

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

February 27, 2025

TO: All interested persons.

RE: Austin Ready-Mix, LLC  
Air Quality Standard Permit for Concrete Batch Plant Registration No. 178130

### **Decision of the Executive Director.**

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** This decision will be considered by the commissioners at a regularly scheduled public meeting before any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.

Enclosed with this letter are instructions to view the Executive Director's Response to Public Comment (RTC) on the Internet. Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at [chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov). A complete copy of the RTC (including the mailing list), complete application, draft permit and related documents, including public comments, are available for review at the TCEQ Central Office. Additionally, a copy of the application, executive director's preliminary decision, and standard permit will be available for viewing and copying at the TCEQ Central Office, the TCEQ San Antonio Regional Office, and at the Comfort Public Library, 701 High Street, Comfort, Kendall County, Texas, 78013. The facility's compliance file, if any exists, is available for public review at the TCEQ San Antonio Regional Office, 14250 Judson Road, San Antonio, Texas. Visit [www.tceq.texas.gov/goto/cbp](http://www.tceq.texas.gov/goto/cbp) to review the standard permit.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. The procedures for the commission's evaluation of hearing requests/requests for reconsideration are located in 30 Texas Administrative Code Chapter 55, Subchapter F. A brief description of the procedures for these two requests follows.

### **How to Request a Contested Case Hearing.**

It is important that your request include all the information that supports your right to a contested case hearing. Your hearing request must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

The request must include the following:

- (1) Your name, address, daytime telephone number, and, if possible, a fax number.
- (2) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.
- (3) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."
- (4) If the request is made by a group or association, the request must identify:
  - (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group;
  - (B) the comments on the application submitted by the group that are the basis of the hearing request; and
  - (C) by name and physical address one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.

Additionally, your request must demonstrate that you are an **"affected person."** An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities. A person who may be affected by emissions of air contaminants from the facility is entitled to request a contested case hearing.

A person permanently residing within 440 yards of a concrete batch plant authorized by the Air Quality Standard Permit for Concrete Batch Plants is an affected person who is entitled to request a contested case hearing. The hearing request must state a personal justiciable interest.

Your request must raise disputed issues of fact that are relevant and material to the commission's decision on this application that were raised **by you** during the public comment period. The request cannot be based solely on issues raised in comments that you have withdrawn.

To facilitate the commission's determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director's responses to **your** comments that you dispute; 2) the factual basis of the dispute; and 3) list any disputed issues of law.

### **How to Request Reconsideration of the Executive Director's Decision.**

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

### **Deadline for Submitting Requests.**

A request for a contested case hearing or reconsideration of the executive director's decision must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date of this letter. You may submit your request electronically at [www.tceq.texas.gov/agency/decisions/cc/comments.html](http://www.tceq.texas.gov/agency/decisions/cc/comments.html) or by mail to the following address:

Laurie Gharis, Chief Clerk  
TCEQ, MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087

### **Processing of Requests.**

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the TCEQ's Alternative Dispute Resolution Program and set on the agenda of one of the commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

### **How to Obtain Additional Information.**

If you have any questions or need additional information about the procedures described in this letter, please call the Public Education Program, toll free, at 1-800-687-4040.

Sincerely,

A handwritten signature in black ink that reads "Laurie Gharis". The signature is written in a cursive, flowing style.

Laurie Gharis  
Chief Clerk

LG/cb

Enclosure

**EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT**  
**for**  
**Austin Ready-Mix, LLC**  
**Air Quality Standard Permit for Concrete Batch Plant Registration No. 178130**

The Executive Director has made the Response to Public Comment (RTC) for the application by Austin Ready-Mix, LLC for Air Quality Standard Permit for Concrete Batch Plant Registration No. 178130 available for viewing on the Internet. You may view and print the document by visiting the TCEQ Commissioners' Integrated Database at the following link:  
<https://www.tceq.texas.gov/goto/cid>

In order to view the RTC at the link above, enter the TCEQ ID Number for this application (178130) and click the "Search" button. The search results will display a link to the RTC.

Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at [chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov).

**Additional Information**

For more information on the public participation process, you may contact the Office of the Public Interest Counsel at (512) 239-6363 or call the Public Education Program, toll free, at (800) 687-4040.

A complete copy of the RTC (including the mailing list), the complete application, the draft permit, and related documents, including comments, are available for review at the TCEQ Central Office in Austin, Texas. Additionally, a copy of the application, executive director's preliminary decision, and standard permit will be available for viewing and copying at the TCEQ Central Office, the TCEQ San Antonio Regional Office, and at the Comfort Public Library, 701 High Street, Comfort, Kendall County, Texas, 78013. The facility's compliance file, if any exists, is available for public review at the TCEQ San Antonio Regional Office, 14250 Judson Road, San Antonio, Texas. Visit [www.tceq.texas.gov/goto/cbp](http://www.tceq.texas.gov/goto/cbp) to review the standard permit.



## COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

*Protegiendo a Texas reduciendo y previniendo la contaminación*

27 de febrero de 2025

TO: Todas las personas interesadas.

RE: Austin Ready-Mix, LLC  
Permiso Estándar de Calidad del Aire para Plantas Mezcladoras de Concreto  
Registro No. 178130

### **Decisión del Director Ejecutivo.**

El director ejecutivo ha tomado la decisión de que la solicitud de permiso mencionada anteriormente cumple con los requisitos de la ley aplicable. **Esta decisión no autoriza la construcción u operación de ninguna instalación propuesta.** Esta decisión será considerada por los comisionados en una reunión pública programada regularmente antes de que se tome cualquier medida sobre esta solicitud, a menos que todas las solicitudes de audiencia o reconsideración de casos impugnados hayan sido retiradas antes de esa reunión.

Se adjuntan a esta carta las instrucciones para ver en Internet la Respuesta del Director Ejecutivo al Comentario Público (RTC). Las personas que prefieran una copia por correo del RTC o que tengan problemas para acceder al RTC en el sitio web, deben comunicarse con la Oficina del Secretario Oficial, por teléfono al (512) 239-3300 o por correo electrónico a [chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov). Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios públicos, están disponibles para su revisión en la Oficina Central de TCEQ. Además, una copia de la solicitud, la decisión preliminar del director ejecutivo y el permiso estándar estarán disponibles para su visualización y copia en la Oficina Central de la TCEQ, la Oficina Regional de la TCEQ en San Antonio y en la Biblioteca Pública Comfort, 701 High Street, Comfort, Condado de Kendall, Texas, 78013. El archivo de cumplimiento de la instalación, si existe alguno, está disponible para su revisión pública en la Oficina Regional de la TCEQ en San Antonio, 14250 Judson Road, San Antonio, Texas. Visite [www.tceq.texas.gov/goto/cbp](http://www.tceq.texas.gov/goto/cbp) para revisar el permiso estándar.

Si no está de acuerdo con la decisión del director ejecutivo y cree que es una "persona afectada" como se define a continuación, puede solicitar una audiencia de caso impugnado. Además, cualquier persona puede solicitar la reconsideración de la decisión del director ejecutivo. Los procedimientos para la evaluación de la comisión de las solicitudes de audiencia/solicitudes de reconsideración se encuentran en 30 Código Administrativo de Texas, Capítulo 55, Subcapítulo F. A continuación, se presenta una breve descripción de los procedimientos para estas dos solicitudes.

### **Cómo solicitar una audiencia de caso impugnado.**

Es importante que su solicitud incluya toda la información que respalde su derecho a una audiencia de caso impugnado. Su solicitud de audiencia debe demostrar que cumple con los requisitos legales aplicables para que se le conceda su solicitud de audiencia. La consideración de la comisión de su solicitud se basará en la información que usted proporcione.

La solicitud debe incluir lo siguiente:

- (1) Su nombre, dirección, número de teléfono durante el día y, si es posible, un número de fax.
- (2) El nombre del solicitante, el número de permiso y otros números enumerados anteriormente para que su solicitud pueda procesarse adecuadamente.
- (3) Una declaración que exprese claramente que está solicitando una audiencia de caso impugnado. Por ejemplo, la siguiente declaración sería suficiente: "Solicito una audiencia de caso impugnado".
- (4) Si la solicitud es realizada por un grupo o asociación, la solicitud debe identificar:
  - (A) una persona por nombre, dirección, número de teléfono durante el día y, si es posible, el número de fax, de la persona que será responsable de recibir todas las comunicaciones y documentos para el grupo.;
  - (B) los comentarios sobre la solicitud presentada por el grupo que constituyen la base de la solicitud de audiencia; y
  - (C) por nombre y dirección física, uno o más miembros del grupo que de otro modo tendrían derecho a solicitar una audiencia por derecho propio. Los intereses que el grupo busca proteger deben estar relacionados con el propósito de la organización. Ni la reclamación alegada ni la reparación solicitada deben requerir la participación de los miembros individuales en el caso.

Además, su solicitud debe demostrar que usted es una "**persona afectada**". Una persona afectada es aquella que tiene un interés justiciable personal relacionado con un derecho, deber, privilegio, poder o interés económico legal afectado por la solicitud. Su solicitud debe describir cómo y por qué se vería afectado negativamente por la instalación o actividad propuesta de una manera que no sea común al público en general. Por ejemplo, en la medida en que su solicitud se base en estas preocupaciones, debe describir el impacto probable en su salud, seguridad o usos de su propiedad que puedan verse afectados negativamente por la instalación o las actividades propuestas. Para demostrar que tiene un interés personal justiciable, debe indicar, tan específicamente como pueda, su ubicación y la distancia entre su ubicación y la instalación o actividades propuestas. Una persona que pueda verse afectada por las emisiones de contaminantes del aire de la instalación tiene derecho a solicitar una audiencia de caso impugnado.

Una persona que reside permanentemente dentro de las 440 yardas de una planta de concreto autorizada por el Permiso del Estándar de Calidad del Aire para Plantas de Concreto es una persona afectada que tiene derecho a solicitar una audiencia de caso impugnado. La solicitud de audiencia debe declarar un interés personal justiciable.

Su solicitud debe plantear cuestiones de hecho controvertidas que sean relevantes y materiales para la decisión de la comisión sobre esta solicitud que fueron planteadas **por usted** durante el período de comentarios públicos. La solicitud no puede basarse únicamente

en cuestiones planteadas en los comentarios que haya retirado.

Para facilitar la determinación por parte de la comisión del número y alcance de los asuntos que se remitirán a la audiencia, usted debe: 1) especificar cualquiera de las respuestas del director ejecutivo a **sus** comentarios que usted disputa; 2) la base fáctica de la disputa; y 3) enumerar cualquier cuestión de derecho en disputa.

### **Cómo solicitar la reconsideración de la decisión del Director Ejecutivo.**

A diferencia de una solicitud de audiencia de caso impugnado, cualquier persona puede solicitar la reconsideración de la decisión del director ejecutivo. Una solicitud de reconsideración debe contener su nombre, dirección, número de teléfono durante el día y, si es posible, su número de fax. La solicitud debe indicar que está solicitando la reconsideración de la decisión del director ejecutivo, y debe explicar por qué cree que la decisión debe ser reconsiderada.

### **Fecha límite para la presentación de solicitudes.**

La oficina del Secretario Oficial debe **recibir** una solicitud de audiencia de caso impugnado o reconsideración de la decisión del director ejecutivo a más tardar **30 días calendario** después de la fecha de esta carta. Puede enviar su solicitud electrónicamente a [www.tceq.texas.gov/agency/decisions/cc/comments.html](http://www.tceq.texas.gov/agency/decisions/cc/comments.html) o por correo a la siguiente dirección:

Laurie Gharis, Chief Clerk  
TCEQ, MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087

### **Procesamiento de solicitudes.**

Las solicitudes oportunas para una audiencia de caso impugnado o para la reconsideración de la decisión del director ejecutivo se remitirán al Programa de Resolución Alternativa de Disputas de TCEQ y se incluirán en la agenda de una de las reuniones programadas regularmente de la comisión. Las instrucciones adicionales que explican estos procedimientos se enviarán a la lista de correo adjunta cuando se haya programado esta reunión.

### **Cómo obtener información adicional.**

Si tiene alguna pregunta o necesita información adicional sobre los procedimientos descritos en esta carta, llame al Programa de Educación Pública, al número gratuito, 1-800-687-4040.

Atentamente,



Laurie Gharis  
Secretaria Oficial

LG/cb

Recinto



**RESPUESTA DEL DIRECTOR EJECUTIVO AL COMENTARIO DEL PÚBLICO**  
**para**  
**Austin Ready-Mix, LLC**  
**Permiso Estándar de Calidad del Aire para Plantas Mezcladoras de Concreto**  
**Registro No. 178130**

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de Austin Ready-Mix, LLC del permiso de Permiso Estándar de Calidad del Aire para Plantas Mezcladoras de Concreto Registro No. 178130. Puede ver e imprimir el documento visitando la Base de Datos Integrada de los Comisionados de TCEQ en el siguiente enlace:

<https://www.tceq.texas.gov/goto/cid>

Para ver el RTC en el enlace anterior, ingrese el número de identificación TCEQ para esta solicitud (178130) y haga clic en el botón "Buscar". Los resultados de la búsqueda mostrarán un enlace al RTC.

Las personas que prefieran una copia por correo del RTC o que tengan problemas para acceder al RTC en el sitio web, deben comunicarse con la Oficina del Secretario Oficial, por teléfono al (512) 239-3300 o por correo electrónico a [chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov).

**Información adicional**

Para obtener más información sobre el proceso de participación pública, puede comunicarse con la Oficina del Asesor de Interés Público al (512) 239-6363 o llamar al Programa de Educación Pública, al número gratuito, (800) 687-4040.

Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios, están disponibles para su revisión en la Oficina Central de TCEQ en Austin, Texas. Además, una copia de la solicitud, la decisión preliminar del director ejecutivo y el permiso estándar estarán disponibles para su visualización y copia en la Oficina Central de la TCEQ, la Oficina Regional de la TCEQ en San Antonio y en la Biblioteca Pública Comfort, 701 High Street, Comfort, Condado de Kendall, Texas, 78013. El archivo de cumplimiento de la instalación, si existe alguno, está disponible para su revisión pública en la Oficina Regional de la TCEQ en San Antonio, 14250 Judson Road, San Antonio, Texas. Visite [www.tceq.texas.gov/goto/cbp](http://www.tceq.texas.gov/goto/cbp) para revisar el permiso estándar.

MAILING LIST / LISTA DE CORREO

for / para

Austin Ready-Mix, LLC

Air Quality Standard Permit for Concrete Batch Plant Registration No. 178130 / Permiso  
Estándar de Calidad del Aire para Plantas Mezcladoras de Concreto Registro No. 178130

FOR THE APPLICANT /  
PARA EL SOLICITANTE:

Ana Rodriguez, President  
Austin Ready-Mix, LLC  
P.O. Box 579  
Del Valle, Texas 78617

Katy Sipe, Environmental Specialist  
Westward Environmental Inc.  
P.O. Box 2205  
Boerne, Texas 78006

INTERESTED PERSONS /  
PERSONAS INTERESADAS:

See attached list./ Ver lista adjunta.

FOR THE EXECUTIVE DIRECTOR /  
PARA EL DIRECTOR EJECUTIVO  
via electronic mail /  
por correo electrónico:

Ryan Vise, Deputy Director  
Texas Commission on Environmental  
Quality  
External Relations Division  
Public Education Program MC-108  
P.O. Box 13087  
Austin, Texas 78711-3087

Abigail Adkins, Staff Attorney  
Texas Commission on Environmental  
Quality  
Environmental Law Division MC-173  
P.O. Box 13087  
Austin, Texas 78711-3087

Kristyn Jacher, Technical Staff  
Texas Commission on Environmental  
Quality  
Air Permits Division MC-163  
P.O. Box 13087  
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL /  
PARA ABOGADOS DE INTERÉS PÚBLICO  
via electronic mail /  
por correo electrónico:

Garrett T. Arthur, Attorney  
Texas Commission on Environmental  
Quality  
Public Interest Counsel MC-103  
P.O. Box 13087  
Austin, Texas 78711-3087

FOR THE CHIEF CLERK /  
PARA EL SECRETARIO OFICIAL  
via electronic mail  
por correo electrónico:

Laurie Gharis, Chief Clerk  
Texas Commission on Environmental  
Quality  
Office of Chief Clerk MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087

A BERGMANN , MR KENDALL  
48 OLD COMFORT RD  
COMFORT TX 78013-3402

ADAIR , BRADLEY J  
23 OLD COMFORT RD  
COMFORT TX 78013-3402

JACOBS , CHRISTINE  
127 ADLER ST  
BOERNE TX 78006-1601

JOHNSTONE , LANCE G  
226 FM 289  
COMFORT TX 78013

WHITE , SUNITA  
527 LAMONT AVE  
SAN ANTONIO TX 78209-3641

**TCEQ AIR QUALITY STANDARD PERMIT NUMBER CONCRETE BATCH PLANT  
REGISTRATION 178130**

<b>APPLICATION BY</b>	<b>§</b>	<b>BEFORE THE</b>
<b>AUSTIN READY-MIX, LLC</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>CONCRETE BATCH PLANT</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>
<b>COMFORT, KENDALL COUNTY</b>	<b>§</b>	

**EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT**

The Executive Director of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Public Comment (Response) on the Standard Permit application and Executive Director's preliminary decision.

As required by Title 30 Texas Administrative Code (TAC) § 55.156, before an application is approved, the Executive Director prepares a response to all timely, relevant and material, or significant comments. The Office of Chief Clerk received timely comments from the following persons: Kendall A. Bergmann, Bradley J. Adair, Christine Jacobs, Lance G. Johnstone, Sunita White. This Response addresses all timely public comments received, whether or not withdrawn. If you need more information about this permit application or the permitting process please call the TCEQ Public Education Program at 1-800-687-4040. General information about the TCEQ can be found at our website at [www.tceq.texas.gov](http://www.tceq.texas.gov).

**BACKGROUND**

Description of Facility

Austin Ready-Mix, LLC (Applicant) has applied to the TCEQ for a Standard Permit under Texas Clean Air Act (TCAA) § 382.05195. This will authorize the construction of a new facility that may emit air contaminants.

This permit will authorize the Applicant to construct a temporary Concrete Batch Plant. The facility is located at the following driving directions: from the intersection of Farm to Market Road 289 and Old Comfort Road travel 0.45 miles south on Farm to Market Road 289 to the site on the west side, Comfort, Kendall County, Texas. Contaminants authorized under this permit particulate matter including (but not limited to) aggregate, cement, road dust, and particulate matter with diameters of 10 microns or less and 2.5 microns or less.

Procedural Background

Before work is begun on the construction of a new facility that may emit air contaminants, the person planning the construction must obtain an authorization from the commission. This permit application is for an initial issuance of Air Quality Registration Number 178130.

The permit application was received on November 4, 2024 and declared administratively complete on November 7, 2024. The Consolidated Notice of Receipt of Application and Intent to Obtain Permit and Notice of Application and Preliminary

Decision (public notice) for this registration application was published in English on December 1, 2024, in the *Boerne Star*. The comment period closed December 31, 2024. Because this application was received after September 1, 2015, it is subject to the procedural requirements of and rules implementing Senate Bill 709 (84th Legislature, 2015).

## COMMENTS AND RESPONSES

### **COMMENT 1: Health Effects/Air Quality/ Cumulative effects**

Commenters are concerned about the effect of the emissions from the proposed project on the air quality and health of people, particularly sensitive populations such as the elderly, children, and people with existing medical conditions. Commenters expressed concern about the cumulative effects of this project with existing facilities in the area. Commenters also expressed concern that the proposed project would exacerbate air quality conditions, specifically particulate matter. Additionally, commenters expressed concern regarding the protectiveness review that was conducted for the Standard Permit.

(Bradley J. Adair, Kendall A. Bergmann, Christine Jacobs, Sunita White)

**RESPONSE 1:** During the development of the Standard Permit, the Executive Director conducted an extensive protectiveness review to ensure protectiveness of human health and the environment. The protectiveness review determined potential impacts to human health and welfare or the environment by comparing emissions allowed by the standard permit to appropriate state and federal standards and guidelines. These standards and guidelines include the National Ambient Air Quality Standards (NAAQS) and TCEQ rules. As described in detail below, the Executive Director determined that the emissions authorized by the standard permit are protective of both human health and welfare and the environment.

The U.S. Environmental Protection Agency (EPA) created and continues to evaluate the NAAQS, which include both primary and secondary standards, for pollutants considered harmful to public health and the environment. Primary standards protect public health, including sensitive members of the population such as children, the elderly, and those individuals with preexisting health conditions. Secondary NAAQS protect public welfare and the environment, including animals, crops, vegetation, visibility, and buildings, from any known or anticipated adverse effects from air contaminants. The EPA has set NAAQS for criteria pollutants, which include carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO<sub>2</sub>), ozone (O<sub>3</sub>), sulfur dioxide (SO<sub>2</sub>), particulate matter less than or equal to 10 microns in aerodynamic diameter (PM<sub>10</sub>), and PM less than or equal to 2.5 microns in aerodynamic diameter (PM<sub>2.5</sub>). The Standard Permit is designed to be in compliance with the NAAQS in place at the time the permit application was submitted.<sup>1</sup>

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<sup>1</sup> Issuance of a standard permit considers the standards in effect at the time of issuance. Individual registrations for authorization under a standard permit must demonstrate compliance with the standard permit. Updates to the Air Quality Standard Permit for Concrete Batch Plants (standard permit) were adopted January 24, 2024. All pending and new applications to register for authorization under the standard permits are required to meet the recently adopted amendment. Due to the changes in the annual NAAQS standard for PM<sub>2.5</sub> becoming effective on May 6, 2024, the TCEQ will evaluate whether updates are necessary to the current standard permit technical requirements.

The primary contaminants that have the potential to be emitted from the plant are dust particles having particle sizes of less than or equal to 10 and 2.5 micrometers in aerodynamic diameter (PM<sub>10</sub> and PM<sub>2.5</sub>, respectively). All of the potential dust concentrations, as well as emissions from combustion sources, have been evaluated using reasonable worst-case operating parameters and compared to the federal criteria mentioned above. The Standard Permit requires substantial dust control processes to minimize dust issues, which include paving in-plant roads and work areas, using water sprays on stockpiles, and using a suction shroud and three-sided curtain to prevent flyaway dust. When a company operates in compliance with the Standard Permit, they should not cause or contribute to a violation of the NAAQS and are protective of human health and the environment.

Regarding cumulative emissions and operation of other industries in the area, subsection (5)(I) of the general permit requirements establishes a separation distance of 550 feet between any concrete batch plant operating under the standard permit and either an additional concrete batch plant, operating crushing facility, or hot mix asphalt plant, to help ensure that cumulative emissions do not result in adverse off-property impacts. If this distance cannot be met, the concrete batch plant authorized under the Standard Permit cannot operate at the same time as the additional concrete batch plant, crushing facility, or hot mix asphalt plant. The distance is to be measured between the closest points of the facilities of concern.

As discussed above, TCEQ conducted a protectiveness review during the development of the Standard Permit to ensure that the requirements were protective of human health and the environment. The maximum modeled concentration typically occurs at a relatively short distance from the source, so that the peak modeled concentrations represent the source's impact at a few receptors within the modeled area. Therefore, review of other off-site sources is not necessary when determining approval of any particular Standard Permit applications. The complete Standard Permit protectiveness review and discussion can be found on the TCEQ website at the link:

<https://www.tceq.texas.gov/downloads/permitting/air/nsr/nsr-stakeholders/22033-oth-nr-cbpsp-tech-bckgrnd-adopted.pdf>

#### **COMMENT 2: Dust control/Nuisance**

Commenters expressed concern that the proposed site would create nuisance dust conditions near the plant, which could be exacerbated by winds. Commenters are also concerned that dust would impact visibility in the area and cause potential dust to settle on their vehicles, residences, and property.

(Bradley J. Adair, Kendall A. Bergmann, Christine Jacobs, Sunita White)

**RESPONSE 2:** Vehicle traffic and material handling are the primary activities that have the potential to emit particulate matter (i.e. dust) resulting from the proposed plant. All of the potential dust concentrations from the permitted sources have been evaluated based on operating parameters represented in the application and compared to the federal criteria mentioned in Response 1 above. The Standard Permit for Concrete Batch Plants requires substantial dust control processes to minimize dust emissions, which include paving in-plant roads and work areas, using water sprays on stockpiles, and using a suction shroud with a three-sided curtain to prevent flyaway dust at the product loading

point. When a company operates in compliance with the Standard Permit, they should not cause or contribute to a violation of the NAAQS and are protective of human health and the environment.

Concrete is made up of four main ingredients: water, Portland cement, fly ash, and aggregates.

- Portland cement is the most common cement used and is composed of alumina, silica, lime, iron, and gypsum.
- Aggregates are sand, gravel, and crushed stone.

These ingredients are considered non-hazardous dust under normal conditions. Certain types of silica (e.g., crystalline silica), when inhaled over a long period, have been shown to cause adverse health effects. However, concrete production facilities operating under standard permits have been determined to not make a significant contribution of these types of air contaminants to the atmosphere. The commission performed an updated air quality analysis (AQA) in support of the 2024 concrete batch plant standard permit amendment to address public concern about potential health impacts from concrete batch plants registered under the standard permit. The adopted revisions to the standard permit are a result of the updated AQA. No adverse effects are expected to occur from facilities that meet all requirements of the Standard Permit for Concrete Batch Plants.

While nuisance conditions are not expected if the facility is operated in compliance with the terms of the permit, operators must also comply with 30 TAC § 101.4, which prohibits a person from creating or maintaining a condition of nuisance that interferes with a landowner's use and enjoyment of a property. Specifically, the rule states that "no person shall discharge from any source" air contaminants which are or may "tend to be injurious to or adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property." When a company operates in compliance with the Standard Permit requirements, such as those listed above, there should be no deterioration of air quality, the generation of dust, or odors such that it impacts visibility or accumulates on water in fields.

Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with terms of any permit or other environmental regulation by contacting TCEQ San Antonio Office at 210-490-3096 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186.

### **COMMENT 3: Flora/fauna/habitat loss**

Commenters are concerned about the effect of the proposed project on flora, fauna, and habitat loss, specifically the Guadalupe River and surrounding natural area.

(Bradley J. Adair, Sunita White)

**RESPONSE 3:** The secondary NAAQS are those the EPA Administrator determines are necessary to protect public welfare and the environment, including animals, crops, vegetation, visibility, and buildings, from any known or anticipated adverse effects associated with the presence of a contaminant in the ambient air. Because the emissions from this facility should not cause an exceedance of the NAAQS, air

emissions from this facility are not expected to adversely impact land, livestock, wildlife, crops, or visibility, nor should emissions interfere with the use and enjoyment of surrounding land or water. Please see Response 1 for an evaluation of the Standard Permit's impacts in relation to the NAAQS. In addition, 30 TAC § 101.4 prohibits the discharge of contaminants which may be injurious to, or adversely affect, animal life.

#### **COMMENT 4: Monitors**

Commenters asked about air quality monitors in the area. Commenters also requested that a monitor be installed on their property to monitor particulate matter emissions.

(Bradley J. Adair, Kendall A. Bergmann)

**RESPONSE 4:** Due to cost and logistical constraints, the placement of air monitors is prioritized to provide data on regional air quality in areas frequented by the public. The existing air monitoring network is the result of a strategic balance of matching federal monitoring requirements with state and local needs. Consistent with federal air monitoring requirements, the TCEQ evaluates the placement of air quality monitors within the air monitoring network using trends in population, reported emissions inventory data, and existing air monitoring data for a given area. In addition, the TCEQ may prioritize monitor placement in areas with potential regional air quality issues, such as those related to increased oil and gas activity in the Barnett Shale and Eagle Ford Shale areas.

The TCEQ annually evaluates the number and location of air monitors within its network to assess compliance with federal monitoring requirements and the adequacy of monitoring coverage for identified monitoring objectives as a part of the Annual Monitoring Network Plan provided to EPA on July 1 of each year. This plan is made available on the TCEQ's website for public review and comment for 30 days beginning in mid-May. Requests for additional monitoring or the identification of additional monitoring needs may be made during this public comment period and will be considered along with other monitoring priorities across the state. To receive email announcements related to the ambient air monitoring network, including the availability of the Annual Monitoring Network Plan for public review and comment, please visit the following link <https://service.govdelivery.com/accounts/TXTCEQ/subscriber/new> and select "Air Monitoring Network Announcements."

Since stationary air monitors are sited to measure air quality that is representative of a broader area or region, monitors are not typically placed to measure the impacts from specific industrial facilities. In addition, the TCEQ does not have a routine monitoring plan for this type of industry.

#### **COMMENT 5: Jurisdictional Issues**

##### **Location and Zoning**

Commenters expressed concern regarding the location of the facility as it relates to current zoning ordinances and the proximity to residential and public areas, including schools.



### Trucks/Traffic

Commenters are concerned about increased traffic of cars and trucks as a result of the proposed project. Commenters expressed safety concerns from truck traffic.

Commenters are concerned whether the traffic plan for the facility ensures safety and minimizes disruption to the surrounding residential communities.

### Noise/Light/Quality of Life/Aesthetics/Property Value

Commenters expressed concern regarding noise pollution from the proposed project. Commenters are concerned about the effect of the proposed project on their quality of life and on the aesthetics of the area. Commenters expressed concern about possible devaluation of property in the area.

### Local Economy

Commenters expressed concern about the local economy as a result of the proposed project.

(Bradley J. Adair, Kendall A. Bergmann, Christine Jacobs, Sunita White)

## **RESPONSE 5:**

### Location / Zoning

Generally, TCEQ does not have jurisdiction to consider facility location choices made by an applicant when determining whether to approve or deny a permit application, unless a statute or rule specifically requires the Commission to consider some aspect of the location. Generally, however, zoning is beyond the authority of TCEQ to consider when reviewing permit applications. The issuance of a permit does not override any local zoning requirements that may be in effect and does not authorize an applicant to operate outside of local zoning requirements. Commenters may wish to contact local (i.e., city or county) zoning authorities with questions or concerns relating to the location of the facility.

### Traffic / Trucks / Roads

TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statute. For many authorizations, TCEQ does not have jurisdiction to consider traffic issues when determining whether to approve or deny a permit application. Commenters may contact the Texas Department of Transportation (TxDOT) for any state highway-related concerns. For any concerns related to city- or county-maintained roads, commenters may contact their local, city, or county public works or roads/streets department.

### Noise / Light / Quality of Life/ Property Values / Aesthetics

TCEQ does not have the authority to consider potential effects from plant location, aesthetics, or zoning and land use issues when determining whether to approve or deny an air permit.

TCEQ does not have authority to require or enforce any noise abatement measures, as noise ordinances are normally enacted by cities or counties and enforced by local law enforcement authorities. TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statute. Accordingly, TCEQ does not have jurisdiction to consider noise from a facility when determining whether to approve or

deny a permit application. Commenters may wish to contact local authorities to inquire if there are any applicable local noise ordinances in the area where the facility is located. Commenters may wish to contact local (i.e., city or county) law enforcement authorities with questions or complaints about noise.

TCEQ does not have the authority to address issues regarding light pollution as part of the permitting process. Commenters may wish to contact local (i.e., city or county) authorities with questions or concerns about light pollution, including whether there are any applicable local ordinances in the area of the proposed project.

TCEQ does not have jurisdiction to consider whether the proposed activity will impact development, property values, property transactions, or investment property when determining whether to approve or deny a permit application. The Executive Director's review of a permit application is limited to whether the application and proposed activities meet the requirements of applicable TCEQ rules.

#### Local Economy

TCEQ does not have jurisdiction to consider local economic impacts or community improvements in the surrounding areas when determining whether to approve or deny a permit application. Commenters may direct concerns regarding economic effects from the facility to local groups that focus on economic development (e.g., city or county economic development departments). Commenters may direct concerns regarding the location of the facility to local zoning authorities.

#### **Comment 6: Demonstrate Compliance with Permit**

Commenters asked how the Applicant will demonstrate compliance with the terms of their permit on a continuous basis.

(Bradley J. Adair, Kendall A. Bergmann)

**RESPONSE 6:** Monitoring requirements are included in the Standard Permit. Owners or operators are required to keep written records on-site for a rolling 24-month period. Emissions will be monitored and the applicant shall demonstrate compliance by including records of road cleaning, application of road dust control, stockpile dust suppression, monthly silo warning devices or system shut-off tests, quarterly visible emissions observations, and repairs/maintenance of dust suppression controls. Records must be made available upon request to representatives of TCEQ, EPA, or any local air pollution control program having jurisdiction. The Regional Office may perform investigations of the plant as required. The investigation may include an inspection of the site including all equipment, control devices, monitors, and a review of all required recordkeeping.

TCEQ evaluates all complaints received. If a facility is found to be out of compliance with the terms and conditions of its permit, it will be subject to investigation and possible enforcement action. Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with terms of any permit or other environmental regulation by contacting TCEQ San Antonio Regional Office at 210-490-3096 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186.

**COMMENT 7: Comments and Questions for applicant**

Commenters directed the following questions to the applicant:

- a. Commenters request that the applicant be required to fund and install an air quality monitoring device on their property. This device must be capable of measuring particulate matter (PM<sub>2.5</sub> and PM<sub>10</sub>) emissions specifically related to the facility's operations. The data collected should be accessible to the public and shared with regulatory authorities to ensure compliance with air quality standards and permit conditions.
- b. The applicant should require mandatory use of paved roads for internal traffic and frequent watering or chemical stabilization of stockpiles to minimize dust emissions.
- c. The plant should be restricted to operating during the early morning hours and late evening hours to preserve the community's quality of life and prevent noise disturbances.
- d. Request to implement a comprehensive traffic management plan to minimize the impact of truck operations on residential streets, including prohibiting idling trucks near residential properties and posting clear signage for drivers.
- e. Requests that the Applicant install a barrier or buffer zone, such as a noise-reducing wall or densely planted vegetation, to mitigate the impact of noise and dust on nearby residences.

(Bradley J. Adair, Kendall A. Bergmann)

**RESPONSE 7:** These specific questions or concerns were addressed to the Applicant and are therefore included for completeness, but not addressed by the Executive Director. Questions of operating hours (Response 10), local air monitors (Response 4), and other control requirements as imposed by TCEQ are discussed elsewhere in the RTC.

**COMMENT 8: TCEQs Responsibility to the Community**

Commenters asked that the TCEQ consider residents and their wishes and choose not to approve the permit registration for the proposed plant.

(Bradley J. Adair, Kendall A. Bergmann, Christine Jacobs, Sunita White)

**RESPONSE 8:** The Executive Director's staff has reviewed the registration application in accordance with the applicable state and federal law, policy and procedures, and the agency's mission to protect the state's human and natural resources consistent with sustainable economic development. The TCEQ cannot deny authorization of a facility if a permit application contains a demonstration that all applicable statutes, rules, and regulations will be met.

**COMMENT 9: Water Quality / Other Required Authorizations**

Commenters expressed concern that the proposed project would negatively impact water resources in the area, including surface water, water wells, groundwater, water contamination, and water runoff. Commenters also expressed concern regarding water

availability as it relates to the proposed project. Commenters also request a comprehensive environmental and health impact assessment be conducted and made available.

(Bradley J. Adair, Kendall A. Bergmann, Sunita White)

**RESPONSE 9:** Although TCEQ is responsible for the environmental protection of all media, including water, the TCAA specifically addresses air-related issues. This registration, if issued, will regulate the control and abatement of air emissions only; therefore, issues regarding water quality or discharge and the handling of hazardous waste are not within the scope of this review. Additionally, should the nature of the facility's operation require, the Applicant may be required to apply for separate authorizations that regulate water quality, water usage, or the handling of hazardous waste. The issuance of an air quality registration does not negate the responsibility of an applicant to apply for any additional required authorizations prior to operating a facility.

#### **COMMENT 10: Operating Hours**

Commenters expressed concern that the site would be allowed to operate in the early morning and late at night and disturb residents nearby.

(Bradley J. Adair, Kendall A. Bergmann)

**RESPONSE 10:** TCEQ does not have the authority to regulate the hours of operations of a facility or site if the permit review demonstrates all applicable federal and state regulations are met. Accordingly, TCEQ cannot limit the hours of operation unless an emission rate is dependent on a limit on operational hours or there are issues associated with the air quality analysis that require the limitation. The Applicant represented operations up to 8,760 hours per year. However, despite the representation of 8,760 hours per year, which is typically done for conservatism and flexibility in operations, facilities typically do not operate that many hours per year.

The proposed location of the permanent truck-mix facility is in Kendall County, which limits the maximum production rate of the facility to 200 cubic yards per hour not to exceed 650,000 cubic yards per year in any rolling 12-month period. As mentioned previously, as part of the development of the standard permit, an AQA, or protectiveness review, was conducted to ensure the production and distance limitations in the permit are protective of human health and the environment. These operational limitations were analyzed based on representative background emission concentrations and found to be sufficient to meet the requirements.

### CHANGES MADE IN RESPONSE TO COMMENT

No changes have been made to the Executive Director's preliminary determination that the application meets the requirements for permit issuance.


Respectfully submitted,

Texas Commission on Environmental Quality

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REPRESENTING THE  
EXECUTIVE DIRECTOR OF THE  
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ENVIRONMENTAL QUALITY