to meet neighbors, improve my mental and physical well-being, and enjoy our beautiful, clear, and clean skies. In recent months, I have greatly questioned how my ability to walk in my neighborhood will be impacted by this rock and concrete crushing facility. Will I notice a change in the air quality? Will my overall health begin to decline the more I am outside? Will I put myself at increased risk for toxins by trying to improve my physical and mental health through outdoor activities? Will this impact our desire to grow a garden in our backyard? How will this facility change the life we have built in our first home?

Ms. Elizabeth Howley, Assistant Director with SPARK School Park Program, stated in her comments that the SPARK program is currently working with Fort Bend ISD to develop playgrounds and educational opportunities for students to enjoy throughout the school day and year. This facility, also operating during

school hours, would have extreme adverse effects on the 4,471 children and their teachers who attend and work at these schools. They would be the first to inhale the dust into their lungs.

In Fort Bend County, lung cancer is a leading cause of death; this includes those who have been impacted by the density of particulate matter pollution from similar facilities. Ms. Lisa Jackson, a Rosharon resident and cancer survivor, stated in her comments that she does not wish to have this facility in her area because it will lead to other families having to endure a life with a cancer diagnosis or death. Furthermore, data reveals that surrounding zip codes experience elevated rates of heart disease, stroke, asthma, and chronic obstructive pulmonary disease (COPD) compared to county, state, and national averages, resulting in lower life expectancy levels overall.

We all have the right to breathe clean air. Granting this permit is tacit approval by the State to allow a company to actively work against the community, educators, health professionals, and local businesses.

The Executive Director asserts that meeting standard permit requirements ensures the protection of human health, welfare, and the environment. However, these regulations are examined in isolation, overlooking cumulative health impacts and the enduring effects of environmental racism. The community is already burdened by the proximity to the W.A. Parish Coal Plant – the fourth deadliest coal plant in the state.

The demographic of the surrounding community includes 65% of the population identifying as people of color, with 27% identifying as Black and 30% as Hispanic. 31% of the residents speak Spanish. The disproportionate concentration of these facilities in these communities correlates with their health challenges. This intersection of environmental and social justice is evident, highlighting that the legacy of racism and environmental injustices faced by communities of color should be considered when evaluating the potential health impacts of the proposed concrete crusher. It is crucial to consider these factors when assessing the potential health impacts of all current and future permits.

As we strive for environmental justice, let us heed the words of leaders who have advocated for clean air and a healthy environment. Martin Luther King Jr., a leader in the fight against injustice, once said, "We can't segregate the air you breathe or the water you drink." This statement resonates today as we fight against decisions that may disproportionately impact the health of communities of color. In honoring this sentiment, we must ensure that the permit granted aligns with the principles of equity and justice for all.

Given the concerns elucidated above, I, the signatory authority for Rosharon Clean Air, where our mission asserts that everyone, regardless of their location of residence, work, or learning, deserves to breathe clean air. I respectfully urge the Commission to consider and grant my Motion to Overturn, ultimately denying the application. I implore TCEQ to prioritize my health and my community's health over the profit of another corporation. TCEQ has the power to stop this facility from being built, to prevent the community from being exposed to harmful air pollution, and to keep current and future generations safe from the negative health impacts known to be associated with rock and concrete crushing facilities.

Thank you for taking the time to read my concerns.

Sincerely,
Courtney Lewis

TCEQ MTO Julpit Inc.

November 14, 2024

Texas Commission on Environmental Quality

Office of the Chief Clerk, MC-105

P.O. Box 13087

Austin, TX 78711

RE: Urgent Motion to Overturn Air Quality Permit 174419 to Julpit Inc.

To the Honorable Members of the Texas Commission on Environmental Quality, I, Mathew Metharatta, representing Rosharon Clean Air urgently file this Motion to Overturn the Executive Director's decision to grant Standard Air Permit 174419 to Julpit Inc. on October 25, 2024.

The proposed plant, located within 1 mile of over 600 households and close to five schools, a church, and three parks, this proximity raises serious concerns. My kids and I have asthma and this will constitute a higher risk for us.

The Executive Director's decision overlooked objections from healthcare providers, neighborhoods, leaders, religious entities, non-profits, and concerned citizens, totaling over 578 comments against the proposed permit. Despite objections, the permit was granted under the assumption that it met standard requirements.

This permit should not have been granted because: (1) of the detrimental health hazard it poses to the community (2) this permit is not protective of human health.

1. Health Hazards posed to the community

- Particulate Matter 2.5 (super-fine particles of soot, dust, silica, etc.) Can enter into lung tissue and the bloodstream, triggering asthma attacks and adverse cardiovascular outcomes for vulnerable persons.
- Carbon monoxide, volatile organic compounds, sulfur dioxide and nitrogen oxides.
- Noise and light pollution: impacts the mental well-being of residents around the facility.

2. This permit contradicts the TCEQ's duty to protect human health.

Ms. Elizabeth Howley, Assistant Director with SPARK School Park Program, stated in her comments that the SPARK program is currently working with Fort Bend ISD to develop playgrounds and educational opportunities for students to enjoy throughout the day and school year. A concrete crusher, also operating during school hours, would have extreme adverse effects on these 4,471 children, and their teachers, who attend and work at these schools– they would be the first to take the dust into their lungs.

In Fort Bend, lung cancer is a leading cause of death– this includes those who have been affected and changed by the density of particulate matter pollution from concrete crushers. Ms. Lisa Jackson, a Rosharon resident and cancer survivor, stated in her comments that she does not wish to have this crusher in her area because it will lead to other families having to endure a life with a cancer diagnosis or death.

Everyone has a right to breathe clean air and to live a cancer-free life. Granting this permit, is tacit approval by the State to allow a company to actively work against the community, educators, health professionals, and local businesses.

The Executive Director asserts that meeting standard permit requirements ensures the protection of human health, welfare, and the environment. However, these regulations are examined in isolation, overlooking cumulative health impacts and the enduring effects of environmental racism. The community is already burdened with the proximity to the W.A. Parish Coal Plant– the fourth deadliest coal plant in the state.

The demographics of the community are:

65% of the population comprises people of color, with 27% identifying as Black and 30% as Hispanic.

31% of residents speak Spanish.

Furthermore, data reveals that surrounding zip codes experience elevated rates of heart disease, stroke, asthma, and chronic obstructive pulmonary disease (COPD) compared to county, state, and national averages, resulting in lower life expectancy levels overall.

The disproportionate concentration of concrete batch plants and commercial facilities in these communities correlates with their health challenges. This intersection of environmental and social justice is evident, highlighting that the legacy of racism and environmental injustices faced by communities of color should be considered when evaluating the potential health impacts of the proposed concrete crusher. It is crucial to consider these factors when assessing the potential health impacts of all current and future permits.

As we strive for environmental justice, let us heed the words of leaders who have advocated for clean air and a healthy environment. Martin Luther King Jr., a leader in the fight against injustice, once said, "We can't segregate the air you breathe or the water you drink." This statement resonates today as we fight against decisions that may disproportionately impact the health of communities of color. In honoring this sentiment, we must ensure that the permit granted aligns with the principles of equity and justice for all.

Given the concerns elucidated above, I, the signatory authority for (GROUP NAME), where our mission asserts that everyone, regardless of their location of residence, work, or learning, deserves to breathe clean air. I respectfully urge the Commission to consider and grant my Motion to Overturn, ultimately denying the application.

If you have any questions about his request or need additional information, please contact me at any time at emetharatta@gmail.com

Sincerely,

Mathew Metharatta

Mathew Metharatta

Convert

November 14, 2024

Texas Commission on Environmental Quality

Office of the Chief Clerk, MC-105

P.O. Box 13087

Austin, TX 78711

RE: URGENT MOTION TO OVERTURN AIR QUALITY PERMIT 174419 TO JULPIT INC.

To the Honorable Members of the Texas Commission on Environmental Quality, I, Charnella Mims, representing Rosharon Clean Air, urgently file this Motion to Overturn the Executive Director's decision to grant Standard Air Permit 174419 to Julpit Inc. on October 25, 2024.

The proposed plant, located within 1 mile of over 600 households and close to five schools (one more to be added in 2025), a church (which will be adding a retail center to their campus), and three parks (at least one has a public swimming pool), this proximity raises serious concerns. Several neighborhoods, all newly created within the last three to five years, are steadily growing at a tremendous rate because many home developers are building homes. The fact that Rosharon is an unincorporated region, makes it easier for outside entities like Julpit to come in and take advantages of us. Many families of Rosharon, TX, are ignorant of the governmental structure of our area. We are split between Brazoria County and Fort Bend County and many times it depends on which side of the street your home is located. We are unsure of where to go to get help with matters like this. We are just out here!

The Executive Director's decision overlooked objections from healthcare providers, neighborhood, leaders, religious entities, non-profits, and concerned citizens, totaling over 578 comments against the proposed permit. Despite objections, the permit was granted under the assumption that it met standard requirements.

This permit should not have been granted because: 1) of the detrimental health hard it poses to the community 2) this permit is not protective of human health.

I. Health Hazards posed to the community

- Particulate Matter 2.5 (super-fine particles of soot, dust, silica,

etc.) Can enter into lung tissue and the bloodstream, triggering asthma attacks and adverse cardiovascular outcomes for vulnerable persons.

- Carbon monoxide, volatile organic compounds, sulfur dioxide and nitrogen oxides.
- Noise and light pollution: impacts the mental well-being of residents around the facility.
- Many parents of school-age children are subject to respiratory issues which can be very serious. Many activities are outside which means some children will not be able to participate in outdoor activities. School activities like football, tennis, baseball, soft ball, track and field, soccer will be impacted, and some kids will not be able to participate because of the environment. Dog walkers in the area, pregnant women, families walking their baby and little-ones for exercise could be hindered. People won't be able to enjoy sitting in their backyards because of the fear of health issues! Cooking meat on a grill may become undesirable because of the added soot, dust & silica in the air/wind.

II. This permit contradicts the TCEQ'S duty to protect human health.

Ms. Elizabeth Howley, Assistant Director with SPARK School Park Program, stated in her comments that the SPARK program is currently working with Fort Bend ISD to develop playgrounds and educational opportunities for students to enjoy throughout the day and school year. A concrete crusher, also operating during school hours, would have extreme adverse effects on these 4,471 children (and growing), and their teachers, who attend and work at these schools—they would be the first to take the dusts into their lungs.

In Fort Bend, lung cancer is a leading cause of death—this includes those who have been affected and changed by the density of particulate matter pollution from concrete crushers. Many people today are cancer survivors. Ms. Lisa Jackson, a Rosharon resident and cancer survivor, stated in her comments that she does not wish to have this crusher in her area because it will lead to other families having to endure a life with a cancer diagnosis or death.

Everyone has a right to breathe clean air and to live a cancer-free life. Granting this permit is tacit approval by the State to allow a company to actively work against the community, educators, health professionals, and local businesses.

The Executive Director asserts that meeting standard permit requirements ensures the protection of human health, welfare, and the environment. However, these regulations are examined in isolation, overlooking cumulative health impacts and the enduring effects of environmental racism. The community is already burdened with the proximity to the W.A.

Parish Coal Plant—the fourth deadliest coal plant in the state. Since I have learned about concrete crushers, I can't help but notice how many of these types of businesses are in the surrounding areas.

The demographics of the community are:

Sixty-five percent of the population comprises people of color, with 27% identifying as Black and 30% as Hispanic.

Thirty-one percent of residents speak Spanish.

Furthermore, data reveals that surrounding zip codes experience elevated rates of heart disease, stroke, asthma, and chronic obstructive pulmonary disease (COPD) compared to county, state, and national averages, resulting in lower life expectancy levels overall.

The disproportionate concentration of concrete batch plants and commercial facilities in these communities correlates with their health challenges. This intersection of environmental and social justice is evident, highlighting that the legacy of racism and environmental injustices faced by communities of color should be considered when evaluating the potential health impacts of the proposed concrete crusher. It is crucial to consider these factors when assessing the potential health impacts of all current and future permits.

As we strive for environmental justice, let us heed the words of leaders who have advocated for clean air and a healthy environment. Martin Luther King Jr., a leader in the fight against injustice, once said, "We can't segregate the air you breathe or the water you drink." This statement resonates today as we fight against decisions that may disproportionately impact the health of communities of color. In honoring this sentiment, we must ensure that the permit granted aligns with the principles of equity and justice for all.

Given the concerns elucidated above, I, the signatory authority for Rosharon Clean Air, where our mission asserts that everyone, regardless of their location of residence, work, or learning, deserves to breathe clean air. I respectfully urge the Commission to consider and grant my Motion to Overturn, ultimately denying the application. If you have any questions about this request or need additional information, please contact me at any time at (402) 917-6455 or mimscharnella@gmail.com.

Sincerely,

CHARNELLA MIMS

November 15, 2024

Texas Commission on Environmental Quality

Office of the Chief Clerk, MC-105

P.O. Box 13087

Austin, TX 78711

RE: Urgent Motion to Overturn Air Quality Permit 174419 to Julpit Inc.

To the Honorable Members of the Texas Commission on Environmental Quality, I, George Moussa, representing Rosharon Clean Air, urgently file this Motion to Overturn the Executive Director's decision to grant Standard Air Permit 174419 to Julpit Inc. on October 25, 2024.

The proposed plant, located within 1 mile of over 600 households and close to five schools, a church, and three parks, this proximity raises serious concerns. I do have newborn which would be seriously affected by allowing this project to come near our Caldwell neighborhood. Traffic on Hwy 6 and FM 521 is horrendous as it is and the many truck loading/unloading would be catastrophic to our people.

The Executive Director's decision overlooked objections from healthcare providers, neighborhoods, leaders, religious entities, non-profits, and concerned citizens, totaling over 578 comments against the proposed permit. Despite objections, the permit was granted under the assumption that it met standard requirements.

This permit should not have been granted because: (1) of the detrimental health hazard it poses to the community (2) this permit is not protective of human health.

I. Health Hazards posed to the community

- Particulate Matter 2.5 (super-fine particles of soot, dust, silica, etc.) Can enter into lung tissue and the bloodstream, triggering asthma attacks and adverse cardiovascular outcomes for vulnerable persons.
- Carbon monoxide, volatile organic compounds, sulfur dioxide and nitrogen oxides.
- Noise and light pollution: impacts the mental well-being of residents around the facility.

II. This permit contradicts the TCEQ's duty to protect human health.

Ms. Elizabeth Howley, Assistant Director with SPARK School Park Program, stated in her comments that the SPARK program is currently working with Fort Bend ISD to develop playgrounds and educational opportunities for students to enjoy throughout the day and school year. A concrete crusher, also operating during school hours, would have extreme adverse effects on these 4,471 children, and their teachers, who attend and work at these schools— they would be the first to take the dust into their lungs.

In Fort Bend, lung cancer is a leading cause of death— this includes those who have been affected and changed by the density of particulate matter pollution from concrete crushers. Ms. Lisa Jackson, a Rosharon resident and cancer survivor, stated in her comments that she does not wish to have this crusher in her area because it will lead to other families having to endure a life with a cancer diagnosis or death.

Everyone has a right to breathe clean air and to live a cancer-free life. Granting this permit, is tacit approval by the State to allow a company to actively work against the community, educators, health professionals, and local businesses.

The Executive Director asserts that meeting standard permit requirements ensures the protection of human health, welfare, and the environment. However, these regulations are examined in isolation, overlooking cumulative health impacts and the enduring effects of environmental racism. The community is already burdened with the proximity to the W.A. Parish Coal Plant— the fourth deadliest coal plant in the state.

The demographics of the community are:

65% of the population comprises people of color, with 27% identifying as Black and 30% as Hispanic.

31% of residents speak Spanish.

Furthermore, data reveals that surrounding zip codes experience elevated rates of heart disease, stroke, asthma, and chronic obstructive pulmonary disease (COPD) compared to county, state, and national averages, resulting in lower life expectancy levels overall.

The disproportionate concentration of concrete batch plants and commercial facilities in these communities correlates with their health challenges. This intersection of environmental and social justice is evident, highlighting that the legacy of racism and environmental injustices faced by communities of color should be considered when evaluating the potential health impacts of the proposed concrete crusher. It is crucial to consider these factors when assessing the potential health impacts of all current and future permits.

As we strive for environmental justice, let us heed the words of leaders who have advocated for clean air and a healthy environment. Martin Luther King Jr., a leader in the fight against injustice, once said, "We can't segregate the air you breathe or the water you drink." This statement resonates today as we fight against decisions that may disproportionately impact the health of communities of color. In honoring this sentiment, we must ensure that the permit granted aligns with the principles of equity and justice for all.

Given the concerns elucidated above, I, the signatory authority for Rosharon Clean Air, where our mission asserts that everyone, regardless of their location of residence, work, or learning,

deserves to breathe clean air. I respectfully urge the Commission to consider and grant my Motion to Overturn, ultimately denying the application.

If you have any questions about his request or need additional information, please contact me at any time at 832-578-2574 or at georgemoussa100@gmail.com

Sincerely,

George Moussa

November 14, 2024

Texas Commission on Environmental Quality

Office of the Chief Clerk, MC-105

P.O. Box 13087

Austin, TX 78711

RE: Urgent Motion to Overturn Air Quality Permit 174419 to Julpit Inc.

To the Honorable Members of the Texas Commission on Environmental Quality, I, Hernan Ortiz representing the Ortiz household at 8819 Cabin Loft Ln, Rosharon, TX, urgently file this Motion to Overturn the Executive Director's decision to grant Standard Air Permit 174419 to Julpit Inc. on October 25, 2024.

The proposed plant, located within 1 mile of over 600 households and close to five schools, a church, and three parks, this proximity raises serious concerns. We are a family of 5 that relocated here a little over a year ago for the air quality.

The Executive Director's decision overlooked objections from healthcare providers, neighborhoods, leaders, religious entities, non-profits, and concerned citizens, totaling over 578 comments against the proposed permit. Despite objections, the permit was granted under the assumption that it met standard requirements.

This permit should not have been granted because: (1) of the detrimental health hazard it poses to the community (2) this permit is not protective of human health.

Health Hazards posed to the community

Particulate Matter 2.5 (super-fine particles of soot, dust, silica, etc.) Can enter into lung tissue and the bloodstream, triggering asthma attacks and adverse cardiovascular outcomes for vulnerable persons.

Carbon monoxide, volatile organic compounds, sulfur dioxide and nitrogen oxides.

Noise and light pollution: impacts the mental well-being of residents around the facility.

This is very concerning and detrimental to the wellbeing of my family and others in my community.

This permit contradicts the TCEQ's duty to protect human health.

Ms. Elizabeth Howley, Assistant Director with SPARK School Park Program, stated in her comments that the SPARK program is currently working with Fort Bend ISD to develop playgrounds and educational opportunities for students to enjoy throughout the day and school year. A concrete crusher, also operating during school hours, would have extreme adverse effects on these 4,471 children, and their

teachers, who attend and work at these schools– they would be the first to take the dust into their lungs.

In Fort Bend, lung cancer is a leading cause of death– this includes those who have been affected and changed by the density of particulate matter pollution from concrete crushers. Ms. Lisa Jackson, a Rosharon resident and cancer survivor, stated in her comments that she does not wish to have this crusher in her area because it will lead to other families having to endure a life with a cancer diagnosis or death.

Everyone has a right to breathe clean air and to live a cancer-free life. Granting this permit, is tacit approval by the State to allow a company to actively work against the community, educators, health professionals, and local businesses.

The Executive Director asserts that meeting standard permit requirements ensures the protection of human health, welfare, and the environment. However, these regulations are examined in isolation, overlooking cumulative health impacts and the enduring effects of environmental racism. The community is already burdened with the proximity to the W.A. Parish Coal Plant– the fourth deadliest coal plant in the state.

The demographics of the community are:

65% of the population comprises people of color, with 27% identifying as Black and 30% as Hispanic.

31% of residents speak Spanish.

Furthermore, data reveals that surrounding zip codes experience elevated rates of heart disease, stroke, asthma, and chronic obstructive pulmonary disease (COPD) compared to county, state, and national averages, resulting in lower life expectancy levels overall.

The disproportionate concentration of concrete batch plants and commercial facilities in these communities correlates with their health challenges. This intersection of environmental and social justice is evident, highlighting that the legacy of racism and environmental injustices faced by communities of color should be considered when evaluating the potential health impacts of the proposed concrete crusher. It is crucial to consider these factors when assessing the potential health impacts of all current and future permits.

As we strive for environmental justice, let us heed the words of leaders who have advocated for clean air and a healthy environment. Martin Luther King Jr., a leader in the fight against injustice, once said, "We can't segregate the air you breathe or the water you drink." This statement resonates today as we fight against decisions that may disproportionately impact the health of communities of color. In honoring this sentiment, we must ensure that the permit granted aligns with the principles of equity and justice for all.

Given the concerns elucidated above, I, the signatory authority for the Ortiz Household, where our mission asserts that everyone, regardless of their location of residence, work, or learning, deserves to breathe clean air. I respectfully urge the Commission to consider and grant my Motion to Overturn, ultimately denying the application.

If you have any questions about his request or need additional information, please contact me at any time at 832-366-3227 or hortiz1987@gmail.com.

Sincerely,

Hernan Ortiz

November 15, 2024

Texas Commission on Environmental Quality

Office of the Chief Clerk, MC-105

P.O. Box 13087

Austin, TX 78711

RE: Urgent Motion to Overturn Air Quality Permit 174419 to Julpit Inc.

To the Honorable Members of the Texas Commission on Environmental Quality, I, Mariela Parra, representing Rosharon Clean Air, urgently file this Motion to Overturn the Executive Director's decision to grant Standard Air Permit 174419 to Julpit Inc. on October 25, 2024.

The proposed plant, located within 1 mile of over 600 households and close to five schools, a church, and three parks, this proximity raises serious concerns. I am a pancreas and second transplant patient therefore my immune system is compromised and more susceptible to any kind of infections including the ones related to my respiratory system. I have had several sinus surgeries due to environmental allergies.

The Executive Director's decision overlooked objections from healthcare providers, neighborhoods, leaders, religious entities, non-profits, and concerned citizens, totaling over 578 comments against the proposed permit. Despite objections, the permit was granted under the assumption that it met standard requirements.

This permit should not have been granted because: (1) of the detrimental health hazard it poses to the community (2) this permit is not protective of human health.

I. Health Hazards posed to the community

- Particulate Matter 2.5 (super-fine particles of soot, dust, silica, etc.) Can enter into lung tissue and the bloodstream, triggering asthma attacks and adverse cardiovascular outcomes for vulnerable persons.
- Carbon monoxide, volatile organic compounds, sulfur dioxide and nitrogen oxides.
- Noise and light pollution: impacts the mental well-being of residents around the facility.

II. This permit contradicts the TCEQ's duty to protect human health.

Ms. Elizabeth Howley, Assistant Director with SPARK School Park Program, stated in her comments that the SPARK program is currently working with Fort Bend ISD to develop playgrounds and educational opportunities for students to enjoy throughout the day and school year. A concrete crusher, also operating during school hours, would have extreme adverse effects on these 4,471 children, and their teachers, who attend and work at these schools– they would be the first to take the dust into their lungs.

In Fort Bend, lung cancer is a leading cause of death– this includes those who have been affected and changed by the density of particulate matter pollution from concrete crushers. Ms. Lisa Jackson, a Rosharon resident and cancer survivor, stated in her comments that she does not wish to have this crusher in her area because it will lead to other families having to endure a life with a cancer diagnosis or death.

Everyone has a right to breathe clean air and to live a cancer-free life. Granting this permit, is tacit approval by the State to allow a company to actively work against the community, educators, health professionals, and local businesses.

The Executive Director asserts that meeting standard permit requirements ensures the protection of human health, welfare, and the environment. However, these regulations are examined in isolation, overlooking cumulative health impacts and the enduring effects of environmental racism. The community is already burdened with the proximity to the W.A. Parish Coal Plant– the fourth deadliest coal plant in the state.

The demographics of the community are:

65% of the population comprises people of color, with 27% identifying as Black and 30% as Hispanic.

31% of residents speak Spanish.

Furthermore, data reveals that surrounding zip codes experience elevated rates of heart disease, stroke, asthma, and chronic obstructive pulmonary disease (COPD) compared to county, state, and national averages, resulting in lower life expectancy levels overall.

The disproportionate concentration of concrete batch plants and commercial facilities in these communities correlates with their health challenges. This intersection of environmental and social justice is evident, highlighting that the legacy of racism and environmental injustices faced by communities of color should be considered when evaluating the potential health impacts of the proposed concrete crusher. It is crucial to consider these factors when assessing the potential health impacts of all current and future permits.

As we strive for environmental justice, let us heed the words of leaders who have advocated for clean air and a healthy environment. Martin Luther King Jr., a leader in the fight against injustice, once said, "We can't segregate the air you breathe or the water you drink." This statement resonates today as we fight against decisions that may disproportionately impact the health of communities of color. In honoring this sentiment, we must ensure that the permit granted aligns with the principles of equity and justice for all.

Given the concerns elucidated above, I, the signatory authority for Rosharon Clean Air, where our mission asserts that everyone, regardless of their location of residence, work, or learning,

deserves to breathe clean air. I respectfully urge the Commission to consider and grant my Motion to Overturn, ultimately denying the application.

If you have any questions about his request or need additional information, please contact me at any time at 832-613-5751 or at soymparra@hotmail.com

Sincerely,

Mariela Parra

November 15, 2024

Texas Commission on Environmental Quality

Office of the Chief Clerk, MC-105

P.O. Box 13087

Austin, TX 78711

RE: Urgent Motion to Overturn Air Quality Permit 174419 to Julpit Inc.

To the Honorable Members of the Texas Commission on Environmental Quality, I, Orlando Parra, representing Rosharon Clean Air, urgently file this Motion to Overturn the Executive Director's decision to grant Standard Air Permit 174419 to Julpit Inc. on October 25, 2024.

The proposed plant, located within 1 mile of over 600 households and close to five schools, a church, and three parks, this proximity raises serious concerns. My wife has double transplants and lung issues, plus other conditions which would be seriously affected by allowing this project to come near our Caldwell neighborhood. Traffic on Hwy 6 and FM 521 is horrendous as it is and the many truck loading/unloading would be catastrophic to our people.

The Executive Director's decision overlooked objections from healthcare providers, neighborhoods, leaders, religious entities, non-profits, and concerned citizens, totaling over 578 comments against the proposed permit. Despite objections, the permit was granted under the assumption that it met standard requirements.

This permit should not have been granted because: (1) of the detrimental health hazard it poses to the community (2) this permit is not protective of human health.

I. Health Hazards posed to the community

- Particulate Matter 2.5 (super-fine particles of soot, dust, silica, etc.) Can enter into lung tissue and the bloodstream, triggering asthma attacks and adverse cardiovascular outcomes for vulnerable persons.
- Carbon monoxide, volatile organic compounds, sulfur dioxide and nitrogen oxides.
- Noise and light pollution: impacts the mental well-being of residents around the facility.

II. This permit contradicts the TCEQ's duty to protect human health.

Ms. Elizabeth Howley, Assistant Director with SPARK School Park Program, stated in her comments that the SPARK program is currently working with Fort Bend ISD to develop playgrounds and educational opportunities for students to enjoy throughout the day and school year. A concrete crusher, also operating during school hours, would have extreme adverse effects on these 4,471 children, and their teachers, who attend and work at these schools– they would be the first to take the dust into their lungs.

In Fort Bend, lung cancer is a leading cause of death– this includes those who have been affected and changed by the density of particulate matter pollution from concrete crushers. Ms. Lisa Jackson, a Rosharon resident and cancer survivor, stated in her comments that she does not wish to have this crusher in her area because it will lead to other families having to endure a life with a cancer diagnosis or death.

Everyone has a right to breathe clean air and to live a cancer-free life. Granting this permit, is tacit approval by the State to allow a company to actively work against the community, educators, health professionals, and local businesses.

The Executive Director asserts that meeting standard permit requirements ensures the protection of human health, welfare, and the environment. However, these regulations are examined in isolation, overlooking cumulative health impacts and the enduring effects of environmental racism. The community is already burdened with the proximity to the W.A. Parish Coal Plant– the fourth deadliest coal plant in the state.

The demographics of the community are:

65% of the population comprises people of color, with 27% identifying as Black and 30% as Hispanic.

31% of residents speak Spanish.

Furthermore, data reveals that surrounding zip codes experience elevated rates of heart disease, stroke, asthma, and chronic obstructive pulmonary disease (COPD) compared to county, state, and national averages, resulting in lower life expectancy levels overall.

The disproportionate concentration of concrete batch plants and commercial facilities in these communities correlates with their health challenges. This intersection of environmental and social justice is evident, highlighting that the legacy of racism and environmental injustices faced by communities of color should be considered when evaluating the potential health impacts of the proposed concrete crusher. It is crucial to consider these factors when assessing the potential health impacts of all current and future permits.

As we strive for environmental justice, let us heed the words of leaders who have advocated for clean air and a healthy environment. Martin Luther King Jr., a leader in the fight against injustice, once said, "We can't segregate the air you breathe or the water you drink." This statement resonates today as we fight against decisions that may disproportionately impact the health of communities of color. In honoring this sentiment, we must ensure that the permit granted aligns with the principles of equity and justice for all.

Given the concerns elucidated above, I, the signatory authority for Rosharon Clean Air, where our mission asserts that everyone, regardless of their location of residence, work, or learning,

deserves to breathe clean air. I respectfully urge the Commission to consider and grant my Motion to Overturn, ultimately denying the application.

If you have any questions about his request or need additional information, please contact me at any time at 832-613-5741 or at ojpz@hotmail.com

Sincerely,

Orlando Parra

November 14, 2024

Texas Commission on Environmental Quality

Office of the Chief Clerk, MC-105

P.O. Box 13087

Austin, TX 78711

RE: Urgent Motion to Overturn Air Quality Permit 174419 to Julpit Inc.

To the Honorable Members of the Texas Commission on Environmental Quality, I, **Teresa Roher**, representing Rosharon Clean Air/Caldwell Ranch Resident, urgently file this Motion to Overturn the Executive Director's decision to grant Standard Air Permit 174419 to Julpit Inc. on October 25, 2024.

The proposed plant, located within 1 mile of over 600 households and close to five schools, a church, and three parks, this proximity raises serious concerns. Having this plant so close to me home has numerous issues on my neighborhood but most importantly MY HEALTH. Some issues include: long-lasting chronic illnesses, breathing issues, silica dust particulate issues, risk of developing asthma, bronchitis, heart attacks and even strokes due to the dangerous compounds that this type of facility will emit. All of the compounds and particulates that this facility will emit into the air are dangerous to the health of every single human being in and around my neighborhood. It will also increase traffic, increase noise, and there will be a huge inconvenience of having thousands of semi-trucks down a 2-lane road that is already extremely busy with traffic. The list goes on and on. Most importantly, I'm concerned about my health and how that will start to deteriorate as the only thing I am having issues with today is high blood pressure and high cholesterol. I currently do not have any respiratory issues or chronic issues (like asthma or bronchitis) and frankly would prefer to not have to worry about this in the future. The world is already a scary place, does my home need to be as well?

The Executive Director's decision overlooked objections from healthcare providers, neighborhoods, leaders, religious entities, non-profits, and concerned citizens, totaling over 578 comments against the proposed permit. Despite objections, the permit was granted under the assumption that it met standard requirements.

This permit should not have been granted because: (1) of the detrimental health hazard it poses to the community (2) this permit is not protective of human health.

I. Health Hazards posed to the community

- Particulate Matter 2.5 (super-fine particles of soot, dust, silica, etc.) Can enter into lung tissue and the bloodstream, triggering asthma attacks and adverse cardiovascular outcomes for vulnerable persons.
- Carbon monoxide, volatile organic compounds, sulfur dioxide and nitrogen oxides.
- Noise and light pollution: impacts the mental well-being of residents around the facility.

This plant will also increase traffic, increase noise, and there will be a huge inconvenience of having thousands of semi-trucks down a 2-lane road that is already extremely busy with traffic. FM 521 is already very congested and having thousands of trucks intermingled with neighborhood traffic is a very dangerous disaster for this area. The roads will not hold up. The roads will become one pothole after another which will only impact the wear and tear of our personal vehicles.

II. This permit contradicts the TCEQ's duty to protect human health.

Ms. Elizabeth Howley, Assistant Director with SPARK School Park Program, stated in her comments that the SPARK program is currently working with Fort Bend ISD to develop playgrounds and educational opportunities for students to enjoy throughout the day and school year. A concrete crusher, also operating during school hours, would have extreme adverse effects on these 4,471 children, and their teachers, who attend and work at these schools– they would be the first to take the dust into their lungs.

In Fort Bend, lung cancer is a leading cause of death– this includes those who have been affected and changed by the density of particulate matter pollution from concrete crushers. Ms. Lisa Jackson, a Rosharon resident and cancer survivor, stated in her comments that she does not wish to have this crusher in her area because it will lead to other families having to endure a life with a cancer diagnosis or death.

Everyone has a right to breathe clean air and to live a cancer-free life. Granting this permit, is tacit approval by the State to allow a company to actively work against the community, educators, health professionals, and local businesses.

The Executive Director asserts that meeting standard permit requirements ensures the protection of human health, welfare, and the environment. However, these regulations are examined in isolation, overlooking cumulative health impacts and the enduring effects of environmental racism. The community is already burdened with the proximity to the W.A. Parish Coal Plant– the fourth deadliest coal plant in the state.

The demographics of the community are:

65% of the population comprises people of color, with 27% identifying as Black and 30% as Hispanic.

31% of residents speak Spanish.

Furthermore, data reveals that surrounding zip codes experience elevated rates of heart disease, stroke, asthma, and chronic obstructive pulmonary disease (COPD) compared to county, state, and national averages, resulting in lower life expectancy levels overall.

The disproportionate concentration of concrete batch plants and commercial facilities in these communities correlates with their health challenges. This intersection of environmental and social justice is evident, highlighting that the legacy of racism and environmental injustices faced by communities of color should be considered when evaluating the potential health impacts of the proposed concrete crusher. It is crucial to consider these factors when assessing the potential health impacts of all current and future permits.

As we strive for environmental justice, let us heed the words of leaders who have advocated for clean air and a healthy environment. Martin Luther King Jr., a leader in the fight against injustice, once said, "We can't segregate the air you breathe or the water you drink." This statement resonates today as we fight against decisions that may disproportionately impact the health of communities of color. In honoring this sentiment, we must ensure that the permit granted aligns with the principles of equity and justice for all.

Given the concerns elucidated above, I, the signatory authority for Rosharon Clean Air/Caldwell Ranch Resident, where our mission asserts that everyone, regardless of their location of residence, work, or learning, deserves to breathe clean air. I respectfully urge the Commission to consider and grant my Motion to Overturn, ultimately denying the application.

If you have any questions about his request or need additional information, please contact me at any time at (832) 805-7330 or roher35@yahoo.com.

Sincerely,

Teresa Roher

Caldwell Ranch Resident

November 15, 2024

Texas Commission on Environmental Quality
Office of the Chief Clerk, MC-105
P.O. Box 13087
Austin, TX 78711

RE: Urgent Motion to Overturn Air Quality Permit 174419 to Julpit Inc.

To the Honorable Members of the Texas Commission on Environmental Quality, we, Pauline and James Spatafore, representing Rosharon Clean Air, urgently file this Motion to Overturn the Executive Director's decision to grant Standard Air Permit 174419 to Julpit Inc. on October 25, 2024.

The proposed plant, located within 1 mile of over 600 households and close to five schools, a church, and three parks, this proximity raises serious concerns. As someone who suffers from asthma, I am particularly vulnerable to airborne dust and particulate matter that would result from cement-crushing operations. The fine particles produced can easily trigger asthma attacks, leading to severe breathing difficulties, increased medical visits, and potentially long-term health consequences. In addition to my asthma, my husband suffers from serious colon issues, specifically inflammatory bowel disease and ulcerative colitis. This condition weakens his immune system, making him more susceptible to the harmful effects of airborne pollution, including the dust and chemicals released by such a plant. The stress and potential exacerbation of his condition due to this environmental threat is a constant source of concern for us both. Furthermore, I have two small children (ages 3 years old and 11 months) who are especially vulnerable to the health risks posed by the dust, noise, and air pollution. Children's lungs are still developing, and exposure to harmful pollutants at such a young age can lead to long-term respiratory issues and developmental problems. The potential for a decline in their health due to the operation of this plant is something I cannot and will not risk.

The Executive Director's decision overlooked objections from healthcare providers, neighborhoods, leaders, religious entities, non-profits, and concerned citizens, totaling over 578 comments against the proposed permit. Despite objections, the permit was granted under the assumption that it met standard requirements.

This permit should not have been granted because: (1) of the detrimental health hazard it poses to the community (2) this permit is not protective of human health.

I. **Health Hazards posed to the community**

- Particulate Matter 2.5 (super-fine particles of soot, dust, silica, etc.) Can enter into lung tissue and the bloodstream, triggering asthma attacks and adverse cardiovascular outcomes for vulnerable persons.
- Carbon monoxide, volatile organic compounds, sulfur dioxide and nitrogen oxides.
- Noise and light pollution: impacts the mental well-being of residents around the facility.

II. **This permit contradicts the TCEQ's duty to protect human health.**

Ms. Elizabeth Howley, Assistant Director with SPARK School Park Program, stated in her comments that the SPARK program is currently working with Fort Bend ISD to develop playgrounds and educational opportunities for students to enjoy throughout the day and school year. A concrete crusher, also operating during school hours, would have extreme adverse effects on these 4,471 children, and their teachers, who attend and work at these schools– they would be the first to take the dust into their lungs.

In Fort Bend, lung cancer is a leading cause of death– this includes those who have been affected and changed by the density of particulate matter pollution from concrete crushers. Ms. Lisa Jackson, a Rosharon resident and cancer survivor, stated in her comments that she does not wish to have this crusher in her area because it will lead to other families having to endure a life with a cancer diagnosis or death.

Everyone has a right to breathe clean air and to live a cancer-free life. Granting this permit is tacit approval by the State to allow a company to actively work against the community, educators, health professionals, and local businesses.

The Executive Director asserts that meeting standard permit requirements ensures the protection of human health, welfare, and the environment. However, these regulations are examined in isolation, overlooking cumulative health impacts and the enduring effects of environmental racism. The community is already burdened with the proximity to the W.A. Parish Coal Plant– the fourth deadliest coal plant in the state.

The demographics of the community are:

65% of the population comprises people of color, with 27% identifying as Black and 30% as Hispanic.

31% of residents speak Spanish.

Furthermore, data reveals that surrounding zip codes experience elevated rates of heart disease, stroke, asthma, and chronic obstructive pulmonary disease (COPD) compared to county, state, and national averages, resulting in lower life expectancy levels overall.

The disproportionate concentration of concrete batch plants and commercial facilities in these communities correlates with their health challenges. This intersection of environmental and social justice is evident, highlighting that the legacy of racism and environmental injustices faced by communities of color should be considered when evaluating the potential health impacts of the proposed concrete crusher. It is crucial to consider these factors when assessing the potential health impacts of all current and future permits.

As we strive for environmental justice, let us heed the words of leaders who have advocated for clean air and a healthy environment. Martin Luther King Jr., a leader in the fight against injustice, once said, "We can't segregate the air you breathe or the water you drink." This statement resonates today as we fight against decisions that may disproportionately impact the health of

communities of color. In honoring this sentiment, we must ensure that the permit granted aligns with the principles of equity and justice for all.

Given the concerns elucidated above, I, the signatory authority for Rosharon Clean Air, where our mission asserts that everyone, regardless of their location of residence, work, or learning, deserves to breathe clean air. I respectfully urge the Commission to consider and grant my Motion to Overturn, ultimately denying the application.

If you have any questions about his request or need additional information, please contact me at any time at (201) 320-0940 or paulineandjames2020@gmail.com.

Sincerely,

Pauline and James Spatafore

TCEQ MTO Julpit Inc.
November 14, 2024

Texas Commission on Environmental Quality

Office of the Chief Clerk, MC-105

P.O. Box 13087

Austin, TX 78711

RE: Urgent Motion to Overturn Air Quality Permit 174419 to Julpit Inc.

To the Honorable Members of the Texas Commission on Environmental Quality, I, Janzen Viator, representing Caldwell Ranch, urgently file this Motion to Overturn the Executive Director's decision to grant Standard Air Permit 174419 to Julpit Inc. on October 25, 2024.

The proposed plant, located within 1 mile of over 600 households and close to five schools, a church, and three parks, this proximity raises serious concerns. This will significantly impact me and my family's health as well as our investment in our property.

The Executive Director's decision overlooked objections from healthcare providers, neighborhoods, leaders, religious entities, non-profits, and concerned citizens, totaling over 578 comments against the proposed permit. Despite objections, the permit was granted under the assumption that it met standard requirements.

This permit should not have been granted because: (1) of the detrimental health hazard it poses to the community (2) this permit is not protective of human health.

Health Hazards posed to the community

Particulate Matter 2.5 (super-fine particles of soot, dust, silica, etc.) Can enter into lung tissue and the bloodstream, triggering asthma attacks and adverse cardiovascular outcomes for vulnerable persons.

Carbon monoxide, volatile organic compounds, sulfur dioxide and nitrogen oxides.

Noise and light pollution: impacts the mental well-being of residents around the facility.

(INCLUDE TESTIMONY)

This permit contradicts the TCEQ's duty to protect human health.

Ms. Elizabeth Howley, Assistant Director with SPARK School Park Program, stated in her comments that the SPARK program is currently working with Fort Bend ISD to develop playgrounds and educational opportunities for students to enjoy throughout the day and school year. A concrete crusher, also operating during school hours, would have extreme adverse effects on these 4,471 children, and their teachers, who attend and work at these schools— they would be the first to take the dust into their lungs.

In Fort Bend, lung cancer is a leading cause of death— this includes those who have been affected and changed by the density of particulate matter pollution from concrete crushers. Ms. Lisa Jackson, a Rosharon resident and cancer survivor, stated in her comments that she does not wish to have this crusher in her area because it will lead to other families having to endure a life with a cancer diagnosis or death.

Everyone has a right to breathe clean air and to live a cancer-free life. Granting this permit, is tacit approval by the State to allow a company to actively work against the community, educators, health professionals, and local businesses.

The Executive Director asserts that meeting standard permit requirements ensures the protection of human health, welfare, and the environment. However, these regulations are examined in isolation, overlooking cumulative health impacts and the enduring effects of environmental racism. The community is already burdened with the proximity to the W.A. Parish Coal Plant— the fourth deadliest coal plant in the state.

The demographics of the community are:

65% of the population comprises people of color, with 27% identifying as Black and 30% as Hispanic.

31% of residents speak Spanish.

Furthermore, data reveals that surrounding zip codes experience elevated rates of heart disease, stroke, asthma, and chronic obstructive pulmonary disease (COPD) compared to county, state, and national averages, resulting in lower life expectancy levels overall.

The disproportionate concentration of concrete batch plants and commercial facilities in these communities correlates with their health challenges. This intersection of environmental and social justice is evident, highlighting that the legacy of racism and environmental injustices faced by communities of color should be considered when evaluating the potential health impacts of the proposed concrete crusher. It is crucial to consider these factors when assessing the potential health impacts of all current and future permits.

As we strive for environmental justice, let us heed the words of leaders who have advocated for clean air and a healthy environment. Martin Luther King Jr., a leader in the fight against injustice, once said, "We can't segregate the air you breathe or the water you drink." This

statement resonates today as we fight against decisions that may disproportionately impact the health of communities of color. In honoring this sentiment, we must ensure that the permit granted aligns with the principles of equity and justice for all.

Given the concerns elucidated above, I, the signatory authority for (GROUP NAME), where our mission asserts that everyone, regardless of their location of residence, work, or learning, deserves to breathe clean air. I respectfully urge the Commission to consider and grant my Motion to Overturn, ultimately denying the application.

If you have any questions about his request or need additional information, please contact me at any time at 337-256-7812 or janzenviator@gmail.com.

Sincerely,
Janzen Viator

November 14, 2024

Texas Commission on Environmental Quality
Office of the Chief Clerk, MC-105
P.O. Box 13087
Austin, TX 78711

RE: Urgent Motion to Overturn Air Quality Permit 174419 to Julpit Inc.

To the Honorable Members of the Texas Commission on Environmental Quality, I, Ashly Waltman, representing Caldwell Ranch subdivision, urgently file this Motion to Overturn the Executive Director's decision to grant Standard Air Permit 174419 to Julpit Inc. on October 25, 2024.

The proposed plant, located within 1 mile of over 600 households and close to five schools, a church, and three parks, this proximity raises serious concerns. I am diagnosed with stage 2 cancer and do not wish to be exposed to the health hazards that will directly come from the plant's operations. I also have asthma and specifically moved to this area to get away from the air pollution of the city.

The Executive Director's decision overlooked objections from healthcare providers, neighborhoods, leaders, religious entities, non-profits, and concerned citizens, totaling over 578 comments against the proposed permit. Despite objections, the permit was granted under the assumption that it met standard requirements.

This permit should not have been granted because: (1) of the detrimental health hazard it poses to the community (2) this permit is not protective of human health.

1. Health Hazards posed to the community

- Particulate Matter 2.5 (super-fine particles of soot, dust, silica, etc.) Can enter into lung tissue and the bloodstream, triggering asthma attacks and adverse cardiovascular outcomes for vulnerable persons.
- Carbon monoxide, volatile organic compounds, sulfur dioxide and nitrogen oxides.
- Noise and light pollution: impacts the mental well-being of residents around the facility.
- I am hard of hearing and the noise pollution would contribute to making it harder for me to hear in the comfort of my own home.

2. This permit contradicts the TCEQ's duty to protect human health.

Ms. Elizabeth Howley, Assistant Director with SPARK School Park Program, stated in her comments that the SPARK program is currently working with Fort Bend ISD to develop playgrounds and educational opportunities for students to enjoy throughout the day and school year. A concrete crusher, also operating during school hours, would have extreme adverse effects on these 4,471 children, and their teachers, who attend and work at these schools— they would be the first to take the dust into their lungs.

In Fort Bend, lung cancer is a leading cause of death— this includes those who have been affected and changed by the density of particulate matter pollution from concrete crushers. Ms. Lisa Jackson, a Rosharon resident and cancer survivor, stated in her comments that she

does not wish to have this crusher in her area because it will lead to other families having to endure a life with a cancer diagnosis or death.

Everyone has a right to breathe clean air and to live a cancer-free life. Granting this permit, is tacit approval by the State to allow a company to actively work against the community, educators, health professionals, and local businesses.

The Executive Director asserts that meeting standard permit requirements ensures the protection of human health, welfare, and the environment. However, these regulations are examined in isolation, overlooking cumulative health impacts and the enduring effects of environmental racism. The community is already burdened with the proximity to the W.A. Parish Coal Plant– the fourth deadliest coal plant in the state.

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65% of the population comprises people of color, with 27% identifying as Black and 30% as Hispanic.

31% of residents speak Spanish.

Furthermore, data reveals that surrounding zip codes experience elevated rates of heart disease, stroke, asthma, and chronic obstructive pulmonary disease (COPD) compared to county, state, and national averages, resulting in lower life expectancy levels overall.

The disproportionate concentration of concrete batch plants and commercial facilities in these communities correlates with their health challenges. This intersection of environmental and social justice is evident, highlighting that the legacy of racism and environmental injustices faced by communities of color should be considered when evaluating the potential health impacts of the proposed concrete crusher. It is crucial to consider these factors when assessing the potential health impacts of all current and future permits.

As we strive for environmental justice, let us heed the words of leaders who have advocated for clean air and a healthy environment. Martin Luther King Jr., a leader in the fight against injustice, once said, "We can't segregate the air you breathe or the water you drink." This statement resonates today as we fight against decisions that may disproportionately impact the health of communities of color. In honoring this sentiment, we must ensure that the permit granted aligns with the principles of equity and justice for all.

Given the concerns elucidated above, I, the signatory authority for Caldwell Ranch subdivision, where our mission asserts that everyone, regardless of their location of residence, work, or learning, deserves to breathe clean air. I respectfully urge the Commission to consider and grant my Motion to Overturn, ultimately denying the application.

If you have any questions about his request or need additional information, please contact me at any time at 512-571-6201 or awaltman14@gmail.com.

Sincerely,

Ashly Waltman

November 1, 2024

Motion to Overturn Air Quality Permit No. 174419 for Julpit Inc. Rock Crushing Facility

Filed pursuant to Texas Administrative Code § 50.139

TO THE HONORABLE MEMBERS OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

Introduction

This motion seeks to overturn the issuance of Air Quality Permit No. 174419 for the proposed Julpit Inc. rock crushing facility. The facility is located adjacent to residential neighborhoods, disproportionately impacting underserved and minority communities. These communities are particularly vulnerable to environmental injustices, including air quality degradation due to inadequate testing and oversight.

Legal and Factual Grounds for Reversal

Pursuant to Texas Administrative Code (TAC) § 50.139, this motion outlines significant deficiencies in the TCEQ's decision-making process that render the issuance of Permit No. 174419 improper and necessitate its reversal.

1. Inadequate Environmental Review and Testing Procedures

- **Violation of TAC § 116.111(a)(2)(A):** The permit review failed to ensure that emissions would not contribute to a condition of air pollution. No comprehensive environmental impact assessment was conducted to evaluate the specific risk to nearby residents. Air quality testing did not account for cumulative impacts or worst-case scenarios involving fine particulate matter (PM_{2.5} and PM₁₀), which pose severe health risks.
- **Insufficient Baseline Data:** No adequate baseline air quality data was collected to ensure that potential emissions from the facility are assessed against the current air quality standards effectively.

2. Disproportionate Impact on Vulnerable Communities

- **Violation of Environmental Justice Principles:** The facility's proposed location adjacent to underserved, minority communities violates the fundamental principles of environmental justice outlined in state and federal policy frameworks. These communities already face higher rates of respiratory and cardiovascular issues, making them particularly sensitive to the additional burden of air pollution.

- **Demographic Analysis:** The issuance of the permit did not include a comprehensive analysis of how this project disproportionately impacts minority and low-income residents, which is required for a fair and equitable review process.

3. Failure to Consider Alternative Sites and Methods

- **Non-Compliance with TAC § 50.139(b)(2):** The TCEQ failed to adequately consider feasible alternative locations and mitigation methods to minimize air quality impacts. Site assessments should prioritize minimizing environmental risks, particularly when adjacent to residential zones. Julpit Inc.'s selection of the current site disregards these considerations and shows a lack of due diligence in evaluating lower-impact alternatives.

4. Public Health and Safety Concerns

- **Health Risks Due to Airborne Particulates:** Emissions from rock crushing facilities are known to contain silica dust, which has been linked to serious health issues, including lung cancer, chronic obstructive pulmonary disease (COPD), and silicosis. The potential exposure to silica dust poses a substantial risk to the neighboring residential population, which was not sufficiently evaluated during the permit process.
- **Community Safety and Welfare:** The approval of Permit No. 174419 without stringent monitoring and control measures compromises the safety and welfare of local residents, contravening the objectives of maintaining and protecting public health as stipulated by TAC § 116.111(a)(2)(C).

5. Deficient Public Participation Process

- **Insufficient Notice and Opportunity for Input:** The permit process did not adequately involve public input or address community concerns. Notification procedures were insufficient, limiting the ability of affected residents to voice opposition or provide evidence of potential impacts.
- **Failure to Incorporate Community Feedback:** While public comments were received, there is no indication that TCEQ gave due consideration to those inputs or amended its decision to reflect significant community concerns.

Conclusion

The issuance of Air Quality Permit No. 174419 for the Julpit Inc. rock crushing facility adjacent to residential neighborhoods, particularly those involving underserved and

minority communities, stands on deficient procedural and substantive grounds. The TCEQ's decision fails to meet the standards established under TAC § 50.139 and related statutes, particularly with regard to public health protection, comprehensive environmental review, and environmental justice.

Requested Relief

We respectfully request that the TCEQ:

1. Overturn the approval of Air Quality Permit No. 174419.
2. Mandate a comprehensive reassessment, including robust environmental impact studies, baseline air quality data collection, and cumulative impact analysis.
3. Ensure enhanced public participation and require a thorough evaluation of alternative sites and mitigation measures.

This motion serves to uphold the principles of environmental justice, protect public health, and ensure that permit decisions align with the requirements of the TAC and best practices for safeguarding Texas communities.

Respectfully submitted,

Michael Watts

Resident of Adjacent Community and Environmental Justice Advocate

832-642-4238

November 1, 2024

From: [CHIEFCLK](#)
To: [Georgia Carroll-Warren](#)
Subject: FW: Julpit Inc. Permit 174419
Date: Monday, November 4, 2024 3:57:40 PM
Attachments: [Motion to Overturn Air Quality Permit 174419.pdf](#)

Georgia,

We received this in the chief clerk box today. I've added to CID as a MTO since we do not have a docket number on it.

Sincerely,

Laurie

Laurie Gharis
Office of the Chief Clerk
Texas Commission on Environmental Quality
Office Phone: 512-239-1835
Cell Phone: 737-263-9116

How is our customer service? Fill out our online customer satisfaction survey at:
www.tceq.texas.gov/customersurvey

From: Mike Watts <mike@lovehandle.com>
Sent: Monday, November 4, 2024 2:44 PM
To: CHIEFCLK <chiefclk@tceq.texas.gov>
Subject: Julpit Inc. Permit 174419

Chief Clerk,

I would like to file a motion to overturn the Executive Director's decision to approve the air quality permit 174419 for Julpit Inc based upon the imminent and severe impact this facility will have on adjacent residents. (Motion attached)

Please share the steps I need to take to ensure this motion is received by all required parties in order to fulfill requirements.

Best Regards,
Mike Watts

Mike Watts
Founder/CEO, LoveHandle

photo



[281-778-2051](tel:281-778-2051) | [832-642-4238](tel:832-642-4238) | mike@lovehandle.com
www.lovehandle.com

9973 FM 521 Road Rosharon, TX 77583



WATCH: [LoveHandle Brand Video](#)