

Brooke T. Paup, *Chairwoman*
Catarina R. Gonzales, *Commissioner*
Tonya R. Miller, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 8, 2026

TO: Persons on the Attached Mailing List

**RE: Docket No. 2026-0414-AIR
Park Environmental Equipment, LLC (Applicant)
Request(s) filed on Air Permit No. 79400**

The above-referenced application and all timely filed hearing requests/requests for reconsideration on the above-referenced application will be considered by the commissioners of the Texas Commission on Environmental Quality (TCEQ) during the public meeting on **May 13, 2026**. The meeting will begin at **9:30 a.m.** The agenda meeting may be held in person in Room 201S of Building E, at the Commission's offices located at 12100 Park 35 Circle in Austin, Texas, virtually, or both in person and virtually. To confirm how the meeting will be held, please visit the Commissioners' Agenda webpage at <https://www.tceq.texas.gov/goto/agendas> eight days before the Agenda.

In accordance with commission rules, copies of the timely hearing requests/requests for reconsideration have been forwarded to the Applicant, the Executive Director of the TCEQ, and the Public Interest Counsel of the TCEQ. Each of these persons is entitled to file a formal written response to the hearing requests/requests for reconsideration on **April 20, 2026**. Persons who have filed timely hearing requests/requests for reconsideration may file a formal written reply to these responses on **May 4, 2026**.

All responses and replies must be filed with the Chief Clerk of the TCEQ. Responses and replies may be filed with the Chief Clerk electronically at www.tceq.texas.gov/goto/efilings or by filing an original with the Chief Clerk of the TCEQ. The mailing address of the Chief Clerk is: Office of Chief Clerk, ATTN: Agenda Docket Clerk, Mail Code 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 [Fax number (512) 239-3311]. On the same day any response is transmitted to the Chief Clerk, a copy must also be sent to the Executive Director, the Public Interest Counsel, the Applicant, and the requesters at their addresses listed on the attached mailing list. On the same day any reply is transmitted to the Chief Clerk, a copy must also be sent to the Executive Director, the Public Interest Counsel, other requesters, and the Applicant at their addresses listed on the attached mailing list. If these individuals have provided an e-mail address, responses and replies may be sent via e-mail.

The procedures for evaluating hearing requests/requests for reconsideration are located in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter F (§§55.200-211) of the commission's rules. The procedures for filing and serving responses and replies are located in 30 TAC Chapters 1 (§§1.10-11) and 55 (§55.209) of the commission's rules.

The hardcopy filing requirement is waived by the General Counsel pursuant to 30 TAC §1.10(h). Copies of these rules may be obtained by calling the Public Education Program toll free at 1-800-687-4040.

The commissioners will not take oral argument or additional comment on this matter at the public meeting. Therefore, it is important to address the sufficiency of the requests in timely filed written responses and requesters' replies. At the public meeting, the commissioners may

ask questions of the Applicant, requesters, or TCEQ staff. The commissioners will make a decision on the request(s) during the meeting and will base that decision on the timely written requests, public comments, any written responses and replies, any responses to questions during the meeting, and applicable statutes and rules. Copies of all timely public comments and requests have been forwarded to the Alternative Dispute Resolution Program to determine if informal, voluntary mediation might help resolve any dispute.

The attachment to this letter is intended to help you better understand how the TCEQ processes and evaluates hearing requests and requests for reconsideration. To obtain additional information, or to ask questions about anything in this letter, please call the Public Education Program toll free at 1-800-687-4040.

Sincerely,

A handwritten signature in cursive script that reads "Laurie Gharis".

Laurie Gharis
Chief Clerk

Enclosures: Executive Director's Response to Public Comment
Copies of protestant correspondence to Applicant, Executive Director, Office of Public Interest Counsel, and Alternative Dispute Resolution.

ATTACHMENT
Procedures Concerning Requests for Reconsideration
and Requests for Contested Case Hearing

The purpose of this document is to describe commission procedures for evaluating requests for reconsideration and requests for contested case hearing. This document is not intended to be a comprehensive guide to public participation at the TCEQ.

The three commissioners determine the validity of requests for reconsideration and requests for contested case hearing and vote to grant or deny the requests during a public meeting. These public meetings are usually held every other Wednesday in Austin. Prior to the meeting, the following occurs:

- (1) the written requests are distributed to the executive director, the public interest counsel, and the Applicant. These persons may file a response at least 23 days before the meeting;
- (2) the requester may then file a reply to the responses at least 9 days before the meeting. This is the requester's opportunity to address any deficiencies in the request that have been identified by TCEQ staff or the Applicant. The requester must submit any information he or she wishes the commissioners to consider (ex: maps or diagrams showing requester's location relative to the Applicant's proposed activities) by this deadline; and
- (3) the commissioners read the requests, the responses to requests, and the replies, before the public meeting. Then, during the public meeting, the commissioners vote to grant or deny the requests.

Requests for Reconsideration

A request for reconsideration must expressly state that the person is requesting that the commission reconsider the executive director's decision and state the reasons why the commission should reconsider the executive director's decision. The commission will consider a request for reconsideration at a scheduled public meeting and grant or deny the request.

Requests for Contested Case Hearing

A contested case hearing is an evidentiary proceeding, similar to a hearing in civil court. The law allows for holding a contested case hearing on certain types of applications.

A valid request for a contested case hearing must:

- (1) demonstrate that the requester is an "affected person" with a "personal justiciable interest" related to a legal right, duty, privilege, power or economic interest which would be affected by the application in a manner not common to the general public;

- (2) 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.
- (3) expressly request a contested case hearing;
- (4) raise disputed issues of fact that are relevant and material to the commission's decision on the application which were raised **by the requestor** during the comment period and not withdrawn **by the requestor** prior to the filing of the Executive Director's Response to Comment; and
- (5) include any other information as specified in public notices.

The commission is authorized to protect human health and safety, and natural resources. The commission cannot address other matters outside the commission's authority, such as the effect of the existence of a proposed facility on nearby property values.

When the commissioners deny hearing requests, they often proceed to vote on approval or denial of the application. Alternatively, they may remand the application to the executive director for final action. If a hearing request is granted and the application is referred to the State Office of Administrative Hearings (SOAH), the commissioners will specify a list of issues which will be the subject of the hearing and an expected date for the SOAH judge's proposal for decision. Pursuant to 30 TAC § 80.118(d), if a matter is referred to SOAH by the Commission for hearing, the Applicant shall provide to the Chief Clerk two duplicates of the original application, including all revisions to the application, for inclusion in the administrative record, no later than 10 days after the Chief Clerk mails the Commission's Order referring the matter to SOAH. The SOAH judge will conduct the hearing and submit a proposal to the commission to approve or deny the application.

The Alternative Dispute Resolution Program may contact requesters to determine their interest in informal discussions with the permit Applicant and a mediator.

By necessity this document gives a very general description of commission procedures. If you have any questions, please call the Public Education Program toll free at 1-800-687-4040.



COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

Protegiendo a Texas al Reducir y Prevenir la Contaminación

8 de abril de 2026

PARA: Personas en la lista de correo adjunta

**RE: Expediente N.º 2026-0414-AIR
Park Environmental Equipment, LLC (Solicitante)
Solicitud(es) presentada(s) en el Permiso Aéreo N.º 79400**

Los comisionados de la Comisión de Calidad Ambiental de Texas (TCEQ, por sus siglas en inglés) considerarán la solicitud mencionada anteriormente y todas las solicitudes de audiencia / solicitudes de reconsideración presentadas oportunamente sobre la solicitud mencionada anteriormente durante la reunión pública del **13 de mayo de 2026**. La reunión comenzará a las **9:30 a.m.** La reunión de la agenda puede convocarse en persona en la Sala 201S del Edificio E en las oficinas de la Comisión ubicadas en 12100 Park 35 Circle en Austin, Texas, virtualmente, o tanto en persona como virtualmente. Para confirmar cómo se llevará a cabo la reunión, visite la página web de la Agenda de los Comisionados en <https://www.tceq.texas.gov/goto/agendas> ocho días antes de la Agenda.

De conformidad con las normas de la comisión, se han enviado copias de las solicitudes de audiencia/solicitudes de reconsideración oportunas al solicitante, al Director Ejecutivo de la TCEQ y al Asesor Jurídico de Interés Público de la TCEQ. Cada una de estas personas tiene derecho a presentar una respuesta formal por escrito a las solicitudes de audiencia / solicitudes de reconsideración en o antes de las **20 de abril de 2026**. Las personas que hayan presentado solicitudes de audiencia oportunas / solicitudes de reconsideración pueden presentar una respuesta formal por escrito a estas réplicas en o antes de las **4 de mayo de 2026**.

Todas las respuestas y réplicas deben presentarse ante el Secretario Oficial de la TCEQ. Las respuestas y contestaciones pueden presentarse electrónicamente ante el Secretario Oficial en www.tceq.texas.gov/goto/efilings o presentando un original ante el Secretario Oficial de la TCEQ. La dirección postal del Secretario Principal es: Office of Chief Clerk, ATTN: Agenda Docket Clerk, Mail Code 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 [Número de fax (512) 239-3311]. El mismo día en que se transmite cualquier respuesta al Secretario Oficial, también se debe enviar una copia al Director Ejecutivo, al Asesor de Interés Público, al Solicitante y a los solicitantes a sus direcciones que figuran en la lista de correo adjunta. El mismo día en que se transmite cualquier respuesta al Secretario Oficial, también se debe enviar una copia al Director Ejecutivo, al Asesor de Interés Público, a otros solicitantes y al Solicitante a sus direcciones que figuran en la lista de correo adjunta. Si estas personas han proporcionado una dirección de correo electrónico, las respuestas y las respuestas pueden enviarse por correo electrónico.

Los procedimientos para evaluar las solicitudes de audiencia / solicitudes de reconsideración se encuentran en 30 Código Administrativo de Texas (TAC) Capítulo 55, Subcapítulo F (§§55.200-211) de las reglas de la comisión. Los procedimientos para presentar y notificar las respuestas y réplicas se encuentran en 30 TAC Capítulos 1 (§§1.10-11) y 55 (§55.209) de las reglas de la comisión.

El Asesor Jurídico renuncia al requisito de presentación impresa de conformidad con 30 TAC §1.10(h). Se pueden obtener copias de estas reglas llamando al Programa de Educación Pública al número gratuito 1-800-687-4040.

Los comisionados no aceptarán argumentos orales ni comentarios adicionales sobre este asunto en la reunión pública. Por lo tanto, es importante abordar la suficiencia de las solicitudes en las respuestas por escrito presentadas oportunamente y en las respuestas de los solicitantes. En la reunión pública, los comisionados pueden hacer preguntas al solicitante, a los solicitantes o al personal de la TCEQ. Los comisionados tomarán una decisión sobre la(s) solicitud(es) durante la reunión y basarán esa decisión en las solicitudes oportunas por escrito, los comentarios públicos, las respuestas y réplicas escritas, las respuestas a las preguntas durante la reunión y los estatutos y reglas aplicables. Se han enviado copias de todos los comentarios y solicitudes públicas oportunas al Programa de Resolución Alternativa de Disputas para determinar si la mediación informal y voluntaria podría ayudar a resolver cualquier disputa.

El anexo a esta carta tiene por objeto ayudarle a comprender mejor cómo la TCEQ procesa y evalúa las solicitudes de audiencia y las solicitudes de reconsideración. Para obtener información adicional o para hacer preguntas sobre cualquier cosa en esta carta, llame gratis al Programa de Educación Pública al 1-800-687-4040.

Atentamente,



Laurie Gharis
Jefe de Secretaria

Anexos: Respuesta del Director Ejecutivo a los comentarios públicos
Copias de la correspondencia protestante al solicitante, Director Ejecutivo,
Oficina del Asesor de Interés Público y Resolución Alternativa de Disputas.

ARCHIVO ADJUNTO

Procedimientos Relativos a las Solicitudes de Reconsideración y Solicitudes de Audiencia de Casos Impugnados

El propósito de este documento es para describir los procedimientos de la comisión para evaluar las solicitudes de reconsideración y las solicitudes de audiencia de casos impugnados. Este documento no pretende ser una guía exhaustiva para la participación pública en la TCEQ.

Los tres comisionados determinan la validez de las solicitudes de reconsideración y las solicitudes de audiencia de casos impugnados y votan para conceder o denegar las solicitudes durante una reunión pública. Estas reuniones públicas generalmente se llevan a cabo cada dos miércoles en Austin. Antes de la reunión, ocurre lo siguiente:

- (1) las solicitudes escritas se distribuyen al director ejecutivo, al abogado de interés público y al solicitante. Estas personas pueden presentar una respuesta al menos 23 días antes de la reunión;
- (2) El solicitante puede presentar una respuesta a las respuestas al menos 9 días antes de la reunión. Esta es la oportunidad del solicitante para abordar cualquier deficiencia en la solicitud que haya sido identificada por el personal de la TCEQ o el solicitante. El solicitante debe presentar cualquier información que desee que los comisionados consideren (por ejemplo, mapas o diagramas que muestren la ubicación del solicitante en relación con las actividades propuestas por el solicitante) antes de esta fecha límite; y
- (3) Los comisionados leen las solicitudes, las respuestas a las solicitudes y las réplicas antes de la reunión pública. Luego, durante la reunión pública, los comisionados votan para conceder o negar las solicitudes.

Solicitudes de Reconsideración

Una solicitud de reconsideración debe indicar expresamente que la persona solicita que la comisión reconsidere la decisión del director ejecutivo y exponga las razones por las cuales la comisión debe reconsiderar la decisión del director ejecutivo. La comisión considerará una solicitud de reconsideración en una reunión pública programada y concederá o rechazará la solicitud.

Solicitudes de Audiencia de Casos Impugnados

Una audiencia de caso impugnado es un procedimiento probatorio, similar a una audiencia en un tribunal civil. La ley permite convocar una audiencia de caso impugnado sobre ciertos tipos de solicitudes.

Una solicitud válida para una audiencia de caso impugnado debe:

- (1) demostrar que el solicitante es una "persona afectada" con un "interés personal justiciable" relacionado con un derecho, deber, privilegio, poder o interés económico legal que se vería afectado por la solicitud de una manera no común al público en general;

- (2) Si la solicitud es realizada por un grupo o asociación, la solicitud debe identificar:
 - (A) una persona por nombre, dirección, número de teléfono diurno 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.
- (3) solicitar expresamente una audiencia de caso impugnado;
- (4) plantear cuestiones de hecho controvertidas que sean relevantes y materiales para la decisión de la Comisión sobre la solicitud que hayan sido planteadas **por el solicitante** durante el período de presentación de observaciones y que el solicitante no haya retirado antes de la presentación de la respuesta del director ejecutivo al comentario, e
- (5) Incluir cualquier otra información especificada en los avisos públicos.

La comisión está autorizada para proteger la salud y la seguridad humana, y los recursos naturales. La comisión no puede abordar otros asuntos fuera de la autoridad de la comisión, como el efecto de la existencia de una instalación propuesta en los valores de las propiedades cercanas.

Cuando los comisionados niegan las solicitudes de audiencia, a menudo proceden a votar sobre la aprobación o denegación de la solicitud. Alternativamente, pueden devolver la solicitud al director ejecutivo para que adopte una decisión definitiva. Si se concede una solicitud de audiencia y la solicitud se remite a la Oficina Estatal de Audiencias Administrativas (SOAH), los comisionados especificarán una lista de asuntos que serán objeto de la audiencia y una fecha prevista para la propuesta de decisión del juez de SOAH. De conformidad con 30 TAC § 80.118 (d), si la Comisión remite un asunto a SOAH para su audiencia, el Solicitante proporcionará al Secretario Oficial dos duplicados de la solicitud original, incluidas todas las revisiones de la solicitud, para su inclusión en el registro administrativo, a más tardar 10 días después de que el Secretario Oficial envíe por correo la Orden de la Comisión que remite el asunto a SOAH. El juez del SOAH llevará a cabo la audiencia y presentará una propuesta a la comisión para aprobar o denegar la solicitud.

El Programa de Resolución Alternativa de Disputas puede comunicarse con los solicitantes para determinar su interés en conversaciones informales con el solicitante del permiso y un mediador.

Por necesidad, este documento ofrece una descripción muy general de los procedimientos de comisión. Si tiene alguna pregunta, llame gratis al Programa de Educación Pública al 1-800-687-4040.

**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 (PM₁₀) 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 (NO₂), ozone (O₃), sulfur dioxide (SO₂), particulate matter less than or equal to 10 microns in aerodynamic diameter (PM₁₀), 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, PM₁₀ 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 III, 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 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 of 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

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EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

MAILING LIST
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TCEQ Docket No./TCEQ Expediente N.º 2026-0414-AIR;
Air Permit No./Permiso aéreo N.º 79400

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