

**TCEQ AIR QUALITY STANDARD PERMIT NUMBER CONCRETE BATCH PLANT
REGISTRATION 180792**

APPLICATION BY	§	BEFORE THE
LGS PRECAST LLC	§	
CONCRETE BATCH PLANT	§	TEXAS COMMISSION ON
LACY LAKEVIEW, MCLENNAN	§	
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: Senator Brian Birdwell, Patrick R. Lloyd (on behalf of 3500 Meyers Lane, LLC, dba Village Square Apartments), **Group A** (Arthur A., Brian Alexander, Irene Alexander, Montiel Allen, Chassidy Anderson, Sean Anderson, Wendell Anderson, Alexander Barker, Brent Beelle, Candice Bluitt, Paula Bonin, Leilani Brito, Mike Caufield, Carol Chancellor, Alvin Cleveland, Carolyn Dudik, A. Ervin, Melissa Eversole, Charles Find, Christopher Foster, Mike Golli, Arthur J. Hart, Michelle Hebert, Mary Hershberger, Jeslyn Jefferson, Jeffery Green, Bobby Johnson, Georgia Johnson, Nicole King, Leanne Knutson, Julia Limones, Jennifer Lively, Ronald D. Long, Angela Lowery, Marin Lyons, Stephanie McNair, Ashley McWilliams, Jorge McWilliams, Linda Mercer, Q. Morgan, Sid P., Christine R., Eric Reeve, Serrina Rivera, Cesar Rodriguez, Ricki Rogers, Greg Rowe, Tyrone Stewart, Julie Swaby, Torrell T., Stephanie Talbot, Winfred Talley, Mikey Thompson, Gloria Thrash, Sirr Whaley, Kennington Whitsey), **Group B** (Livia Anderson, Carlos Araujo, Rosa Araujo, Daryl Carl, Chris Cathey, Tessa Cathey, S. Chavarria, Jacob Cockrell, Roy Coffey, Connie Croll, Ralph Croll, Oscar Gonzalez, Kathryn Griffin, Letha Hargraves, David Hayslip, Hope Hayslip, Keysha Carroll Johnson, James Jones, Everet L., John H. May, Sara Miranda, Judy Shell, Mark Shell, Richard Stehlik, Michael Thomas, Janet Valdez, Miranda Waterhouse, Sandy Waterhouse, Bryan Waterhouse, Kevin Wood, Patricia Wood), Daniel D. Alvarez, Chantz Archer, Amanda Elaine Bush, Henry Bush, Tomas Cardoza, Robert P. Craft, Donna Davis, Gerry Dees, Clara Dees, Mark Evans, Destiny Gonzales, Patricia Hall, Mykah Leann Jones, Sidonia King, Paul Luedke, Corina Ann Monroe, Annise Payne, Lindsay Porter, Dan Pullin, Sara Recindus, Tammy Rhodes, Diana Rodriguez, Lisa Schirmer, Stephanie Shell, Royce Shell, Denise Sisneroz, Lindsey Spears, John H. Strunck, Brandy Thesenvitz, and Bryan Waterhouse. 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

LGS Precast 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 construction of a new facility that may emit air contaminants.

This permit will authorize the Applicant to construct a Concrete Batch Plant to be located at 408 South Lacy Drive, Lacy Lakeview, McLennan County. 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 and 2.5 microns or less.

Procedural Background

Before work begins on the construction of a new facility that may emit air contaminants, the person planning the construction must obtain an authorization from the commission. This permit application is for an initial issuance of Air Quality Permit Number 180792.

The permit application was received on July 8, 2025, and declared administratively complete on July 11, 2025. 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 September 16, 2025, in the *Waco Tribune-Herald* and in Spanish on October 8, 2025, in *La Prensa Comunidad*. A public meeting was held on December 1, 2025, at Hilton Waco, 113 South University Parks Drive, Waco, Texas 76701. The notice of public meeting was mailed on October 28, 2025. The public comment period ended on January 8, 2026. 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 are concerned 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 that the proposed project would cause negative health effects and conditions, including but not limited to asthma, respiratory disease, Chronic Obstructive Pulmonary Disease (COPD), heart disease, cancer, and cardiovascular issues. In addition, commenters are concerned that children will be exposed to contaminants during outdoor activities and will not be able to go outside. Commenters expressed concern regarding the cumulative impact the proposed plant will have on the surrounding area.

Patrick R. Lloyd questions whether the applicant has adequately demonstrated compliance with air quality standards with respect to particulate matter and dust control in a residential zone. Henry Bush expressed concern regarding emissions of silica.

(Group A, Group B, Daniel D. Alvarez, Chantz Archer, Amanda Elaine Bush, Henry Bush, Robert P. Craft, Donna Davis, Gerry Dees, Clara Dees, Destiny Gonzales, Patricia Hall, Mykah Leann Jones, Patrick R. Lloyd, Paul Luedke, Sara Recindus, Tammy Rhodes, Diana Rodriguez, Lisa Schirmer, Stephanie Shell, Royce Shell, Lindsey Spears, John H. Strunck, Brandy Thesenvitz, and Bryan Waterhouse)

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.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}). There is no ESL for 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 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

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.

day. The air contaminants evaluated were carbon monoxide, nitrogen dioxide, sulfur dioxide, PM₁₀ and PM_{2.5}, 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 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. 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 review of nickel particulate and formaldehyde, as they are products of diesel fuel combustion. The most recent amendment of the Air Quality Standard Permit for Concrete Batch Plants (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 (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. See Response 2 regarding dust concerns and Response 5 regarding location/zoning concerns.

COMMENT 2: Dust Control / Nuisance

Commenters expressed concern that the proposed site would create nuisance dust conditions near the facility, which could be exacerbated by winds. Commenters expressed concern that the proposed plant would cover their properties, including outdoor living areas, cars, pools, trees, and roads, with dust. Commenters expressed concern that dust from the proposed project would clog air conditioning units and impose additional maintenance burdens on residents to repair heating, ventilation, and air conditioning (HVAC) systems.

(Group A, Daniel D. Alvarez, Henry Bush, Robert P. Craft, Gerry Dees, Clara Dees, Patrick R. Lloyd, Lisa Schirmer, Royce Shell, and Stephanie Shell)

RESPONSE 2: Vehicle traffic and material handling are the primary activities that have the potential to emit particulate matter (i.e. dust) resulting from the proposed plant. All of the potential dust concentrations from the permitted sources have been evaluated based on operating parameters represented in the application and compared to the impacts criteria described in Response 3. The Standard Permit for Concrete Batch Plants requires substantial dust control processes to minimize dust emissions, which include paving in-plant roads and work areas, using water sprays on stockpiles, and using a suction shroud with a three-sided curtain to prevent flyaway dust at the product loading point. When a company operates in compliance with the Standard Permit, they should not cause or contribute to a violation of the NAAQS and are protective of human health and the environment.

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

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

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

While nuisance conditions are not expected if the facility is operated in compliance with the terms of the permit, operators must also comply with 30 TAC § 101.4, which prohibits a person from creating or maintaining a condition of nuisance that interferes with a landowner's use and enjoyment of a property. Specifically, the rule states that "no person shall discharge from any source" air contaminants which are or may "tend to be injurious to or adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property." When a company operates in compliance with the Standard Permit requirements, such as those listed above, there should be no deterioration of air quality, the generation of dust, or odors such that it impacts visibility, or accumulates on water in fields. Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with terms of any permit or other environmental regulation by contacting TCEQ Waco Regional Office at 254-751-0335 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186.

COMMENT 3: Environmental Impacts

Commenters expressed concern that emissions from the proposed project would negatively impact the surrounding environment and wildlife.

(Group B, Amanda Elaine Bush, Destiny Gonzales, Sidonia King, Patrick R Lloyd, Stephanie Shell, and Bryan Waterhouse)

RESPONSE 3: The secondary NAAQS are those the EPA Administrator determines are necessary to protect public welfare and the environment, including animals, crops, vegetation, visibility, and buildings, from any known or anticipated adverse effects associated with the presence of a contaminant in the ambient air. Because the Standard Permit for Concrete Batch Plants was developed to be in compliance with the NAAQS, the emissions from this facility should not cause an exceedance of the NAAQS and air emissions from this facility are not expected to adversely impact land, livestock, wildlife, crops, or visibility, nor should emissions interfere with the use and enjoyment of surrounding land or water. Please see Response 1 for an evaluation of the Standard Permit's impact in relation to the NAAQS. In addition, 30 TAC § 101.4 prohibits the discharge of contaminants which may be injurious to, or adversely affect, animal life.

COMMENT 4: Water Concerns

Clara and Gerry Dees expressed concern that attempts to water down dust would create muddy slurry and runoff to nearby neighborhoods. John H. Strunck expressed concern regarding water availability, stating that the proposed plant would place excessive pumping demands on the municipal water source and drive utility services higher for residents.

(Clara Dees, Gerry Dees, and John H. Strunck)

RESPONSE 4: 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 such, 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 5: Location and Zoning

Commenters expressed concern regarding the location of the facility and whether it complies with current local zoning ordinances. Commenters expressed concern regarding the location of the facility as and the proximity to public areas, including residences, apartment complexes, and schools, as well as its proximity to other industrial facilities.

(Group A, Group B, Daniel D. Alvarez, Chantz Archer, Amanda Elaine Bush, Henry Bush, Robert P. Craft, Donna Davis, Destiny Gonzales, Patricia Hall, Sidonia King, Patrick R. Lloyd, Paul Luedke, Corina Ann Monroe, Annise Payne, Lindsay Porter, Sara Recindus, Tammy Rhodes, Lisa Schirmer, Royce Shell, Stephanie Shell, Brandy Thesenvitz, and Bryan Waterhouse)

RESPONSE 5: 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.

COMMENT 6: Traffic/ Trucks/ Roads/ Public Infrastructure

Commenters expressed concern regarding truck traffic, diesel and vehicular emissions, spillage of debris from the truck traffic, and damage to roads. Commenters expressed general safety concerns due to truck traffic and question whether the local infrastructure is equipped to handle an increase in large vehicle traffic. Commenters question whether a traffic impact analysis was conducted to address the potential for increased traffic in the area due to the proposed project.

(Group A, Group B, Daniel D. Alvarez, Donna Davis, Gerry Dees, Clara Dees, Destiny Gonzales, Patricia Hall, Sidonia King, Patrick R. Lloyd, Royce Shell, Stephanie Shell, Brandy Thesenvitz, and Bryan Waterhouse)

RESPONSE 6: 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.

COMMENT 7: Noise/Light

Commenters expressed concern regarding noise and light pollution from the proposed project. Commenters are concerned that bright lights and industrial noise vibrations could disturb nearby residents. Commenters request the applicant be required to implement measures to reduce noise and light pollution.

(Group A, Group B, Daniel D. Alvarez, Henry Bush, Robert P. Craft, Patricia Hall, Patrick R. Lloyd, Tammy Rhodes, Stephanie Shell, John H. Strunck, and Bryan Waterhouse)

RESPONSE 7: TCEQ does not have authority to require or enforce any noise abatement measures, as noise ordinances are normally enacted by cities or counties and enforced by local law enforcement authorities. TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statute. Accordingly, TCEQ does not have jurisdiction to consider noise from a facility when determining whether to approve or deny a permit application. Commenters may wish to contact local authorities to inquire if there are any applicable local noise ordinances in the area where the facility is located. Commenters may wish to contact local (i.e., city or county) law enforcement authorities with questions or complaints about noise.

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

COMMENT 8: Quality of Life / Property Values / Local Economy

Commenters are concerned about the effect of the proposed project on their quality of life and possible devaluation of property in the area. Commenters expressed concern about the local economy as a result of the proposed project, specifically as it relates to the financial value and performance of the nearby apartment community. Commenters are concerned that the proposed project will negatively impact nearby apartment occupancy and rental rates, as well as make it harder to rent apartments and retain renters.

(Group A, Group B, Daniel D. Alvarez, Gerry Dees, Clara Dees, Destiny Gonzales, Patrick R. Lloyd, Lisa Schirmer, and John H. Strunck)

RESPONSE 8: TCEQ does not have the authority to consider potential effects from plant location, aesthetics, zoning and land use issues, or quality of life when determining whether to approve or deny an air permit. TCEQ does not have jurisdiction to consider whether the proposed activity will impact development, property values, property transactions, or investment property when determining whether to approve or deny a permit application. 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. The Executive Director's review of a permit application is limited to whether the application and proposed activities meet the requirements of applicable TCEQ rules.

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

COMMENT 9: Operating Hours

Commenters expressed concern that the site would be allowed to operate 24/7 and could keep nearby residents awake at night.

(Daniel D. Alvarez, Robert P. Craft, Gerry Dees, Clara Dees, Patricia Hall, and Stephanie Shell)

RESPONSE 9: 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 assumed a 24 hour per day operating schedule and determined that emissions are protective.

TCEQ 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 Waco Regional Office at 254-751-0335 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 10: Environmental Justice

Royce Shell raised concerns regarding the environmental justice implications of this project.

RESPONSE 10: 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. 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. You may contact the Office of the Chief Clerk at 512-239-3300 for further information. More information may be found on TCEQ website: [Title VI Compliance at TCEQ - Texas Commission on Environmental Quality - www.tceq.texas.gov](https://www.tceq.texas.gov/title-vi-compliance).

COMMENT 11: Safety Concerns and Upset Events

Commenters expressed general safety concerns regarding the proposed facility. Henry Bush expressed concerns about the potential for large explosions, flying pieces of metal, gas leaks, and risks of fire due to the location of the facility and its proximity to a nearby gas station and liquid fertilizer plant.

(Chantz Archer, Henry Bush, Tammy Rhodes, Diana Rodriguez, Lisa Schirmer, and Royce Shell)

RESPONSE 11: TCEQ takes your health and environmental concerns seriously. TCEQ cannot, in the air permit application process, require a third party to mitigate the disaster risks of another nearby entity. However, many concrete batch plants operate

throughout the state and the TCEQ is unaware of any instance where a concrete batch plant was the direct cause of a disaster such as an explosion or fire. In the event of an emergency, the Local Emergency Planning Committee and the regulated entity have the primary responsibility of notifying potentially impacted parties regarding the situation. In addition, as set forth in 30 TAC § 101.201(a), regulated entities are required to notify TCEQ regional office within 24 hours of the discovery of releases into the air and in advance of maintenance activities that could or have resulted in excess emissions. If you have been adversely impacted by emissions from the facility, you may file a complaint with the TCEQ Waco Regional Office at 254-751-0335 or by calling the 24-hour toll free Environmental Complaints Hotline at 1-888-777-3186).

TCEQ defines an upset event as an unplanned or unanticipated occurrence or excursion of a process or operation that results in unauthorized emissions of air contaminants. An upset event that results in unauthorized emissions from an emission point is an emissions event. If an upset occurs, the permit holder must comply with the requirements in 30 TAC § 101.201 regarding the recording and reporting of emission events. If the permit holder fails to report in accordance with 30 TAC § 101.201, the commission may initiate enforcement action for failing to report the underlying emissions event itself. The Standard Permit for Concrete Batch Plants meets all federal and state regulatory requirements and is protective of human health and the environment. The Standard Permit for Concrete Batch Plants does not authorize upset events.

Proposed projects which involve toxic chemicals that are known or suspected to have potential for life threatening effects upon off-facility property in the event of a disaster and involve manufacturing processes that may contribute to the potential for disastrous events, may require a disaster review for the application. This application did not require a disaster review. See Response 14 regarding compliance and enforcement and Response 5 regarding location/zoning concerns.

COMMENT 12: Permit Review Process and Application Representations

Mark Evans expressed concern that there were discrepancies and irregularities in the application. Specifically, Mr. Evans expressed concern as to whether the contract information provided by the Applicant was incorrect, questioning the represented mailing and facility address. Mr. Evans also questioned the spelling of the County Judge represented on the provided Form PI-1S-CBP, and the representation of whether the facility is located within a municipality on this same form.

Mr. Evans questioned whether TCEQ notified the appropriate elected officials regarding the permit application due to representations made in the Form PI-1S-CBP, specifically that notice was sent to the County Administrator rather than County Judge Scott Felton or the Presiding Officer. Mr. Evans stated the form should be updated and questioned how the application passed administrative review.

Mr. Evans questioned representations found in Section 8(H) of the 6004 Checklist regarding setback distances in relation to representations made in the plot plan when compared to representations made in the 6004 Checklist itself. Mr. Evens is concerned that representations and configurations in the plot plan are too crude and not exact enough, requesting that the plan be updated. Mr. Evans questioned representations made in the provided area map, questioned the start point of the 3,000-radius found

on the area map, and expressed concern that the area map is missing representations of two churches.

Mr. Evans questioned representations made in the equipment tables provided in the application, specifically Table 11, when compared to information he found online from a manufacturer. Mr. Evans asks that the Applicant be more specific when referencing what model they are using. Mr. Evans requests the Applicant fix their misspelling. Mr. Evans further expressed concern that the Applicant did not provide a description and assembly drawing of the abatement device drawn to scale for each silo top filter.

RESPONSE 12: TCEQ conducted a review and verified 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.

The application then undergoes a technical review. During the technical review, the permit reviewer evaluates 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.

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.

An application to register a Standard Permit for Concrete Batch Plants must include a process description, a plot plan, and an area map. The process description should be sufficiently descriptive so that the permit reviewer can determine all technical information regarding the proposed plant including the raw materials to be used in the process; all major processing steps and major equipment items; individual emission points associated with each process step; and the location and identification of all emissions abatement devices. The plot plan must clearly show a scale, contain a north arrow, all property lines, emission points, buildings, tanks, process vessels, other

process equipment, and include two benchmark locations. The area map must include a true north arrow, accurate scale, the entire plant property, and the location of the property relative to prominent geographical features. On August 22, 2025, the Applicant submitted a revised plot plan to address comments about setback line clarification, EPN labeling, benchmark locations, and distance measurements. A technically complete web file was updated and made available on the TCEQ website at <https://www.tceq.texas.gov/permitting/air/airpermit-applications-notices> at this time.

TCEQ verified on November 17, 2025, that the McLennan County website does not list an e-mail address for Judge Felton. Rather, the County Website lists an e-mail address for the County Administrator, Dustin Chapman, to which the notification was sent to as it was the contact information available. On November 17, 2025, the Applicant submitted an updated workbook to correct the municipality designation, and a technically complete web file was updated and made available on the TCEQ website at <https://www.tceq.texas.gov/permitting/air/airpermit-applications-notices>. At this time, the Applicant was also instructed to update the publicly available application materials located at the Waco Public Library. Proof of the updated publicly available application was submitted on November 18, 2025. The comment period was extended to January 8, 2026

The documents submitted with the application, including all subsequent updated information (updated PI-1S-CBP, 6004 Checklist, plot plan, area map, equipment information, etc.), were sufficient to allow the permit reviewer to confirm that the representations provided met the requirements of the Standard Permit. TCEQ is unaware of any misrepresentations in the application. 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. See Response 15 and 16 regarding public notice.

COMMENT 13: Access to Permit Documents

Mark Evans expressed concern that he did not have access to the permit documents, or access to updated application materials. Mr. Evans states that because he was unable to access updated application materials, unable to verify whether the location of the facility was correct, and unable to verify if TCEQ notified elected officials, the comment period should be extended.

RESPONSE 13: Title 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 the Waco Public Library, 1717 Austin Avenue, Waco, McLennan County, Texas 76701. In addition, a copy of the application was also available at TCEQ Waco Regional Office and TCEQ Central Office. Additionally, pending NSR case-by-case and standard permit applications that are administratively complete (application includes all required information) or technically

complete (application has met all state and federal regulatory requirements) can be found on the TCEQ website at <https://www.tceq.texas.gov/permitting/air/airpermit-applications-notices>. See Response 12 regarding application representations and Response 15 and 16 regarding public notice.

The comment period was extended to January 8, 2026, as a result of updated representations to public notice for this permit. See Response 15 and 16 for more on Public Notice.

COMMENT 14: Demonstrate Compliance with Permit

Henry Bush questions how the Applicant will demonstrate compliance with the terms of their permit on a continuous basis, asks who checks equipment for clogs, and asks who does routine inspections at the plant to make sure the applicant follows TCEQ guidelines.

RESPONSE 14: 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 Waco Regional Office at 254-751-0335 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186.

COMMENT 15: Public Notice

Commenters express concern regarding public notice, stating that little to no notice was given to the public regarding the proposed project.

(Group B and Stephanie Shell)

RESPONSE 15: THSC § 382.056 requires that the applicant for this Standard Permit publish notice. Notice must be published in a newspaper of general circulation in the municipality in which the proposed 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.

As described in the Procedural Background section above, 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 September 16, 2025, in the *Waco Tribune-Herald* and in Spanish on October 8, 2025, in *La Prensa Comunidad*. 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 Executive Director's staff has reviewed copies of the published notice and all supplemental public notice documentation and determined that the notices as published in both English and Spanish are sufficient and all public notice requirements have been met.

COMMENT 16: Public Notice - Sign posting

Stephanie Shell expressed concern regarding whether the public notice sign posting requirements were met, specifically stating that as of August 28, 2025, signs were not posted as required.

RESPONSE 16: Title 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.

On December 3, 2025, TCEQ sent the Applicant a Notice of Deficiency (NOD) to correct the public notice signage issues noted on December 1, 2025. These deficiencies were remedied by the Applicant and verified by the permit reviewer on December 9, 2025. 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. As a result of the public notice signage deficiencies, the public notice comment period was extended an additional 30-days and closed January 8, 2026. The Applicant has met all public notice requirements.

COMMENT 17: Public Meeting / Hearing Request

Commenters submitted requests for both a public meeting and a contested case hearing. Commenters expressed general concern that they reside within 440 yards of the proposed facility.

(Senator Brian Birdwell, Group A, Group B, Gerry Dees, Clara Dees, Patricia Hall, Annise Payne, Lindsay Porter, Dan Pullin, Sara Recindus, Diana Rodriguez, Royce Shell, and Lindsey Spears)

RESPONSE 17: TCEQ rules require that a public meeting be held if a member of the legislature who represents the general area in which the facility is located requests a public meeting or if the Executive Director determines that there is a substantial or significant degree of public interest. See 30 TAC § 55.154(c)(2). As described in the

Procedural Background section above, a public meeting was held on December 1, 2025, at Hilton Waco, 113 South University Parks Drive, Waco, Texas 76701. The notice of public meeting was mailed on October 28, 2025. The public comment period ended on January 8, 2026.

Regarding requests for a contested case hearing, in accordance with 30 TAC § 55.201, an "affected person" may file a request for a contested case hearing regarding an application for an air quality permit. Requests for a contested case hearing will be considered by TCEQ 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.

THSC, § 382.058 defines an "affected person" in regard to concrete batch plants as follows:

Sec. 382.058. NOTICE OF AND HEARING ON CONSTRUCTION OF CONCRETE PLANT UNDER PERMIT BY RULE, STANDARD PERMIT, OR EXEMPTION.

(a) A person may not begin construction on any concrete plant that performs wet batching, dry batching, or central mixing under a standard permit under Section 382.05195 or a permit by rule adopted by the commission under Section 382.05196 unless the person has complied with the notice and opportunity for hearing provisions under Section 382.056.

(b) This section does not apply to a concrete plant located temporarily in the right-of-way, or contiguous to the right-of-way, of a public works project.

(c) For purposes of this section, only those persons actually residing in a permanent residence within 440 yards of the proposed plant may request a hearing under Section 382.056 as a person who may be affected.

The statute further indicates that the 440-yard measurement will be taken towards structures that are in use as of the date that the application is filed with the Commission:

(s) For any permit application subject to this section, the measurement of distances to determine compliance with any location or distance restriction required by this chapter shall be taken toward structures that are in use as of the date that the application is filed with the commission.

Therefore, the 440-yard statutory limitation for affected party status is the legal boundary that must be used by TCEQ. This limit is for a person who actually lives in a permanent residence within 440 yards of the proposed plant. The Standard Permit was developed to ensure that if a concrete batch plant is operated properly and in accordance with the Standard Permit, it would be protective at the plant's property line and beyond. The measurement would be from the nearest point of the permanent residence structure to the footprint of the plant.

The Standard Permit for Concrete Batch Plants does not contain a 440-yard setback requirement. The 440-yard distance is a reference to the limitation Texas law places on persons who may request a contested case hearing on concrete batch plant applications. Specifically, the THSC § 382.058(c) states that only those persons residing

in a permanent residence within 440 yards of the proposed concrete batch plant may request a hearing as a person who may be affected. Part of the evaluation of timely submitted hearing requests includes mapping the included physical addresses to determine actual location and proximity to the proposed plant.

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 contested case hearing are identified in Title 30, Section 55.201(i) of the TAC. For those permitting actions which provide the opportunity for requesting a contested case hearing, 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.

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.

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.

COMMENT 18: Corporate Profits

Commenters asked TCEQ to put the health of people above corporate or company profits.

(Group B, Daniel D. Alvarez, and Corina Ann Monroe)

RESPONSE 18: TCEQ does not have jurisdiction to prohibit owners and operators from seeking authorization to emit air contaminants; nor can TCEQ prohibit owners and operators from receiving authorization to emit air contaminants if they comply with all statutory and regulatory requirements. Further, TCEQ is not authorized to consider a company's financial status or profit issues, including tax abatements, in determining whether a permit should be issued. As explained in previous responses, the decision by the Executive Director to issue the permit is based upon the authority and direction of the TCCA. Specifically, THSC § 382.0518 provides that TCEQ shall issue the permit if an application demonstrates that the proposed facility will use at least the BACT and there is no indication that the emissions from the facility will contravene the intent of the TCAA.

COMMENT 19: TCEQs Responsibility to the Community / General Opposition

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

(Group A, Group B, Daniel D. Alvarez, Henry Bush, Robert P. Craft, Donna Davis, Gerry Dees, Clara Dees, Destiny Gonzales, Patricia Hall, Mykah Leann Jones, Sidonia King, Patrick R. Lloyd, Paul Luedke, Corina Ann Monroe, Annise Payne, Lindsay Porter, Sara Recindus, Tammy Rhodes, Lisa Schirmer, Royce Shell, Stephanie Shell, Denise Sisneroz, John H. Strunck, and Bryan Waterhouse)

RESPONSE 19: 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.

COMMENT 20: Outside the Scope of the Permit

Robert P. Craft requested a council meeting with his city government. Tomas Cardoza expressed concern regarding other existing major industrial operations in the area unrelated to the proposed project. Mr. Cardoza also provided comments expressing general concern regarding a city council member's voting record and their presence in the community.

RESPONSE 20: These specific questions or concerns are outside the scope of the air permit review and are therefore included for completeness but not addressed by the Executive Director.

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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