



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 9, 2025

TO: All interested persons.

RE: Triple C Concrete of Lubbock, Ltd  
TCEQ Air Quality Standard Permit for Concrete Batch Plants Registration No. 176227

### **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any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.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 complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at TCEQ central office, the TCEQ Lubbock regional office, and at the Lubbock County Courthouse, 904 Broadway, Lubbock, Lubbock County, Texas 79401. The facility's compliance file, if any exists, is available for public review at the TCEQ Lubbock Regional Office, 5012 50th Street, Suite 100, Lubbock, 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,



Laurie Gharis  
Chief Clerk

LG/cb

Enclosure

**EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT**  
**for**  
**Triple C Concrete of Lubbock, Ltd**  
**TCEQ Air Quality Standard Permit for Concrete Batch Plants Registration No.**  
**176227**

The Executive Director has made the Response to Public Comment (RTC) for the application by Triple C Concrete of Lubbock, Ltd for TCEQ Air Quality Standard Permit for Concrete Batch Plants Registration No. 176227 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 (176227) 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 complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at TCEQ central office, the TCEQ Lubbock regional office, and at the Lubbock County Courthouse, 904 Broadway, Lubbock, Lubbock County, Texas 79401. The facility's compliance file, if any exists, is available for public review at the TCEQ Lubbock Regional Office, 5012 50th Street, Suite 100, Lubbock, 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*

9 de septiembre de 2025

TO: Todas las personas interesadas.

RE: Triple C Concrete of Lubbock, Ltd  
Permiso estándar de calidad del aire de la TCEQ para plantas de hormigón Registro  
No. 176227

### **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 completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en Oficina central de TCEQ, la Oficina Regional de TCEQ Lubbock y en el Palacio de Justicia del Condado de Lubbock, 904 Broadway, Lubbock, Condado de Lubbock, Texas 79401. El archivo de cumplimiento de la instalación, si existe, está disponible para revisión pública en la Oficina Regional de TCEQ Lubbock, 5012 50th Street, Suite 100, Lubbock, 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**  
**Triple C Concrete of Lubbock, Ltd**  
**Permiso estándar de calidad del aire de la TCEQ para plantas de hormigón**  
**Registro No. 176227**

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de Triple C Concrete of Lubbock, Ltd del Permiso estándar de calidad del aire de la TCEQ para plantas de hormigón Registro No. 176227. 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 (176227) 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 completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en Oficina central de TCEQ, la Oficina Regional de TCEQ Lubbock y en el Palacio de Justicia del Condado de Lubbock, 904 Broadway, Lubbock, Condado de Lubbock, Texas 79401. El archivo de cumplimiento de la instalación, si existe, está disponible para revisión pública en la Oficina Regional de TCEQ Lubbock, 5012 50th Street, Suite 100, Lubbock, 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

Triple C Concrete of Lubbock, Ltd

TCEQ Air Quality Standard Permit for Concrete Batch Plants Registration No. 176227 /  
Permiso estándar de calidad del aire de la TCEQ para plantas de hormigón Registro No.  
176227

FOR THE APPLICANT /  
PARA EL SOLICITANTE:

Karla Colquett, Corporate Secretary  
Triple C Concrete of Lubbock, Ltd  
2008 East 50<sup>th</sup> Street  
Lubbock, Texas 79404

Aslyn Henry, Project Manager  
R2m Engineering LLC  
5012 50<sup>th</sup> Street  
Lubbock, Texas 79414

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

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

Alexander Hilla, 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

AGUILAR , BENNY  
221 N AVENUE M  
LUBBOCK TX 79401-1126

AGUILAR , ESTHER  
221 N AVENUE M  
LUBBOCK TX 79401-1126

AGUILAR , MARIO  
221 N AVENUE M  
LUBBOCK TX 79401-1126

AGUILAR , RAFE  
221 N AVENUE M  
LUBBOCK TX 79401-1126

AGUILAR , SUE  
221 N AVENUE M  
LUBBOCK TX 79401-1126

BELTRAN , MICHELLE  
1505 BATES ST  
LUBBOCK TX 79401-1107

BERNAL , CYNTHIA  
1510 BAYLOR ST  
LUBBOCK TX 79401-1100

CANTU , ERCELIA  
1018 2ND PL  
LUBBOCK TX 79401-1418

CASTELLANO , HENRY  
364 W AVENUE O  
LUBBOCK TX 79401

CASTILLO , JOE  
1006 2ND PL  
LUBBOCK TX 79401-1418

CISNEROS , JUAN  
102 AVENUE M  
LUBBOCK TX 79401-1333

CISNEROS , SANDY  
102 AVENUE M  
LUBBOCK TX 79401-1333

CORTEZ , ADRIAN  
103 UVALDE AVE  
LUBBOCK TX 79415-3715

CORTEZ , MS DORA T  
103 ERSKINE ST  
LUBBOCK TX 79403-3303

DELEON , MILTON  
2115 64TH ST  
LUBBOCK TX 79412-3326

ESQUEDA , ANGELINA  
120 AVENUE L  
LUBBOCK TX 79401-1320

ESQUEDA , BLAS  
120 AVENUE L  
LUBBOCK TX 79401-1320

FLORES , JEREMIAH  
210 N AVENUE P  
LUBBOCK TX 79401-1145

FLORES , LEO  
316 N SHERMAN AVE  
LUBBOCK TX 79415-3147

GAMEZ , HERIBERTO  
3224 2ND ST  
LUBBOCK TX 79415-2514

GONZALEZ , JESUS  
1301 62ND ST  
LUBBOCK TX 79412-3621

GROTHE , KATIE  
2611 AVENUE L  
LUBBOCK TX 79411-2521

GUAJARDO , ISABEL  
1507 BATES ST  
LUBBOCK TX 79401-1107

GUTIERREZ , ALBERT  
101 AVENUE M  
LUBBOCK TX 79401-1332

GUTIERREZ , GLORIA  
305 N AVENUE Q  
LUBBOCK TX 79415-3104

GUTIERREZ , MARY  
101 AVENUE M  
LUBBOCK TX 79401-1332

HAMMOND , WENDI  
LEGAL AID OF NORTHWEST TEXAS  
STE 1420  
400 S ZANG BLVD  
DALLAS TX 75208-6600

HERNANDEZ , ARCELIA    & JOEL  
105 AVENUE M  
LUBBOCK TX 79401-1332

HERNANDEZ , JUAN  
102 UVALDE AVE  
LUBBOCK TX 79415-3716

HUGHES , NIKI  
UNIT 89  
1001 3RD ST  
LUBBOCK TX 79401-1503

JIMENEZ , AARON  
102 AVENUE N  
LUBBOCK TX 79401-1218

JIMENEZ , YOLANDA  
1604 BAYLOR ST  
LUBBOCK TX 79401-1115

LOPEZ , JAVIER  
214 N AVENUE M  
LUBBOCK TX 79401-1127

LOPEZ , RACHEL  
214 N AVENUE M  
LUBBOCK TX 79401-1127

LOZADA , ALICE  
122 AVENUE N  
LUBBOCK TX 79401-1218

LOZADA , ALICE  
PO BOX 1031  
LUBBOCK TX 79408-1031

LOZADA , HENRY RAY  
122 AVENUE N  
LUBBOCK TX 79401-1218

LUJAN , JOSE A  
207 N AVENUE M  
LUBBOCK TX 79401-1126

MARIN , DANIEL  
113 WACO AVE  
LUBBOCK TX 79415-3723

MARIN , ELIZABETH  
1009 1ST PL  
LUBBOCK TX 79401-1409

MARIN , LUPE  
123 WACO AVE  
LUBBOCK TX 79415-3723

MARIN , MARY D  
115 WACO AVE  
LUBBOCK TX 79415-3723

MARQUEZ , VICTOR  
107 AVENUE W  
LUBBOCK TX 79415-3703

MATA , FABIAN  
211 N AVENUE M  
LUBBOCK TX 79401-1126

MCDANIEL , KIMBERLY  
STE 600  
203 SW 8TH AVE  
AMARILLO TX 79101-2228

MILBECK , BRANDON  
309 N AVENUE Q  
LUBBOCK TX 79415-3104

OCHOA , YOLANDA  
102 AVENUE N  
LUBBOCK TX 79401-1218

OUALLINE , MARK  
6204 78TH ST  
LUBBOCK TX 79424-8703

PIRTLE , ADAM R  
LEGAL AID OF NORTHWEST TEXAS  
STE 502  
1001 MAIN ST  
LUBBOCK TX 79401-3321

POSADA , OFELIA T  
2105 CORNELL ST  
LUBBOCK TX 79415-3140

PRICE , DAVIS B  
3523 92ND ST  
LUBBOCK TX 79423-3606

RENDON , DORA  
106 N AVENUE V  
LUBBOCK TX 79415-3010

REYNA , VIOLET  
3301 DARTMOUTH ST  
LUBBOCK TX 79415-2123

RIVERA , GEORGE  
211 N AVENUE P  
LUBBOCK TX 79401-1144

ROCHA , FELIPE  
2507 BAYLOR ST  
LUBBOCK TX 79415-2321

SALAZAR , ANTONIO  
329 N AVENUE R  
LUBBOCK TX 79415-3108

SOSA , IGNACIO S  
3007 1ST ST  
LUBBOCK TX 79415-2605

SULAICA SR , GEORGE  
101 N AVENUE N  
LUBBOCK TX 79401-1130

TELLO , MIRELLA  
129 TEMPLE AVE  
LUBBOCK TX 79415-3609

TREVINO , AMELIA  
218 N AVENUE P  
LUBBOCK TX 79401-1145

TREVINO , CRUZ  
213 N AVENUE P  
LUBBOCK TX 79401-1144

TREVINO , ELEX  
224 N AVENUE P  
LUBBOCK TX 79401-1145

TREVINO SR , ELEX T  
213 N AVENUE P  
LUBBOCK TX 79401-1144

TREVINO , RAUL  
216 AVENUE K  
LUBBOCK TX 79401-1338

VENEGAS , RUBEN  
1022 2ND PL  
LUBBOCK TX 79401-1418

VIDAURRE , CARRIE  
317 N AVENUE Q  
LUBBOCK TX 79415-3104

VILLARREAL , ANITA  
1509 BAYLOR ST  
LUBBOCK TX 79401-1112

VILLEGAS , MARYLOU  
325 N AVENUE R  
LUBBOCK TX 79415-3108

ZUNIGA , SANDRA  
UNIT A  
1013 AVENUE P  
LUBBOCK TX 79401

**TCEQ AIR QUALITY STANDARD PERMIT FOR CONCRETE BATCH PLANTS  
REGISTRATION NO. 176227**

<b>APPLICATION BY</b>	<b>§</b>	<b>BEFORE THE</b>
<b>TRIPLE C CONCRETE OF LUBBOCK,</b>	<b>§</b>	
<b>LTD</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>CONCRETE BATCH PLANT</b>	<b>§</b>	
<b>LUBBOCK, LUBBOCK COUNTY</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</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: Esther Aguilar, Mario Aguilar, Rafe Aguilar, Sue Aguilar, Benny Aguilar, Michelle Beltran, Cynthia Bernal, Ercelia Cantu, Henry Castellano, Joe Castillo, Juan Cisneros, Sandy Cisneros, Adrian Cortez, Dora T. Cortez, Milton Deleon, Angelina Esqueda, Blas Esqueda, Jeremiah Flores, Leo Flores, Heriberto Gamez, Jesus Gonzalez, Katie Grothe, Isabel Guajardo, Albert Gutierrez, Gloria Gutierrez, Mary Gutierrez, Wendi Hammond (Legal Aid of North West Texas on behalf of North and East Lubbock Coalition), Arcelia Hernandez, Joel Hernandez, Juan Hernandez, Niki Hughes, Aaron Jimenez, Yolanda Jimenez, Javier Lopez, Rachel Lopez, Alice Lozada, Henry Ray Lozada, Jose A. Lujan, Daniel Marin, Elizabeth Marin, Lupe Marin, Mary D. Marin, Victor Marquez, Fabian Mata, Brandon Milbeck, Yolanda Ochoa, Mark Oualline, Adam R. Pirtle (Legal Aid of North West Texas on behalf of North and East Lubbock Coalition), Ofelia T. Posada, Dora Rendon, Violet Reyna, George Rivera, Felipe Rocha, Antonio Salazar, Ignacio S. Sosa, George Sulaica, Mirella Tello, Amelia Trevino, Cruz Trevino, Elex Trevino, Raul Trevino, Ruben Venegas, Carrie Vidaurre, Anita Villarreal, Marylou Villegas, and Sandra Zuniga. This Response addresses all timely public comments received, whether or not withdrawn. For more information about this permit application or the permitting process, please call TCEQ’s Public Education Program at 1-800-687-4040. General information about TCEQ can be found on our website at [www.tceq.texas.gov](http://www.tceq.texas.gov).

**BACKGROUND**

Description of Facility

Triple C Concrete of Lubbock, Ltd (Applicant) has applied to TCEQ for a Standard Permit under Texas Clean Air Act (TCAA) § 382.05195. This will authorize the use of an existing facility that may emit air contaminants. The facility was previously authorized under Permit Number 71025 which expired on March 15, 2024.

This permit, if issued, will authorize the Applicant to resume operations of a Concrete Batch Plant. The facility is located at 1521 Erskine Street, Lubbock, Lubbock County, Texas 79403. Contaminants authorized under this permit include aggregate, cement,

road dust, and particulate matter with diameters of 10 microns or less and 2.5 microns or less (PM<sub>10</sub> and PM<sub>2.5</sub>, respectively).

### Procedural Background

Before work operations may resume at the concrete batch plant that may emit air contaminants, the person planning the resumption must obtain an authorization from the commission. This permit application is for an initial issuance of Air Quality Registration Number 176227.

The permit application was received on April 30, 2024, and declared administratively complete on June 19, 2024. The Consolidated Notice of Receipt of Application and Intent to Obtain Permit and Notice of Application and Preliminary Decision (public notice) for this permit application was published in English on July 1, 2024, in the *Lubbock Avalanche - Journal*, and in Spanish on July 2, 2024, in the *El Editor Newspaper*. Following a clerical error of the proposed registration number for the pending application, the Applicant was required to publish an *AMENDED* Consolidated Notice of Receipt of Application and Intent to Obtain Permit and Notice of Application and Preliminary Decision. The amended notice was published in English on October 2, 2024, in the *Lubbock Avalanche - Journal*, and in Spanish on October 8, 2024, in the *El Editor Newspaper*.

A public meeting was held on Monday, October 28, 2024, at HQ Plaza, 5307 W Loop 289, Lubbock, Texas, 79414 at 7:00 pm. The notice of public meeting was posted in English and in Spanish on October 9, 2024, to TCEQ's Homepage - Meetings Calander and mailed to the mailing list. The public comment period ended on November 4, 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: Air Quality / Health Effects / Cumulative Effects

Commenters expressed concern about the effect of the emissions from the proposed project on the air quality and the environment. Commenters expressed concern regarding the potential adverse health effects of people in close proximity to the project, particularly sensitive populations such as the elderly, children, and people with existing medical conditions. Commenters expressed concern regarding potential health effects and symptoms such as asthma, respiratory illness, pneumonia, bronchitis, and issues with the central nervous system. In addition, commenters are concerned that nearby residents and individuals that spend time will be exposed to contaminants during outdoor activities and will not be able to go outside.

(Dora T. Cortez, Katie Grothe, Wendi Hammond, Niki Hughes, Fabian Mata, Adam R Pirtle, and Mirella Tello)

**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.<sup>1</sup> 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 United States (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>), (PM<sub>10</sub>), and PM<sub>2.5</sub>.

Applicants seeking to obtain authorization to operate under the Standard Permit for Concrete Batch Plants are not required to submit site-specific emission calculations or air dispersion modeling. During the protectiveness review for the 2024 amendment to the Standard Permit for Concrete Batch Plants, TCEQ performed an Air Quality Analysis (AQA), which included air dispersion modeling that was inherently conservative and tended to over-predict ground-level concentrations of emissions. The emission generating facilities or activities included in the AQA were material handling operations, truck loading, stockpiles, cement silos, and an internal combustion engine to generate power for equipment at the site. TCEQ calculated emission rates using conservative emission factors and methodology from the EPA in the Compilation of Air Pollution emission Factors, AP-42 manual. TCEQ ensures the conservative nature of these calculations by evaluating each emission point at the maximum material throughput on both an hourly and an annual basis. The analysis also conservatively assumed the operating schedule of facilities or activities at the site as 24 hours per day. The air contaminants evaluated were CO, NO<sub>2</sub>, SO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>, nickel particulate, and formaldehyde.

TCEQ applied the model in a screening mode to ensure predictions were conservative (higher than expected concentrations) and applicable for any location in the state. For example, the protectiveness review evaluated both rural and urban dispersion

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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 on 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, TCEQ will evaluate whether updates are necessary to the current standard permit technical requirements.

coefficients and the higher of the two was used as the maximum predicted concentration for developing the conditions of the Standard Permit for Concrete Batch Plants. The model also incorporated five years of meteorological data, including wind directions, which would include worst-case, short-term meteorological conditions that could occur anywhere in the state. In addition, all emissions sources were co-located in order to minimize bias due to source configuration and wind direction. This technique also provided conservative results since the impact from all sources was maximized.

TCEQ also evaluated the potential for cumulative or additive emissions. 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 only a relatively few receptors within the modeled area. The commission included site wide production limits to avoid the potential for cumulative emissions that would be higher than what is authorized by the standard permit. The Applicant represented hourly production limit of 190 cubic yards per hour, and an annual production limit of 592,800 cubic yards per year in any rolling 12-month period. For permit registrations operating a central mix plant in Lubbock County, the maximum production is limited to 300 cubic yards per hour and a setback distance of 100 feet. In addition, distance requirements to the nearest rock crusher, concrete crusher, or hot mix asphalt plant were also added to avoid potential cumulative emission higher than the permit limit. Therefore, the commission determined that a review of other off-site sources is not necessary when determining approval of any particular standard permit application. In addition, based on the results of the protectiveness review, no adverse impacts are expected as a result of operations of multiple similar facilities, such as concrete batch plants, rock crushing plants, or hot-mix asphalt plants.

#### **COMMENT 2: Dust Control**

Commenters expressed concern that the facility would generate dust conditions near the site.

(Katie Grothe, Wendi Hammond, and Adam R. Pirtle)

**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 plant. All the potential dust concentrations from the permitted sources have been evaluated based on operating parameters represented in the application and compared to the impacts criteria described in Response 1. 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 dust collection system vented to fabric/cartridge filters 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.

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 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 these 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 Lubbock Regional Office at 806-796-7092 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186.

### **COMMENT 3: Monitors**

Commenters asked about air quality monitors in the area.

(Wendi Hammond and Adam R. Pirtle)

**RESPONSE 3:** 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, 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, 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.

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 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, TCEQ does not have a routine monitoring plan for this type of industry.

Mobile air monitoring is an approach typically used to support on-going field investigations regarding a specific source or group of sources, or to provide short-term evaluations of air quality in areas where the agency suspects potential air quality issues. Mobile monitoring is not appropriate for ambient air monitoring to determine compliance with the NAAQS.

#### **COMMENT 4: Jurisdictional Issues**

##### **Location/Zoning**

Commenters expressed concern regarding the location of the facility as and the proximity to public areas, including residences, schools, daycares, places of worship. These areas include the Carrillo Family Recreation Area, the Canyon Lakes Trail, the Mackenzie State Park, and Carmona-Harrison Elementary School, amongst others. Commenters also commented that the plant should be located somewhere else.

(Dora T. Cortez, Katie Grothe, Wendi Hammond, and Adam R. Pirtle)

##### **Trucks/ Traffic/ Roads**

One commenter expressed concern for public safety due to increased traffic of cars and trucks as a result of the project, damage to roads and public infrastructure.

(Dora T. Cortez)

##### **Quality of Life/ Aesthetics/ Property Values**

Commenters are concerned about the effect of the project on their quality of life, on the aesthetics of the area, and on their property value.

(Wendi Hammond and Adam R. Pirtle)

##### **Effect on the Local Economy**

Commenters are concerned about the effects this project could have on the local economy.

(Wendi Hammond and Adam R. Pirtle)

#### **RESPONSE 4:**

##### 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, 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.

TCEQ's Lubbock Regional Office conducted a site review of the area on December 12, 2024. According to that site review, nuisance, odor, and hazard potentials were moderate. The review also described the surrounding land use as "Industrial, Agricultural", and the nearest off-property receptor is a residence approximately 116 feet away. The distance from the facility to the nearest property line, according to the site review, is approximately 155 feet. The recommendation of the Regional Office was to proceed with the permit review and the site review indicated no reasons to deny the permit application.

##### Trucks/ Traffic/ 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.

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

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

##### Effect on the 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).

#### **COMMENT 5: Demonstration of Permit Compliance**

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

(Dora T. Cortez, Katie Grothe, Wendi Hammond, and Adam R. Pirtle)

**RESPONSE 5:** 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 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's Lubbock Regional Office at 806-796-7092 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186.

#### **COMMENT 6: Complaints / Violations / Enforcement**

Commenters asked who is responsible for maintaining TCEQ complaints and follow-up, as well as what further action that can be taken if a plant does not adhere to complaints after a certain time frame. Commenters also asked about the consequences of violating the terms of the permit.

(Dora T. Cortez, Katie Grothe, Wendi Hammond, Fabian Mata, and Adam R. Pirtle)

**RESPONSE 6:** TCEQ regional offices prioritize their responses to complaints based on the potential for adverse health effects associated with the alleged violation. Staff from TCEQ regional offices review all complaints, and regional investigations are not limited by media (i.e., air, water, or waste). 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's Lubbock Regional Office at 806-796-7092 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. If a facility is found to be out of compliance with the terms and conditions of its registration, it may be subject to investigation and possible enforcement action.

Citizen-collected evidence may be used in such an enforcement action. *See* 30 TAC § 70.4, Enforcement Action Using Information Provided by Private Individual, for details on gathering and reporting such evidence. Under the citizen-collected evidence program, individuals are providing information on possible violations of environmental law and the information can be used by TCEQ to pursue enforcement. In this program, citizens can become involved and may eventually testify at a hearing or trial concerning the violation. For additional information, *see* TCEQ publication, "*Do You Want to Make an Environmental Complaint? Do You Have Information or Evidence?*" This booklet is available in English and Spanish from TCEQ's Publications

office at 512-239-0028 and may be downloaded from the agency website at [www.tceq.texas.gov](http://www.tceq.texas.gov) (under Publications, search for Publication Number 278).

There are a number of mechanisms by which TCEQ monitors compliance with permit conditions and state and federal regulations. To the extent that personnel, time, and resources are available, TCEQ investigates permit operations to ensure compliance with applicable rules and regulations. Although specific to each site, investigations generally explore the entire operation of the plant. The investigation schedule may be increased if violations are found, repeated, or if a regulated entity is classified as an unsatisfactory performer. Notices of Violation (NOVs) are public information. Additionally, the public is able to track complaints on TCEQ website by complaint tracking number, date, county, TCEQ region, or regulated entity/customer name or number (<http://www2.tceq.texas.gov/oce/waci/index.cfm>).

Violations are usually addressed through a notice of violation letter that allows the operator a specified period of time within which to correct the problem. The violation is considered resolved upon timely corrective action. A formal enforcement referral will be made if the cited problem is not timely corrected, if the violation is repeated, or if a violation is causing substantial impact to the environment or neighbors. In most cases, formal enforcement results in an agreed enforcement order including penalties and technical requirements for corrective action. Penalties are based upon the severity and duration of the violation(s). Violations are maintained on file and are included in the calculation of a facility and a person's compliance history. Compliance history ratings are considered during permit application reviews.

#### **COMMENT 7: Compliance History**

Commenters asked about the compliance history of the applicant and site.

(Dora T. Cortez, Wendi Hammond, and Adam R. Pirtle)

**RESPONSE 7:** During the technical review of the permit application, a compliance history review of both the company and the site is conducted based on the criteria in 30 TAC Chapter 60. These rules may be found at the following website: <https://www.tceq.texas.gov/rules/index.html>.

The compliance history is reviewed for the five-year period prior to the date the permit application was received and includes multimedia compliance-related components about the site under review. These components include enforcement orders, consent decrees, court judgments, criminal convictions, chronic excessive emissions events, investigations, notices of violations, audits and violations disclosed under the Audit Act, environmental management systems, voluntary on-site compliance assessments, voluntary pollution reduction programs, and early compliance. However, TCEQ does not have jurisdiction to consider violations outside of the State of Texas.

A company and site may have one of the following classifications and ratings:

- High: rating below 0.10 - complies with environmental regulations extremely well;

- Satisfactory: rating 0.10 – 55.00 – generally complies with environmental regulations;
- Unsatisfactory: rating greater than 55.00 – fails to comply with a significant portion of the relevant environmental regulations; and
- Unclassified: rating of N/A – generally given to new facilities without a history to rate or facilities under local air quality program jurisdiction.

This site has a rating of 34.20 and a classification of Satisfactory. The company rating has a rating of 17.10, and a classification of Satisfactory. The company rating reflects the average of the ratings for all sites the company owns in Texas.

**COMMENT 8: Water Quality / Other Required Authorizations**

Commenters expressed concern that the project would negatively impact water resources in the area, including water contamination, and water runoff into Comancheria Lake.

(Fabian Mata)

**RESPONSE 8:** 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 9: Public Notice - Newspaper Publication**

Commenters stated that the newspaper selected for public notice was not appropriate.

(Niki Hughes and Adam R. Pirtle)

**RESPONSE 9:** TCAA § 382.056 requires that an applicant for this Standard Permit publish notice. Notice must be published in a newspaper of general circulation in the municipality in which the facility is located or proposed to be located. The notice must include a description of the facility, information on how an affected person may request a public hearing, pollutants the facility will emit, and any other information TCEQ requires by rule. The commission also requires that notice be published in an alternative language if the elementary or middle school nearest the proposed facility offers a bilingual education program as required by Texas Education Code Chapter 29, Subchapter B. TCEQ adopted rules for these public notice requirements in 30 TAC § 39.603, Public Notice of Air Quality Applications, Newspaper Notice.

The Consolidated Notice of Receipt of Application and Intent to Obtain Permit and Notice of Application and Preliminary Decision (public notice) for this permit

application was published in English on July 1, 2024, in the *Lubbock Avalanche - Journal* and in Spanish on July 02, 2024, in the *El Editor Newspaper*. Following a clerical error of the proposed permit number for the pending application, the Applicant was required to publish an *AMENDED* Consolidated Notice of Receipt of Application and Intent to Obtain Permit and Notice of Application and Preliminary Decision. The *AMENDED* notice was published in English on October 02, 2024, in the *Lubbock Avalanche - Journal* and in Spanish on October 03, 2024, in the *El Editor Newspaper*.

To demonstrate compliance with public notice requirements, applicants are required to provide the Office of the Chief Clerk with copies of the published notice and a publisher's affidavit verifying facts related to the publication, including that the newspaper is a paper of general circulation in the municipality in which the facility is located or proposed to be located.

**COMMENT 10: Public Notice - Sign posting**

Commenters questioned if the sign posting requirements were met.

(Wendi Hammond, Niki Hughes, and Adam R. Pirtle)

**RESPONSE 10:** 30 TAC § 39.604 requires that signs be placed at the site of the existing or proposed facility. The sign(s) must state that an application for a standard permit has been filed and the manner in which the commission may be contacted for further information.

Each sign placed at the site must be located within ten feet of every property line paralleling a public highway, street, or road. Signs must also be visible from the street and spaced at not more than 1,500-foot intervals. A minimum of one sign, but no more than three signs are required along any property line paralleling a public highway, street, or road. Finally, in cases which notice is required to be published in an alternative language, the applicant must also post signs in the applicable alternative language.

The Applicant provided verification to the Office of the Chief Clerk in accordance with 30 TAC § 39.605 that signs were posted at the proposed site in accordance with 30 TAC § 39.604. To demonstrate compliance with public notice requirements, applicants are required to provide the Office of the Chief Clerk with copies of the published notice and a publisher's affidavit verifying facts related to the publication, including that the newspaper is a paper of general circulation in the municipality in which the proposed facility is located or proposed to be located. The Applicant has met these requirements.

**COMMENT 11: Access to Permit Documents**

Commenters stated that they did not have access to the permit documents. Specifically, commenters expressed that on-site record keeping for demonstrating permit compliance was not made publicly available.

(Dora T. Cortez, Wendi Hammond, Niki Hughes, Mark Oualline, and Adam R. Pirtle)

**RESPONSE 11:** 30 TAC Chapter 39 Subchapter H, Applicability and General Provisions requires the Applicant to provide a copy of the application at a public place in the county in which the facility is located or proposed to be located. The rules also require that the application, including any subsequent revisions to the application, be available for review for the duration of the comment period. The Applicant represented that the application was made available at Lubbock County Courthouse, 904 Broadway, Lubbock, Lubbock County. In addition, a copy of the application was also available at TCEQ's Lubbock Regional Office, TCEQ's Central Office, and on TCEQ's website.

**COMMENT 12: Application Incomplete**

Commenters stated that the application is incomplete due to incorrect application representations.

(Dora T. Cortez, Wendi Hammond, Fabian Mata, and Adam R. Pirtle)

**RESPONSE 12:** If errors or omissions are found in the application, the permit reviewer will send the applicant a deficiency letter which provides a date by which corrections must be received. If supplemental information is not received, the Executive Director may suspend or void the application. The review does not start over but rather continues until all information is verified.

TCEQ is aware of mistakes in the initial and subsequent application workbook submissions, and the Applicant has resolved all pending notices of deficiency. The Air Permits Division and other applicable TCEQ staff have conducted a thorough review of this permit application to ensure it meets the requirements of all applicable state and federal standards. An applicant is bound by its representations in the application and those representations become an enforceable part of the permit, including production rates, authorized emission rates, and equipment. If the Applicant deviates from the representations made in the application, on which the permit was developed, the Applicant may be subject to enforcement action.

**COMMENT 13: Permit Review Process**

Commenters expressed concern regarding the application review process, as well as questioned what the requirements are to obtain an air permit.

(Dora T. Cortez, Wendi Hammond, and Fabian Mata)

**RESPONSE 13:** TCEQ conducted a review and verified that the representations in the application meet the standard permit requirements. This review included both an administrative and technical review. During the administrative review, TCEQ verified the following: the correct application was submitted; the application form and TCEQ Core Data Form have been signed by the Responsible Official; the company is an entity legally entitled to do business in Texas; the information is accurately recorded in TCEQ's Central Registry; the appropriate application fee was received; the mailing addresses for the company and site are USPS validated; and there are no delinquent fees owed by the company.



During the technical review, TCEQ evaluated the following: all sources of air contaminants at the proposed facility have been properly identified; appropriate controls have been proposed for each emission source; proposed operations meet all applicable Standard Permit requirements; compliance history for the site and the operator; and public notice requirements were fulfilled.

Based on this review, TCEQ determined the application meets the requirements of the standard permit.

**COMMENT 14: Environmental justice**

Commenters raised concerns regarding the environmental justice implications of this project.

(Dora T. Cortez, Katie Grothe, Wendi Hammond, and Adam R. Pirtle)

**RESPONSE 14:** Air permits evaluated by TCEQ are reviewed without reference to the socioeconomic or racial status of the surrounding community. TCEQ is committed to protecting the health of the people of Texas and the environment regardless of location. A health effects review was conducted during the standard permit development and found to be protective of human health and the environment.

TCEQ encourages participation in the permitting process. The Office of the Chief Clerk works to help the public and neighborhood groups participate in the regulatory process to ensure that agency programs that may affect human health or the environment operate without discrimination and to make sure that concerns are considered thoroughly and are handled in a way that is fair to all. Please contact the Office of the Chief Clerk at 512-239-3300 for further information. More information may be found on TCEQ's website:

<https://www.tceq.texas.gov/agency/decisions/participation/title-vi-compliance>.

**COMMENT 15: TCEQ's Responsibility to the Community**

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

(Adam R. Pirtle)

**RESPONSE 15:** 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. TCEQ cannot deny authorization of a facility if a permit application contains a demonstration that all applicable statutes, rules, and regulations will be met.

**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

Kelly Keel  
Executive Director

Phillip Ledbetter, Director  
Office of Legal Services

Charmaine K. Backens, Deputy Director  
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REPRESENTING THE  
EXECUTIVE DIRECTOR OF THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY