TCEQ AIR QUALITY STANDARD PERMIT CONCRETE BATCH PLANT REGISTRATION NUMBER 79400

APPLICATION BY	**§**	**BEFORE THE**
PARK ENVIRONMENTAL	**§**	
EQUIPMENT, LLC	**§**	**TEXAS COMMISSION ON**
CONCRETE BATCH PLANT	**§**	
HOUSTON, HARRIS COUNTY	**§**	**ENVIRONMENTAL QUALITY**

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: Hilda Garcia and Kimberly Garcia. This Response addresses all timely public comments received, whether or not withdrawn.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.

BACKGROUND

Description of Facility

Park Environmental Equipment, LLC (Applicant) has applied to the TCEQ for a Standard Permit under Texas Clean Air Act (TCAA), Texas Health and Safety Code (THSC) § 382.05195. This will authorize the continued operation of an existing facility that may emit air contaminants.

This permit will authorize the Applicant to continue operation of a Concrete Batch Plant located at 7015 Fairbanks North Houston Road, Houston, Harris County, Texas, 77040. Contaminants authorized under this permit include particulate matter including (but not limited to) aggregate, cement, road dust, and particulate matter with diameters of 10 microns or less (PM_{10}) and 2.5 microns or less ($PM_{2.5}$).

Procedural Background

To continue operating an existing permitted facility that may emit air contaminants, the person planning the continued operation must obtain a permit renewal from the commission. This permit application is for a permit renewal of Air Quality Permit Number 79400.

The permit application was received on November 14, 2025, and declared administratively complete on November 21, 2025. The Notice of Receipt of Application and Intent to Obtain Air Quality Standard Permit Registration Renewal (public notice) for this permit application was published in English on December 4, 2025, in the *Lone Star Tx Newspaper,* and in Spanish on December 4, 2025, in *El Perico.* The comment period ended on December 19, 2025. 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, including the cumulative impact of emissions with other industrial businesses in the area. 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 that the proposed project would cause or exacerbate negative health effects and conditions, including but not limited to heart attacks, irregular heartbeat, aggravated asthma, decreased lung function, heart arrhythmias, neurological issues such as brain fog and forgetfulness, and premature death in people with heart and lung disease. In addition, commenters are concerned that children will be exposed to contaminants during outdoor activities and will not be able to go outside. Commenters are also concerned about the health risks of elderly residents in the community, who often spend time outdoors.

(Hilda Garcia and Kimberly Garcia)

RESPONSE 1: During the development of the Air Quality Standard Permit for Concrete Batch Plants (Standard Permit), the Executive Director conducted an extensive protectiveness review to ensure protectiveness of human health and the environment.[1] 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_2), ozone (O_3), sulfur dioxide (SO_2), particulate matter less than or equal to 10 microns in aerodynamic diameter (PM_{10}), and PM less than or equal to 2.5 microns in aerodynamic diameter ($PM_{2.5}$).

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

[1] 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 $PM_{2.5}$ becoming effective on May 6, 2024, TCEQ will evaluate whether updates are necessary to the current standard permit technical requirements.

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 carbon monoxide, nitrogen dioxide, sulfur dioxide, PM_{10} and $PM_{2.5}$, nickel particulate, formaldehyde, and silica.

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 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. The results of the protectiveness review for all pollutants authorized by the Standard Permit for Concrete Batch Plants demonstrated that emissions will not exceed any state or federal standards, including the NAAQS.

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 applicant represented hourly production limit of 25 cubic yards per hour, and an annual production limit of 131,400 cubic yards per year in any rolling 12-month period. For permit registrations operating a specialty concrete batch plant with a maximum hourly production rate of no more than 30 cubic yards per hour, the maximum annual production rate is 131,400 cubic yards per year and setback distance is at least 100 feet. 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. 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.

The review included reviews of nickel particulate and formaldehyde, as they are products of diesel fuel combustion. The most recent amendment of the Standard Permit adopted on January 24, 2024, made changes to the requirement that owners or operators of concrete batch plants that include a stationary compression ignition internal

combustion engine shall comply with additional applicable engine requirements in the following:

- 40 CFR 60 Subpart IIII, Standards of Performance for Stationary Compression Ignition;
- 40 CFR 63, Subpart ZZZZ, National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines;
- 30 TAC Chapter 117, Control of Air Pollution from Nitrogen Compounds; and
- any other applicable state or federal regulation.

Adopted subsection (8)(G) of the amended Standard Permit is based on public comment to improve best management practices, reduce the potential generation of nuisance dust, and prevent the tracking of sediment onto adjacent roadways. The adopted language includes requirements to prevent tracking of sediment onto roadways and reduce the generation of dusts by using one or more of the listed methods. Further, the amendment includes increased setback distances for some areas of the state and options for additional controls.

TCEQ conducted a protectiveness review during the development of the standard permit to ensure that the requirements of the standard permit 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 application. Based on the protectiveness review, no adverse effects are expected from this facility as it meets all requirements of the Air Quality Standard Permit for Concrete Batch Plants. 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.

COMMENT 2: Public Meeting / Public Participation / Hearing Request

Hilda Garcia requested a public meeting be held on the permit application. Kimberly Garcia requested both a public meeting and a contested case hearing be held on the permit application, stating that she believes she qualifies as an "affected person".

(Hilda Garcia and Kimberly Garcia)

RESPONSE 2: As part of the air permitting renewal process, an applicant is required to publish a formal public notice in a newspaper of general circulation in the municipality which the plant is located. When notice is published, the public is informed of their right to submit public comments, or to request a contested case hearing. TCEQ will consider all public comments in developing a final decision on an application. The deadline to submit public comments for renewals is 15 days after the final newspaper notice is published. After the deadline for public comments, the Executive Director will prepare a formal Response to Comments (RTC) to all timely comments received. This Response is the written response to all formal comments received during the comment period for the application. A copy of this Response will be sent to each person who submitted a formal comment, a public meeting request, or a request for a contested case hearing or who requested to be on the mailing list for this permit application and provided a

mailing address. All timely formal comments received are included in this Response and will be considered before a final decision is reached on the permit application.

By statute under THSC § 382.056(g), "the commission may not seek further comment or hold a public hearing [meeting]" for a permit renewal that would not result in an increase in emissions, therefore, a public meeting is not being provided for this renewal application. While public participation is an integral part of the permitting process, it requires a significant resource investment for TCEQ. Expending those limited resources to provide public meetings that are not statutorily required or warranted would not be consistent with the responsible management of state resources as entrusted by the Legislature. The public notice rules applicable to this application are described above. Information on public meetings, contested case hearings, providing comments, requesting accommodations, and more can be found on the TCEQ website at www.tceq.texas.gov/goto/participation.

Contested Case Hearing

A person may request a contested case hearing (CCH) on any permitting action. However, CCHs are not required for certain permit applications. Applications for which there is not a right to a CCH are identified in 30 TAC § 55.201(i). This includes a "renewal of an air application that would not result in an increase in allowable emissions and would not result in the emission of an air contaminant not previously emitted." Notwithstanding, THSC § 382.056(o) provides that the commission may hold a CCH for these types of permit applications if "the application involves a facility for which the applicant's compliance history is classified as unsatisfactory according to commission standards under Sections 5.753 and 5.754, Water Code, and rules adopted and procedures developed under those sections."

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.
- Unclassified: rating of N/A - generally given to new facilities without a history to rate or facilities under local air quality program jurisdiction. Commenters may wish to contact local air quality programs to inquire about documented violations and investigations. A list of each local air pollution control program in Texas, with addresses and phone numbers, can be found on TCEQ's website at: https://www.tceq.texas.gov/permitting/air/local_programs.html.

The site rating has a rating of 0.00 and classification of 'Unclassified', as the site facility has either been in operation for less than the five-year review period or is under local air quality program jurisdiction. The company rating has a has a rating of 0.00 and classification of 'Unclassified'. The company rating reflects the average of the ratings for all sites the company owns in Texas. Local enforcement agencies do not always report enforcement activities to TCEQ, and therefore such activities would not be included in TCEQ's compliance history report.

For those permitting actions which provide the opportunity for requesting CCH, a request must be timely received, in accordance with the requirements set forth in 30 TAC § 55.201. Further, CCH requests must contain the following:

- Name, address, daytime telephone number, and, where possible, fax number of the person who files the request;
- identify the person's personal justiciable interest affected by the application, including a brief written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public;
- list all relevant and material disputed issues of fact that were raised during the public comment period and that are the basis of the hearing request.

In accordance with 30 TAC § 55.201, a request for a CCH may be granted if it is made by an affected person, in writing, and if the request raises disputed issues of fact that were raised during the comment period, and not withdrawn by the commenter, and that are relevant and material to the commission's decision on the application. The request for a CCH must be timely filed with the Chief Clerk, sought pursuant to a right to hearing authorized by law, and comply with the requirements of Title 30 TAC § 55.201. Requests for a CCH will be considered by TCEQ commissioners at a future commission meeting. The request for a contested case hearing must also comply with the requirements of 30 TAC § 55.201. If a contested case hearing request is granted, the commission will specify the number and scope of factual issues to be referred to the State Office of Administrative Hearings (SOAH) and the maximum duration of the hearing.

COMMENT 3: Location

Kimberly Garcia expressed concern regarding the location of the facility and whether it complies with current local zoning ordinances. Ms. Garcia expressed concern regarding the location of the facility and the proximity to densely populated areas and public areas, including residences.

RESPONSE 3: 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 imposes specific distance limitations that are enforceable by TCEQ. Generally, zoning and land use are beyond the authority of TCEQ for consideration when reviewing air quality permit applications and such issues should be directed to local officials. 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.

TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues

set forth in statutes and rules. TCEQ rule requirements are intended to safeguard human health and the environment. If permitted facilities are operated in compliance with TCEQ rules and the terms and conditions of the permit, the facility should not adversely impact human health or the environment. Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with any permit terms or other environmental regulations by contacting the TCEQ Houston Regional Office at 713-767-3500 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. If the facility is found to be out of compliance with the terms and conditions of the permit, it may be subject to possible enforcement action.

COMMENT 4: Noise / Operating Hours / Quality of Life / Aesthetics

Ms. Garcia expressed concerns regarding the hours of operation and noise pollution from the proposed project, including noise from loud machinery at night. Ms. Garcia expressed concern about the effect of the proposed project on their quality of life and on the aesthetics of the area.

RESPONSE 4: 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. Because noise pollution ordinances are normally enacted by cities or counties and enforced by local law enforcement authorities, 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. 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 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. As described in Response 1, the protectiveness review conducted during the development of the Standard Permit for Concrete Batch Plants conservatively assumed a 24 hour per day operating schedule and determined that emissions are protective. TCEQ also does not have the authority to consider aesthetics or quality of life when determining whether to approve or deny an air permit. However, the issuance of a permit does not authorize injury to persons or property or invasion of other property rights or violation of state or local law or regulation.

TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statutes and rules. TCEQ rule requirements are intended to safeguard human health and the environment. If permitted facilities are operated in compliance with TCEQ rules and the terms and conditions of the permit, the facility should not adversely impact human health or the environment. Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with any permit terms or other environmental regulations by contacting the TCEQ Houston Regional Office at 713-767-3500 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. If the facility is found to be out of compliance with the terms and conditions of the permit, it may be subject to possible enforcement action.

COMMENT 5: TCEQs Responsibility to the Community / General Opposition

Kimberly Garcia asked that TCEQ consider residents and their wishes and choose not to approve the permit registration for the proposed plant, as well as expressed general opposition to the proposed project.

RESPONSE 5: The Executive Director acknowledges the concerns of the citizens. TCEQ appreciates the comments and interest from the public in environmental matters before the agency and acknowledges the comments in opposition f the project. As stated previously, TCEQ reviews all applications consistent with applicable law and TCEQ's regulatory authority. The Executive Director's staff has reviewed the Standard Permit registration 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. As stated in previous responses, 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

Amy L. Browning, Acting Deputy Director
Environmental Law Division

Ivan Naranjo, Staff Attorney
Environmental Law Division
State Bar Number 24149712
PO Box 13087, MC 173
Austin, Texas 78711-3087

REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY