

Texas Commission on Environmental Quality
INTEROFFICE MEMORANDUM

TO: Office of Chief Clerk **Date:** January 3, 2022

FROM: Contessa Gay
Staff Attorney
Environmental Law Division

SUBJECT: Transmittal of Documents for Administrative Record

Applicant: UNITED READY MIX LLC
Proposed Permit No.: 161495
Program: Air
Docket No.: TCEQ Docket No. 2021-1212-AIR

In a contested case hearing, the administrative record includes copies of the public notices relating to the permit application. Also included are affidavits from the applicant verifying publication of the notices. The applicant files these affidavits directly with the Office of the Chief Clerk (OCC). In addition, the record includes the documents listed below that are provided to the OCC by the Executive Director's staff, as required by 30 Tex. Admin. Code § 80.118.

This transmittal memo also serves to request that the OCC transmit the attached items and the public notice documents, including the notice of hearing, to the State Office of Administrative Hearings.

Documents included with this transmittal are as follows:

- The final draft permit, including any special conditions or provisions. For this permit application, this is the Standard Permit for Concrete Batch Plants.
- The Concrete Batch Plant Standard Permit Source Analysis & Technical Review
- The Compliance History Report of UNITED READY MIX LLC
- The Plot Plan of the proposed facility
- Agency documents determined by the Executive Director to be necessary to reflect the administrative and technical review of the application as required by 30 Tex. Admin. Code § 80.118(a)(6):
 - The Executive Director's Response to Comments.
 - The maps and appendix prepared by the Executive Director.

Standard Permit General Conditions

The following general conditions are applicable to holders of standard permits, but will not necessarily be specifically stated within the standard permit document.

1. Protection of public health and welfare. The emissions from the facility must comply with all applicable rules and regulations of the commission adopted under the Texas Health and Safety Code, Chapter 382, and with intent of the TCAA, including protection of health and property of the public.
2. Standard permit representations. All representations with regard to construction plans, operating procedures, and maximum emission rates in any registration for a standard permit become conditions upon which the facility or changes thereto, must be constructed and operated. It is unlawful for any person to vary from such representations if the change will affect that person's right to claim a standard permit under this section. Any change in condition such that a person is no longer eligible to claim a standard permit under this section requires proper authorization under Title 30 Texas Administrative Code § 116.110 (30 TAC § 116.110) (relating to Applicability). Any changes in representations are subject to the following requirements:
 - (A) For the addition of a new facility, the owner or operator shall submit a new registration incorporating existing facilities with a fee, in accordance with §116.611 and §116.614 (relating to Registration to use a Standard Permit and Standard Permit Fees) prior to commencing construction. If the applicable standard permit requires public notice, construction of the new facility or facilities may not commence until the new registration has been issued by the executive director.
 - (B) For any change in the method of control of emissions, a change in the character of the emissions, or an increase in the discharge of the various emissions, the owner or operator shall submit written notification to the executive director describing the change(s), along with the designated fee, no later than 30 days after the change.
 - (C) For any other change to the representations, the owner or operator shall submit written notification to the executive director describing the change(s) no later than 30 days after the change.
 - (D) Any facility registered under a standard permit which contains conditions or procedures for addressing changes to the registered facility which differ from subparagraphs (A) - (C) of this paragraph shall comply with the applicable requirements of the standard permit in place of subparagraphs (A) - (C) of this paragraph.
3. Standard permit in lieu of permit amendment. All changes authorized by standard permit to a facility previously permitted under 30 TAC § 116.110 shall be administratively incorporated into that facility's permit at such time as the permit is amended or renewed.
4. Construction progress. Start of construction, construction interruptions exceeding 45 days, and completion of construction shall be reported to the appropriate regional office not later than 15 working days after occurrence of the event, except where a different time period is specified for a particular standard permit.
5. Start-up notification. The appropriate air program regional office of the commission and any other air pollution control program having jurisdiction shall be notified prior to the commencement of operations of the facilities authorized by the standard permit in such a manner that a representative of the executive director may be present. For phased construction, which may involve a series of units commencing operations at different times, the owner or operator of the facility shall provide separate

notification for the commencement of operations for each unit. A particular standard permit may modify start-up notification requirements.

6. Sampling requirements. If sampling of stacks or process vents is required, the standard permit holder shall contact the Office of Air and any other air pollution control program having jurisdiction prior to sampling to obtain the proper data forms and procedures. All sampling and testing procedures must be approved by the executive director and coordinated with the regional representatives of the commission. The standard permit holder is also responsible for providing sampling facilities and conducting the sampling operations or contracting with an independent sampling consultant.
7. Equivalency of methods. The standard permit holder shall demonstrate or otherwise justify the equivalency of emission control methods, sampling or other emission testing methods, and monitoring methods proposed as alternatives to methods indicated in the conditions of the standard permit. Alternative methods must be applied for in writing and must be reviewed and approved by the executive director prior to their use in fulfilling any requirements of the standard permit.
8. Recordkeeping. A copy of the standard permit along with information and data sufficient to demonstrate applicability of and compliance with the standard permit shall be maintained in a file at the plant site and made available at the request of representatives of the executive director, the U.S. Environmental Protection Agency, or any air pollution control program having jurisdiction. For facilities that normally operate unattended, this information shall be maintained at the nearest staffed location within Texas specified by the standard permit holder in the standard permit registration. This information must include (but is not limited to) production records and operating hours. Additional recordkeeping requirements may be specified in the conditions of the standard permit. Information and data sufficient to demonstrate applicability of and compliance with the standard permit must be retained for at least two years following the date that the information or data is obtained. The copy of the standard permit must be maintained as a permanent record.
9. Maintenance of emission control. The facilities covered by the standard permit may not be operated unless all air pollution emission capture and abatement equipment is maintained in good working order and operating properly during normal facility operations. Notification for upsets and maintenance shall be made in accordance with 30 TAC §§ 101.201 and 101.211 (relating to Emissions Event Reporting and Recordkeeping Requirements, Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements, Recordkeeping; and Operational Requirements).
10. Compliance with rules. Registration of a standard permit by a standard permit applicant constitutes an acknowledgment and agreement that the holder will comply with all rules, regulations, and orders of the commission issued in conformity with the TCAA and the conditions precedent to the claiming of the standard permit. If more than one state or federal rule or regulation or permit condition is applicable, the most stringent limit or condition shall govern. Acceptance includes consent to the entrance of commission employees and designated representatives of any air pollution control program having jurisdiction into the permitted premises at reasonable times to investigate conditions relating to the emission or concentration of air contaminants, including compliance with the standard permit.
11. Distance Limitations. Distance limitations, setbacks, and buffer zones. Notwithstanding any requirement in any standard permit, if a standard permit for a facility requires a distance, setback, or buffer from other property or structures as a condition of the permit, the determination of whether the distance, setback, or buffer is satisfied shall be made on the basis of conditions existing at the earlier of:
 - (A) The date new construction, expansion, or modification of a facility begins; or
 - (B) The date any application or notice of intent is first filed with the commission to obtain approval for the construction or operation of the facility.

Amendments to the Air Quality Standard Permit for Concrete Batch Plants

Effective Date September 22, 2021

(1) Applicability

- (A) This air quality standard permit authorizes concrete batch plant facilities that meet all of the conditions listed in sections (1) through (7) and one of sections (8), (9), or (10). If a concrete batch plant operates using sections (8), (9), or (10) of this standard permit and operational changes are proposed that would change the applicable section, the owner or operator shall reregister for the concrete batch plant standard permit prior to operating the change.
- (B) This standard permit does not authorize emission increases of any air contaminant that is specifically prohibited by a condition or conditions in any permit issued under Title 30 Texas Administrative Code (30 TAC) Chapter 116, Control of Air Pollution by Permits for New Construction or Modification, at the site.
- (C) This standard permit does not relieve the owner or operator from complying with any other applicable provision of the Texas Health and Safety Code (THSC), Texas Water Code, rules of the Texas Commission on Environmental Quality (TCEQ), or any additional state or federal regulations.
- (D) Facilities that meet the conditions of this standard permit do not have to meet the emissions and distance limitations in 30 TAC § 116.610(a)(1).

(2) Definitions

- (A) Auxiliary tank - storage containers used to hold raw materials for use in the batching process not including petroleum products and fuel storage tanks.
- (B) Cohesive hard surface - An in-plant road surface preparation including, but not limited to: paving with concrete, asphalt, or other similar surface preparation where the road surface remains intact during vehicle and equipment use and is capable of being cleaned. Cleaning mechanisms may include water washing, sweeping, or vacuuming.
- (C) Concrete batch plant - For the concrete batch plant standard permit, it is a plant that consists of a concrete batch facility and associated abatement equipment, including, but not limited to: material storage silos, aggregate storage bins, auxiliary storage tanks, conveyors, weigh hoppers, and a mixer. Concrete batch plants can add water, Portland cement, and aggregates into a delivery truck, or the concrete may be prepared in a central mix drum and transferred to a delivery truck for transport. This definition does not include operations that meet the requirements of 30 TAC § 106.141, Batch Mixer or 30 TAC § 106.146, Soil Stabilization Plants.

- (D) Dust suppressing fencing or other barrier - A manmade obstruction that is at least 12 feet high that is used to prevent fugitive dust from stationary equipment stockpiles, in-plant roads, and traffic areas from leaving the plant property.
- (E) Permanent concrete batch plant - For the concrete batch plant standard permit, it is a concrete batch plant that is not a temporary or specialty concrete batch plant.
- (F) Related project segments - For plants on a Texas Department of Transportation right-of-way, related project segments are one contract with multiple project locations or one contractor with multiple contracts in which separate project limits are in close proximity to each other. A plant that is sited on the right-of-way is usually within project limits. However, a plant located at an intersection or wider right-of-way outside project limits is acceptable if it can be easily associated with the project.
- (G) Right-of-way of a public works project - Any public works project that is associated with a right-of-way. Examples of right-of-way public works projects are public highways and roads, water and sewer pipelines, electrical transmission lines, and other similar works. A facility must be in or contiguous to the right-of-way of the public works project to be exempt from the public notice requirements listed in Texas Health and Safety Code, § 382.056, Notice of Intent to Obtain Permit or Permit Review; Hearing.
- (H) Site - The total of all stationary sources located on one or more contiguous or adjacent properties, which are under common control of the same person (or persons under common control).
- (I) Specialty concrete batch plant - For the concrete batch plant standard permit, it is a concrete batch plant with a low production concrete mixing plant that manufactures concrete less than or equal to 30 cubic yards per hour (cu yd/hr). These plants are typically dedicated to manufacturing precast concrete products, including but not limited to burial vaults, septic tanks, yard ornaments, concrete block, and pipe, etc. This does not include small repair projects using mortar, grout, gunite, or other concrete repair materials.
- (J) Stationary internal combustion engine - For the concrete batch plant standard permit, it is any internal combustion engine that remains at a location for more than 12 consecutive months and is not defined as a nonroad engine according to 40 Code of Federal Regulations (CFR) 89.2, Definitions.
- (K) Temporary concrete batch plant - For the concrete batch plant standard permit, it is a concrete batch plant that occupies a designated site for not more than 180 consecutive days or that supplies concrete for a single project (single contract or same contractor for related project segments), but not for other unrelated projects.

- (L) Traffic areas - For the concrete batch plant standard permit, it is an area within the concrete batch plant that includes stockpiles and the area where mobile equipment moves or supplies aggregate to the batch plant and trucks supply aggregate and cement.

(3) Administrative Requirements

- (A) The owner or operator of any concrete batch plant seeking authorization under this standard permit shall register in accordance with 30 TAC § 116.611, Registration to Use a Standard Permit. Owners or operators shall submit a completed, current form PI-1S Registrations for Air Standard Permit, Table 11, Fabric Filters, Table 20, Concrete Batch Plants, and a Concrete Batch Plant Standard Permit checklist.
- (B) Owners or operators shall also comply with 30 TAC § 116.614, Standard Permit Fees when they are required to complete public notice under section four of this standard permit.
- (C) No owner or operator of a concrete batch plant shall begin construction or operation without obtaining written approval from the TCEQ executive director.
- (D) The time period in 30 TAC § 116.611(b) (45 days) does not apply to owners or operators registering plants under this standard permit.
- (E) Beginning on the effective date, all new and modified sources must comply with this standard permit.
- (F) Renewals shall comply with this standard permit on the later of:
 - (i) Two years from the effective date; or
 - (ii) the date the facility's registration is renewed.
- (G) Owners or operators of temporary concrete plants seeking registration and those already registered for this standard permit that qualify for relocation under subsection (8)(F) are exempt from public notice requirements in section (4) of this standard permit.
- (H) During start of construction, the owner or operator of a plant shall comply with 30 TAC § 116.120(a)(1), Voiding of Permits, and commence construction within 18 months of written approval from the Executive Director.
- (I) Owners or operators are not required to submit air dispersion modeling as a part of this concrete batch plant standard permit registration.
- (J) Owners or operators shall keep written records on site for a rolling 24-month period. Owners or operators shall make these records available at the request of TCEQ personnel or any air pollution control program having jurisdiction. Records shall be maintained on site for the following including, but not limited to:

- (i) 30 TAC § 101.201, Emissions Event Reporting and Recordkeeping Requirements;
 - (ii) 30 TAC § 101.211, Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements;
 - (iii) production rate for each hour and day of operation that demonstrates compliance with subsection (8)(A),(9)(A), or (10)(A) of this standard permit, as applicable;
 - (iv) all repairs and maintenance of abatement systems;
 - (v) Material Safety Data Sheets for all additives and other chemicals used at the site;
 - (vi) road cleaning, application of road dust control, or road maintenance for dust control;
 - (vii) stockpile dust suppression;
 - (viii) silo warning device or shut-off system tests;
 - (ix) quarterly visible emissions observations and any corrective actions required to control excess visible emissions;
 - (x) demonstration of compliance with subsection (6)(B) of this standard permit; and
 - (xi) type of fuel used to power engines authorized by this standard permit.
- (K) Owners or operators will document and report abatement equipment failure or visible emissions deviations in excess of paragraph (5)(B)(iii) in accordance with 30 TAC Chapter 101, General Air Quality Rules as appropriate.

(4) Public Notice

The owner or operator shall follow the notice requirements in 30 TAC Chapter 39, Public Notice, unless a temporary concrete batch plant is exempted from public notice under 30 TAC § 116.178(b), Relocations and Changes of Location of Portable Facilities.

(5) General Requirements

- (A) Owners or operators shall vent all cement/flyash storage silos, weigh hoppers, and auxiliary storage tanks to a fabric/cartridge filter or to a central fabric/cartridge filter system except as allowed by subsection (10)(B).
- (B) Owners or operators shall maintain fabric or cartridge filters and collection systems by meeting all the following:
 - (i) operating them properly with no tears or leaks;

- (ii) using filter systems (including any central filter system) designed to meet a minimum control efficiency of at least 99.5 percent at particle sizes of 2.5 microns and smaller;
 - (iii) meeting a performance standard of no visible emissions exceeding 30 seconds in any six-minute period as determined using United States Environmental Protection Agency (EPA) Test Method (TM) 22; and
 - (iv) sufficiently illuminating silo filter exhaust systems when cement or fly ash silos are filled during non-daylight hours to enable a determination of compliance with the visible emissions requirement in paragraph (5)(B)(iii) of this standard permit.
- (C) When transferring cement/flyash, owners or operators shall:
 - (i) totally enclose conveying systems to and from storage silos and auxiliary storage tanks, operate them properly, and maintain them with no tears or leaks; and
 - (ii) maintain the conveying system using a performance standard of no visible emissions exceeding 30 seconds in any six-minute period as determined using EPA TM 22, except during cement and flyash tanker connect and disconnect.
- (D) The owner or operator shall install an automatic shut-off or warning device on storage silos.
 - (i) An automatic shut-off device on the silo shall shut down the loading of the silo or auxiliary storage tank prior to reaching its capacity during loading operations, in order to avoid adversely impacting the pollution abatement equipment or other parts of the loading operation.
 - (ii) If a warning device is used, it shall alert operators in sufficient time to prevent an adverse impact on the pollution abatement equipment or other parts of the loading operation. Visible warning devices shall be kept free of particulate build-up at all times.
 - (iii) Silo and auxiliary tank warning devices or shut-off systems shall be tested at least once monthly during operations and records shall be kept indicating test and repair results according to subsection (3)(J) of this standard permit. Silo and auxiliary tank loading and unloading shall not be conducted with inoperative or faulty warning or shut-off devices.
- (E) Owners or operators shall control emissions from in-plant roads and traffic areas at all times by:
 - (i) watering them; or

- (ii) treating them with dust-suppressant chemicals as described in the application of aqueous detergents, surfactants, and other cleaning solutions in the de minimis list; or
 - (iii) covering them with a material such as, (but not limited to), roofing shingles or tire chips and used in combination with (i) or (ii) of this subsection; or
 - (iv) paving them with a cohesive hard surface that is maintained intact and cleaned.
- (F) Owners or operators shall use water, dust-suppressant chemicals, or cover stockpiles, as necessary to minimize dust emissions.
- (G) Owners or operators shall immediately clean up spilled materials. To minimize dust emissions, owners or operators shall contain, or dampen spilled materials.
- (H) There shall be no visible fugitive emissions leaving the property. Observations for visible emissions shall be performed and recorded quarterly. The visible emissions determination shall be made during normal plant operations. Observations shall be made on the downwind property line for a minimum of six minutes. If visible emissions are observed, an evaluation must be accomplished in accordance with U.S. Environmental Protection Agency (EPA) Title 40 Code of Federal Regulations Part 60 (40 CFR Part 60), Appendix A, TM 22, using the criteria that visible emissions shall not exceed a cumulative 30 seconds in duration in any six-minute period. If visible emissions exceed the Test Method 22 criteria, immediate action shall be taken to eliminate the excessive visible emissions. The corrective action shall be documented within 24 business hours of completion.
- (I) The owner or operator shall locate the concrete batch plant operating under this standard permit at least 550 feet from any crushing plant or hot mix asphalt plant. The owner or operator shall measure from the closest point on the concrete batch plant to the closest point on any other facility. If the owner or operator cannot meet this distance, then the owner or operator shall not operate the concrete batch plant at the same time as the rock crusher, concrete crusher, or hot mix asphalt plant.
- (J) When operating multiple concrete batch plants on the same site, the owner or operator shall comply with the appropriate site production limits specified in sections (8), (9), or (10) of this standard permit. If engines are being used for electrical power or equipment operations, then the site is limited to a total of 1,000 hp in simultaneous operation. There are no restrictions to engine operations if the engines will be on site for less than 12 consecutive months.
- (K) Concrete additives shall not emit volatile organic compounds (VOCs).
- (L) Any claim under this standard permit shall comply with:

- (i) 30 TAC § 116.604, Duration and Renewal of Registrations to Use Standard Permits;
- (ii) 30 TAC § 116.605(d)(I), Standard Permit Amendment and Revocation;
- (iii) 30 TAC § 116.614;
- (iv) the public notice processes established in THSC, § 382.055, Review and Renewal of Preconstruction Permit;
- (v) the public notice processes established in THSC, § 382.056;
- (vi) the contested case hearing and public notice requirements established in 30 TAC § 55.152(a)(2), Public Comment Period; and
- (vii) the contested case hearing and public notice requirements established in 30 TAC § 55.201(h)(i)(C), Requests for Reconsideration or Contested Case Hearing.

(6) Engines

- (A) This standard permit authorizes emissions from a stationary compression ignition internal combustion engine (or combination of engines) of no more than 1000 total horsepower.
- (B) Owners or operators of concrete batch plants that include a stationary compression ignition internal combustion engines shall comply with additional applicable engine requirements in 40 CFR 60 Subpart IIII, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, 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.
- (C) Engine exhaust stacks shall be a minimum of eight feet tall.
- (D) Fuel for the engine shall be liquid fuel with a maximum sulfur content of no more than 0.0015 percent by weight and shall not consist of a blend containing waste oils or solvents.

(7) Planned Maintenance, Startup, and Shutdown (MSS) Activities

This standard permit authorizes operations including planned startup and shutdown emissions. Maintenance activities are not authorized by this standard permit and will need separate authorization unless the activity can meet the conditions of 30 TAC § 116.119, De Minimis Facilities or Sources.

(8) Additional Requirements for Temporary Concrete Plants

- (A) The owner or operator shall limit site production to no more than 300 cubic yards in any one hour and no more than 6,000 cubic yards per day.
- (B) The owner or operator shall use a suction shroud or other pickup device at the batch drop point (drum feed for central mix plants) and vent it to a

fabric or cartridge filter system operating with a minimum of 5,000 actual cubic feet per minute (acfm) of air.

- (C) For truck mix plants, the owner or operator shall shelter the drop point by an intact three-sided curtain, or equivalent dust control technology that extends below the mixer truck-receiving funnel.
- (D) The owner or operator shall maintain the following minimum plant buffer distances from any property line, except for temporary concrete plants approved to operate in the right of way of a public works project:
 - (i) The suction shroud baghouse exhaust shall be at least 100 feet from any property line.
 - (ii) The owner or operator shall not locate or operate stationary equipment, stockpiles, or vehicles used for the operation of the concrete batch plant (except for incidental traffic and the entrance and exit to the site) within 50 feet from any property line.
- (E) In lieu of meeting the buffer distance requirement for roads and stockpiles in subsection (8)(D) of this standard permit owners or operators shall:
 - (i) construct dust suppressing fencing or other barriers as a border around roads, other traffic areas, and work areas;
 - (ii) construct these borders to a height of at least 12 feet; and
 - (iii) contain stockpiles within a three-walled bunker that extends at least two feet above the top of the stockpile.
- (F) The appropriate TCEQ regional office may approve, without the need of public notice referenced in section (4) of this standard permit, the relocations of a temporary concrete batch plant that has previously been determined by the commission to be in compliance with the technical requirements of the concrete batch plant standard permit version adopted at registration that provides the information listed under subsection (8)(G) and meets one of the following conditions:
 - (i) A registered portable facility and associated equipment are moving to a site for support of a public works project in which the proposed site is located in or contiguous to the right-of-way of the public works project; or
 - (ii) A registered portable facility is moving to a site in which a portable facility has been located at the site at any time during the previous two years and the site was subject to public notice.
- (G) For relocations meeting subsection (8)(F) of this standard permit, the owner or operator must submit to the regional office and any local air pollution control agency having jurisdiction at least 12 business days prior to locating at the site:
 - (i) The company name, address, company contact, and telephone number;

- (ii) The regulated entity number (RN), customer reference number (CN), applicable permit or registration numbers, and if available, the TCEQ account number;
- (iii) The location from which the facility is moving (current location);
- (iv) A location description of the proposed site (city, county, and exact physical location description);
- (v) A scaled plot plan that identifies the location of all equipment and stockpiles, and also indicates that the required distances to the property lines can be met;
- (vi) A scaled area map that clearly indicates how the proposed site is contiguous or adjacent to the right-of-way of a public works project (if required);
- (vii) The proposed date for start of construction and expected date for start of operation;
- (viii) The expected time period at the proposed site;
- (ix) The permit or registration number of the portable facility that was located at the proposed site any time during the last two years, and the date the facility was last located there. This information is not necessary if the relocation request is for a public works project that is contiguous or adjacent to the right-of-way of a public works project; and
- (x) Proof that the proposed site had accomplished public notice, as required by 30 TAC Chapter 39. This proof is not necessary if the relocation request is for a public works project that is contiguous or adjacent to the right-of-way of a public works project.

(9) Additional Requirements for Permanent Concrete Plants

- (A) The owner or operator shall limit site production to no more than 300 cubic yards in any one hour and no more than 6,000 cubic yards per day.
- (B) The owner or operator shall install a suction shroud or other pickup device at the batch drop point (drum feed for central mix plants) and vent it to a fabric/cartridge filter system with a minimum of 5,000 acfm.
- (C) For truck mix plants, the owner or operator shall shelter the drop point by an intact three-sided curtain, or equivalent dust control technology that extends below the mixer truck-receiving funnel.
- (D) The owner or operator shall maintain the following minimum plant buffer distances from any property line:
 - (i) The suction shroud baghouse exhaust shall be at least 100 feet from any property line;
 - (ii) The owner or operator shall not locate or operate stationary equipment, stockpiles, or vehicles used for the operation of the

concrete batch plant (except for incidental traffic and the entrance and exit to the site), within 50 feet from any property line.

- (E) In lieu of meeting the buffer distance requirements for roads and stockpiles of paragraph (9)(D)(ii) of this standard permit, the owner or operator shall:
 - (i) construct dust suppressing fencing or other barriers as a border around roads, other traffic areas, and work areas;
 - (ii) construct these borders to a height of at least 12 feet; and
 - (iii) contain stockpiles within a three-walled bunker that extends at least two feet above the top of the stockpile.
- (F) The owner or operator shall pave all entry and exit roads and main traffic routes associated with the operation of the concrete batch plant (including batch truck and material delivery truck roads) with a cohesive hard surface that can be maintained intact and shall be cleaned. All batch trucks and material delivery trucks shall remain on the paved surface when entering, conducting primary function, and leaving the property. The owner or operator shall maintain other traffic areas using the control requirements of subsection (5)(E) of this standard permit.

(10) Additional Requirements for Specialty Concrete Batch Plants

- (A) The owner or operator shall limit site production to no more than 30 cubic yards per hour.
- (B) As an alternative to the requirement in subsection (5)(A) of this standard permit, the owner or operator may vent the cement/fly ash weigh hopper inside the batch mixer.
- (C) The owner or operator shall control dust emissions at the batch mixer feed so that no outdoor visible emissions occur by one of the following:
 - (i) using a suction shroud or other pickup device delivering air to a fabric or cartridge filter;
 - (ii) using an enclosed batch mixer feed; or
 - (iii) conducting the entire mixing operation inside an enclosed process building.
- (D) The owner or operator shall not operate vehicles used for the operation of the concrete batch plant (except for incidental traffic and the entrance and exit to the site) within a minimum buffer distance of 25 feet from any property line.
- (E) In lieu of meeting the buffer distance requirement for roads and other traffic areas in subsection (10)(D) of this standard permit, owners or operators shall:
 - (i) construct dust suppressing fencing or other barriers as a border around roads, other traffic areas, and work areas; and

(ii) construct these barriers borders to a height of at least 12 feet.

Concrete Batch Plant Standard Permit Source Analysis & Technical Review

Company	United Ready Mix, LLC	Permit Number	161495
City	Iowa Colony	Project Number	316385
County	Brazoria	Regulated Entity Number	RN111047452
Project Type	Initial	Customer Reference Number	CN605782960
Project Reviewer	Donald D. Nelson		
Site Address	intersection of Sanders Road and Bullard Road, go north on Sanders Road for approximately 0.15 mile, site entrance will be on the right		

Project Overview

Facility Description:

This is the proposed authorization of a permanent concrete batch plant with a maximum production rate of 300 cubic yards per hour not to exceed 6,000 cubic yards per day. The applicant has represented the facility will operate up to 8,760 hours per year.

Process Description:

Washed sand and gravel (aggregate) are to be delivered by trucks and stockpiled at the facility. The stockpiled aggregate will be sprinkled with water as needed for dust-control. When needed for production, the aggregate will be moved via a front-end loader to the conveyor that leads to the aggregate bin from where the aggregate will drop into the weigh batcher. After weighing, each batch will drop into the rotating drums of mixer trucks.

Cement/Flyash will be pneumatically conveyed from delivery tankers into the cement silo(s). Remaining in total enclosure, the cement will then be gravity dropped from the silo into the cement weigh batcher. The weighed cement batch will then be gravity dropped into the rotating drums of mixer trucks. Particulate matter control of cement dust from the silo will be a vent style bag house. Aggregate and cement emissions at the truck drop point will be vented to a central dust collector through a suction shroud

Maintenance activities will be authorized either under permit by rule or claimed under 30 Texas Administrative Code § 116.119, De Minimis Facilities or Sources. Emissions from planned startup and shutdown activities will be authorized by this permit.

Startup and shutdown emissions are included in the production emissions. Although there may be minor emissions associated with startup and shutdown, particulate emission factors used to quantify production emissions are considered to have enough conservatism to include any incidental increases that may be attributed to startup and shutdown.

Deficiencies

Has all required information been received by the TCEQ?	Yes
Date registration claim complete:	June 29, 2020

Compliance History Evaluation - 30 TAC Chapter 60 Rules

A compliance history report was reviewed on:	June 29, 2020
Site rating & classification:	N/A
Company rating & classification:	N/A
Has the permit changed on the basis of the compliance history or rating?	No

Public Notice Information - 30 TAC Chapter 39 Rules

Rule Citation	Requirement	
39.403	Is Public Notice Required?	Yes
	Comments:	N/A
	Date Application Received:	May 26, 2020

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Regulated Entity No. RN111047452

Rule Citation	Requirement	
	Date Administratively Complete:	May 29, 2020
	Small Business Source?	Yes
	Date Leg Letters mailed:	May 29, 2020
39.602(c)	Date SB 709 Legislative Notification Sent:	N/A
39.603	Date Published:	July 11, 2020
	Publication Name:	<i>The Facts</i>
	Pollutants:	PM, PM₁₀, PM_{2.5}, Road Dust, Aggregate, Cement
	Date Affidavits/Copies Received:	September 20, 2020
	Is bilingual notice required?	Yes
	Language:	Spanish
	Date Published:	July 12, 2020
	Publication Name:	<i>El Perico</i>
	Date Affidavits/Copies Received:	September 20, 2020
	Last Day for Public Comment	October 29, 2020
	Date Certification of Sign Posting / Application Availability Received:	
	Public Comments Received?	Yes (43)
	Hearing Requested?	Yes (3)
	Meeting Request?	Yes (1)
39.421	Date Response to Comments sent to OCC (Filed)	July 8, 2021
	Request for Reconsideration Received?	No
	Final Action:	
	Are letters Enclosed?	

Recommendations

All conditions of Standard Permit satisfied?

Final Action:

Comments:

Project Reviewer	Date	Team Leader	Date
Donald D. Nelon		Ann Mosher	



Compliance History Report

Compliance History Report for CN605782960, RN111047452, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator:	CN605782960, UNITED READY MIX LLC	Classification: UNCLASSIFIED	Rating: -----
Regulated Entity:	RN111047452, CBP 1	Classification: UNCLASSIFIED	Rating: -----
Complexity Points:	5	Repeat Violator:	NO
CH Group:	10 - Cement and Concrete Product Manufacturing		
Location:	INTX OF SANDERS RD AND BULLARD RD GO N ON SANDERS RD FOR APPRX 0.15 MI SITE ENTRANCE WILL BE ON THE RIGHT BRAZORIA, TX, BRAZORIA COUNTY		
TCEQ Region:	REGION 12 - HOUSTON		
ID Number(s):			
AIR NEW SOURCE PERMITS REGISTRATION	161495		
Compliance History Period:	September 01, 2016 to August 31, 2021	Rating Year: 2021	Rating Date: 09/01/2021
Date Compliance History Report Prepared:	November 15, 2021		
Agency Decision Requiring Compliance History:	Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.		
Component Period Selected:	September 01, 2016 to August 31, 2021		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name:	Nelson	Phone:	(512) 239-0894

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? NO
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

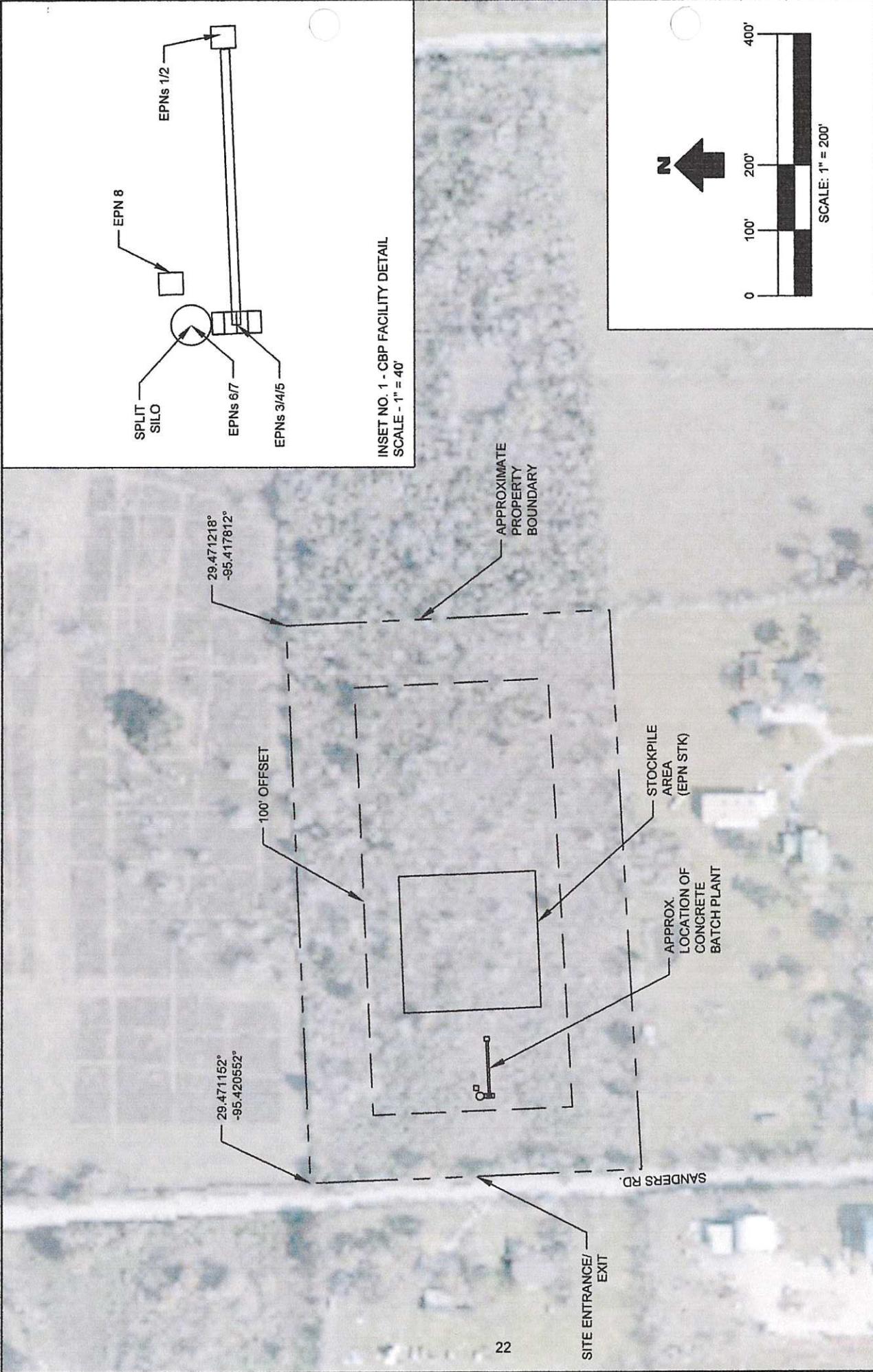
N/A

J. Early compliance:

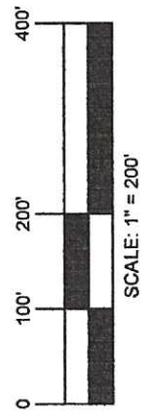
N/A

Sites Outside of Texas:

N/A



INSET NO. 1 - CBP FACILITY DETAIL
SCALE - 1" = 40'



ELM CREEK ENVIRONMENTAL, LLC
 611 S. TX-78, SUITE 132 WYLIE, TX 75098
 PHONE: 214-334-6954
 WWW.ELMCREEKENV.COM

TITLE: PLOT PLAN	DRAWING NO.:	PROJECT NO.:	DATE:
	1/1	247-001	5/13/2020
SITE: IOWA COLONY, BRAZORIA COUNTY, TX	SCALE:	DRAWN BY:	CHECKED BY:
	1" = 200'	JB	JB
			REVISION:
			N/A

**TCEQ AIR QUALITY STANDARD PERMIT NUMBER CONCRETE BATCH PLANT
REGISTRATION 161495**

APPLICATION BY	§	BEFORE THE
UNITED READY MIX LLC	§	
CONCRETE BATCH PLANT	§	TEXAS COMMISSION ON
IOWA COLONY, BRAZORIA 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: Group A Commenters submitted the same petition: (Linda Andrews, Serena Ayala, Bernice Cruikshack, Cathy Feldmann, Gladys Fick, Lynn Garner, Angela Gatson, Ronald Gatson, Henry Hernandez, Mike Hooper, Chris M. Hymel, Rosalia Jaimes, Jennifer Pena, Leo Phan, Gerardo Ramirez, Abner Rodriguez, Mary Rodriguez, Miguel A. Sanchez, Marcia Summers, Nereida Talavera, Salomon Torres, David Villarreal, Laura Villarreal), Cynthia Baker, Paul Barron, Stephanie Blondeau, Paul Bourque, Robin Bradbery, Lacie Branch, Jason Buchanan, Brandyn M. Butler, Michael Byrum-Bratsen, Averell Carmona, Ron Cox, Zarneisha Dixon, Nicole Duda, Sherwin Gramonte, Kathy Green, Joshua Hendrix, Candido Hernandez, Rebecca Hester, Milinda Hymel, Mehetabel Joaquin, Stephanie Lucchese, Danielle Lyle, Wesley Malone, Greg Manuel, Patrick Miller, Benjamin Murillo, Oluseun O. Odumusi, Reetal Pai, Leo H. Phan, George E. Picard, Kristin E. Picard, Wayne A. Poole, Megan Sabljakovic, Juan Sanchez, Trina Slater, Jeff Stewart, James Varghese, Jesus Vasquez, Kelly Volk, Barbara Willis, Lauren Winters. The Office of Chief Clerk received untimely comments from the following persons: Donna Lynn Atkinson-Travis, Rebecca Barnett, Stacy Mariann Campos, Damon Choe, Douglas Marshall Chumley, Samuel E. Cisneros, Dane Depriest, Melanie Hampton, Jacobson Joseph, Eric McAdams Martin, Romaine Minto, Sonia Rectenwald, Kayleen Rosser, Kacy Smajstrla, Hortense Ann Stock, Sarah Marie Travis, Chad A. Wilsey. 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

United Ready Mix LLC (Applicant) has applied to the TCEQ for a Standard Permit under Texas Clean Air Act (TCAA) § 382. 05195. This will authorize the construction of a new facility that may emit air contaminants.

This permit will authorize the Applicant to construct a Permanent Concrete Batch Plant. The facility is located at the following driving directions: from the intersection of Sanders Road and Bullard Road, go north on Sanders Road for approximately 0.15 mile, site entrance will be on the right, Iowa Colony, Brazoria County. Contaminants authorized under this permit include particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less.

Procedural Background

Before work is begun on the construction of a new facility that may emit air contaminants, the person planning the construction must obtain an authorization from the commission. This permit application is for an initial issuance of Air Quality Permit Number 161495.

The permit application was received on May 26, 2020 and declared administratively complete on May 29, 2020. The Consolidated Notice of Receipt of Application and Intent to Obtain Permit and Notice of Application and Preliminary Decision (public notice) for this permit application was published in English on July 11, 2020, in the *The Facts* and in Spanish on July 12, 2020, in *El Perico*. A public meeting was held on October 29, 2020 utilizing the GoToMeeting platform. The public comment period ended on October 29, 2020. Because this application was received after September 1, 2015, it is subject to the procedural requirements of and rules implementing Senate Bill 709 (84th Legislature, 2015).

COMMENTS AND RESPONSES

Comment 1: Health Effects/Air Quality

Commenters are concerned about the effect of the emissions from the proposed project on the air quality and health of people, particularly sensitive populations such as the elderly, children, and people with existing medical conditions. (Group A, Cynthia Baker, Stephanie Blondeau, Robin Bradbery, Lacie Branch, Jason Buchanan, Brandyn M. Butler, Michael Byrum-Bratsen, Averell Carmona, Zarneisha Dixon, Nicole Duda, Sherwin Gramonte, Kathy Green, Joshua Hendrix, Candido Hernandez, Rebecca Hester, Chris Hymel, Chris M. Hymel, Greg Manuel, Patrick Miller, George E. Picard, Megan Sabljakovic, Trina Slater, Kelly Volk, and Lauren Winters)

In addition, Group A commenters had specific concerns regarding increasing pandemic infection rates and research correlating increased infection and death rates, and any permit should not be approved at this time. In addition, they are concerned with the lack of regulations related to the pandemic and until the interrelationship between the virus and increased air pollution is better understood, no permits should be approved - the TCEQ, by doing so would be rendering a death sentence for some of the residents. Averell Carmona raised specific concerns regarding silica as a dangerous carcinogen especially now with the COVID related breathing problems.

Nicole Duda specifically commented that cement is one of the main producers of carbon dioxide and concrete dust is a major source of dangerous air pollution.

Angela G. Gatson raised specific concerns the new chemical and concrete plants in the area will help shorten her life.

Kathy Green specifically commented she has an eleven-year-old child with primary immune deficiencies. Additionally, he has macrophage activation syndrome, asthmas, and significant tissue disorder.

Rebecca Hester specifically commented that the particulates are known to affect those with respiratory disease, as well as cause respiratory diseases in healthy people, such as asthma, and emphysema, and chronic bronchitis.

Chris Hymel raised specific concerns about the serious danger silica poses when released into the air. He also expressed concern regarding his diagnosis of diabetes and cardiac issues. He experiences a consistent cough and congestion and is concerned for the possibility of chronic respiratory problems with the susceptibility and morbidity related to COVID-19.

Milinda Hymel specifically commented she was recently diagnosed with bronchial pneumonia and is concerned about the relationship between respiratory issues and the vulnerability to COVID 19. She also expressed concerns about the negative health impacts of silica inhalation for her grandchildren and for seniors.

Wesley Malone commented specifically that concrete batch plants emit significant particulate matter emissions, which are linked to serious health issues such as reduced lung development in children, higher rates of asthma, and even cancer. Additionally, he comments these plants are also producers of VOC emissions that irritate the respiratory systems and can damage the liver and kidneys.

Benjamin Murillo specifically commented he is concerned about health problems due to the chemicals that may be used by the company. Additionally, he states his wife is under cancer treatments and a child living on their property has asthma.

Leo H. Phan commented he is concerned about the dirt and toxic chemicals in the air.

Kristin E. Picard specifically commented please do not poison us with chemicals and metals I know to be in cement.

Juan Sanchez commented specifically he is concerned about the long-term respiratory health concerns and the increased risk of COVID infection especially with compromised lungs.

Jeff Stewart specifically commented the permit would significantly restrict any freedom outside their house with a child with asthma.

Jesus Vasquez commented that their employee and client health will be jeopardized.

Kelly Volk included additional comments regarding not wanting to be exposed to dangerous chemicals including asbestos, cement, and petrochemicals that can cause severe lung damage with caustic damage to the lung alveoli.

Barbara Willis commented she has asthma and suffers from shortness of breath and has even gotten pneumonia.

Response 1: During the development of the Standard Permit, the Executive Director conducted an extensive protectiveness review to ensure protectiveness of human health and the environment. The protectiveness review determined potential impacts to human health and welfare or the environment by comparing emissions allowed by the standard permit to appropriate state and federal standards and guidelines. These standards and guidelines include the National Ambient Air Quality Standards (NAAQS) and TCEQ rules. 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, including those with respiratory issues such as Covid-19. 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}). The Standard Permit is designed to be in compliance with the NAAQS.

The primary contaminants that have the potential to be emitted from the plant are dust particles having particle sizes of less than or equal to 10 and 2.5 micrometers in aerodynamic diameter (PM₁₀ and PM_{2.5}, respectively). All of the potential dust concentrations, as well as emissions from combustion sources, have been evaluated using reasonable worst-case operating parameters and compared to the federal criteria mentioned above. The Standard Permit requires substantial dust control processes to minimize dust issues, which include paving in-plant roads and work areas, using water sprays on stockpiles, and using a suction shroud and three-sided curtain to prevent flyaway dust. When a company operates in compliance with the Standard Permit, they should not cause or contribute to a violation of the NAAQS and are protective of human health and the environment.

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 most commonly 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 silicosis and lung cancer. However, concrete batch plants under the Standard Permit have been determined by the TCEQ not to make a significant contribution of air contaminants to the atmosphere. Emissions from these facilities have already undergone a comprehensive TCEQ internal modeling of impacts and a health effects review. No adverse effects are expected to occur from facilities that meet all requirements of standard permit for concrete batch plant.

The ingredients that make up concrete are not expected to emit VOCs. The TCEQ does not require an applicant to disclose the source of aggregates or raw materials used in the production process. However, the Standard Permit for Concrete Batch Plants prohibits concrete additives from emitting VOCs.

Comment 2: Dust Control/Nuisance

Commenters are concerned about dust generated by the proposed project. (Group A, Stephanie Blondeau, Angela G. Gatson, Rebecca Hester, Milinda Hymel, Chris Hymel, Chris M. Hymel, Greg Manuel, Kristin E. Picard, Juan Sanchez, and Jesus Vasquez)

Chris M. Hymel specifically commented there has been increased levels of dust on vehicles and homes since a sand processing plant started operating.

Jesus Vasquez specifically commented dust contamination created will be extreme and affect the quality of air, equipment, and vehicles at their place of business.

Response 2: The primary contaminants that have the potential to be emitted from the plant are dust particles due to vehicle traffic and material handling (specifically aggregate and cement) and having particle sizes less than or equal to 10 and 2.5 microns in aerodynamic diameter (PM₁₀ and PM_{2.5}, respectively). All of the potential dust concentrations have been evaluated using reasonable worst-case operating parameters and compared to the federal criteria described in Response 1. When a company operates in compliance with the Standard Permit, there should be no deterioration of air quality or the generation of dust such that it impacts visibility. The Standard Permit requires substantial dust control processes to minimize dust issues, which include paving and watering each road, parking lot, or other area at the plant site that is used by vehicles, using water sprays on stockpiles, and using a suction shroud at the drop point that is vented back to a fabric or cartridge filter system with

a minimum of 5,000 Actual Cubic Feet per Minute (ACFM). Each cement/flyash storage silo and weigh hopper must be equipped with a fabric or cartridge filter or vented to a fabric or cartridge filter. Each fabric or cartridge filter system must be maintained and operated properly with no tears or leaks. Each filter and conveying system must meet a performance standard of no visible emissions exceeding 30 seconds in a five-minute period. Conveying systems for the transfer of cement/flyash must be totally enclosed, operated properly, and maintained with no tears or leaks.

Operators must comply with 30 TAC § 101.4, which prohibits nuisance conditions. If the facility is operated in compliance with the terms of the permit, nuisance conditions are not expected. The TCEQ cannot deny authorization of a facility if a permit application contains a demonstration that all applicable statutes, rules, and regulations will be met.

Comment 3: Flora/Fauna/Habitat loss

Commenters are concerned about the effect of the proposed project on flora, fauna, and habitat loss.

Robin Bradbery raised concerns about the bright lights disrupting migratory birds.

Greg Manuel raised concerns regarding the exotic deer he raises on his property.

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

Compliance with rules and regulations regarding endangered species is handled at the state level by the Texas Parks and Wildlife Department and at the federal level by the United States Fish and Wildlife Service. It is incumbent upon an applicant to request and acquire any additional authorizations that may be required under state or federal law. However, if operated in accordance with the requirements of the permit, adverse impacts from the proposed plant are not expected.

Comment 4: Cumulative Effects

Commenters are concerned about the cumulative effects of this project with pending or existing facilities including a sand processing plant in the area. (Group A, Chris Hymel, and Chris M. Hymel)

Response 4: The 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.

Comment 5: Jurisdictional Issues

Location/Zoning

Commenters expressed concern regarding the location of the facility as it relates to current zoning ordinances and the proximity to residential and public areas, including schools and places of business. (Group A, Paul Barron, Stephanie Blondeau, Lacie Branch, Jason Buchanan, Brandyn M. Butler, Michael Byrum-Bratsen, Ron Cox, Zarneisha Dixon, Nicole Duda, Kathy Green, Joshua Hendrix, Candido Hernandez, Rebecca Hester, Chris M. Hymel, Mehetabel Joaquin, Stephanie Lucchese, Danielle Lyle, Wesley Malone, Patrick Miller, Oluseun O. Odumusi, Leo H. Phan, George E Picard, Kristin E. Picard, Wayne A. Poole, Megan Sabljakovic, Juan Sanchez, Trina Slater, James Varghese, and Kelly Volk)

Truck Traffic/Roads

Commenters are concerned about increased traffic of cars and trucks as a result of the proposed project. (Group A, Paul Barron, Robin Bradbery, Brandyn M. Butler, Michael Byrum-Bratsen, Ron Cox, Zarneisha Dixon, Nicole Duda, Angela G. Gatson, Sherwin Gramonte, Kathy Green, Candido Hernandez, Rebecca Hester, Milinda Hymel, Chris Hymel, Chris M. Hymel, Stephanie Lucchese, Danielle Lyle, Greg Manuel, Patrick Miller, Leo H. Phan, George E. Picard, Kristin E. Picard, Wayne A. Poole, Megan Sabljakovic, Juan Sanchez, Marcia Summers, Jesus Vasquez, and Lauren Winters)

Jesus Vasquez expressed concerns that the road would be negatively affected and that they would lose clients because of it.

Quality of Life/Aesthetics/Property value

Commenters are concerned about the effect of the proposed project on their quality of life, on the aesthetics of the area, and on their property values. (Group A, Duda, Angela G. Gatson, Chris Hymel, Chris M. Hymel, Greg Manuel, Benjamin Murillo, Reetal Pai, and Kelly Volk)

Noise

Commenters are concerned about noise from the proposed project. (Group A, Robin Bradbery, Angela G. Gatson, Chris Hymel, Chris M. Hymel, Greg Manuel, Patrick Miller, and Megan Sabljakovic)

Greg Manuel expressed concerns that the noise from the proposed project will stress the exotic deer he raises on his property.

Light Pollution

Robin Bradbery expressed concerns about the light pollution from the proposed project.

Economic Impacts

Jesus Vasquez expressed concerns that the proposed project would negatively impact their business.

Crime

Wayne A. Poole expressed concerns that the proposed project may cause crime.

Response 5: The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. Accordingly, the TCEQ does not have jurisdiction to consider plant 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 the TCEQ. Zoning and land use are beyond the authority of the TCEQ for consideration when reviewing air quality permit applications and such issues should be directed to local officials. The issuance of an air quality authorization 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.

The TCEQ also does not have jurisdiction to consider traffic, road safety, or road repair costs when determining whether to approve or deny a permit application. In addition, trucks are considered mobile sources, which are not regulated by the TCEQ. Moreover, the TCEQ is prohibited from regulating roads per the TCAA § 382.003(6) which excludes roads from the definition of "facility."

Although the TCEQ is prohibited from regulating trucks, TCEQ rules prohibit anyone from causing a traffic hazard. Specifically, 30 TAC § 101.5 states: "No person shall discharge from any source whatsoever such quantities of air contaminants, uncombined water, or other materials which cause or have a tendency to cause a traffic hazard or an interference with normal road use." Accordingly, the Applicant is prohibited from creating a traffic hazard with emissions from its facility.

Jurisdiction over traffic on public roads, including any load-bearing restrictions and public safety, including access, speed limits, and public roadway issues, are typically the responsibility of local, county, or other state agencies, such as the Texas Department of Transportation (TxDot) and the Texas Department of Public Safety (DPS). An air quality permit does not authorize a violation of any road safety or load-bearing restrictions. Concerns regarding roads should be addressed to appropriate state or local officials.

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

The TCEQ also does not have jurisdiction to consider noise or light pollution from a plant when determining whether to approve or deny a permit application. As such, the TCEQ does not have authority under the TCAA to require or enforce any noise abatement or light pollution measures. Noise and light pollution ordinances are normally enacted by cities or counties and enforced by local law enforcement authorities. Commenters should contact their local authorities with questions or complaints about noise or light pollution.

Issues related to the local economy or the possibility of increased crime are outside the scope of review of an air quality permit. The Executive Director has reviewed the permit application in accordance with the applicable law, policy, and procedures, in accordance with the agency's mission to protect our state's human and natural resources consistent with sustainable economic development. If an applicant meets the requirements for an air quality permit, the TCEQ must grant the permit.

Accordingly, the TCEQ does not have jurisdiction to consider potential effects from plant location, zoning and land use issues, truck traffic, aesthetics, effects on property values, noise, light pollution, economic impacts, or crime when determining whether to approve or deny a permit. Except under limited circumstances, which do not exist under this particular permit application, the issuance of a permit cannot be denied on the basis of plant location.

Comment 6: Demonstrate Compliance with Permit

Commenter asked how the Applicant will demonstrate compliance with the terms of their permit on a continuous basis. Commenter stated that the Applicant has not provided estimates for concentrations of air contaminants based on common wind-patterns and the Applicant has requested permission to emit contaminants "not limited to" the various particulates explicitly mentioned (e.g. cement, dust, etc.). (Jason Buchanan)

Response 6: Monitoring requirements are included in the Standard Permit. The permit holder is required to maintain records to demonstrate compliance with the emission

rates and terms of the permit, including the monitoring requirements. Records must be made available upon request to representatives of the 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.

The 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 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.

Comment 7: Other Required Authorizations

Commenters asked if other authorizations are required for this project. (Group A, Ron Cox, Nicole Duda, Chris Hymel, Chris M. Hymel, Greg Manuel, and Marcia Summers)

Greg Manuel expressed concerns that heavy rain events will cause run off from the proposed project to flood his property.

Response 7: Although the TCEQ is responsible for the environmental protection of air and water as well as the safe management of waste, this registration will regulate the control and abatement of air emissions only. Therefore, issues regarding water quality or discharge and the handling of waste are not within the scope of this review. However, the Applicant may be required to apply for separate authorizations for water quality, water usage, or the handling of waste.

CHANGES MADE IN RESPONSE TO COMMENT

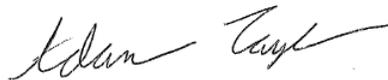
No changes have been made to the Executive Director's preliminary determination that the application meets the requirements for permit issuance.

Respectfully submitted,

Texas Commission on Environmental Quality
Toby Baker, Executive Director

Erin E. Chancellor, Director
Office of Legal Services

Robert Martinez, Deputy Director
Environmental Law Division



Adam Taylor, Staff Attorney
Environmental Law Division
State Bar of Texas No. 24098504
PO Box 13087, MC 173
Austin, Texas 78711-3087
(512) 239-3400

REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Hearing Requestors - UNITED READY MIX LLC - Permit No. 161495



Protecting Texas by
Reducing and
Preventing Pollution

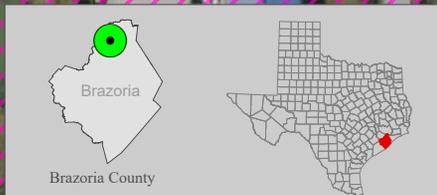
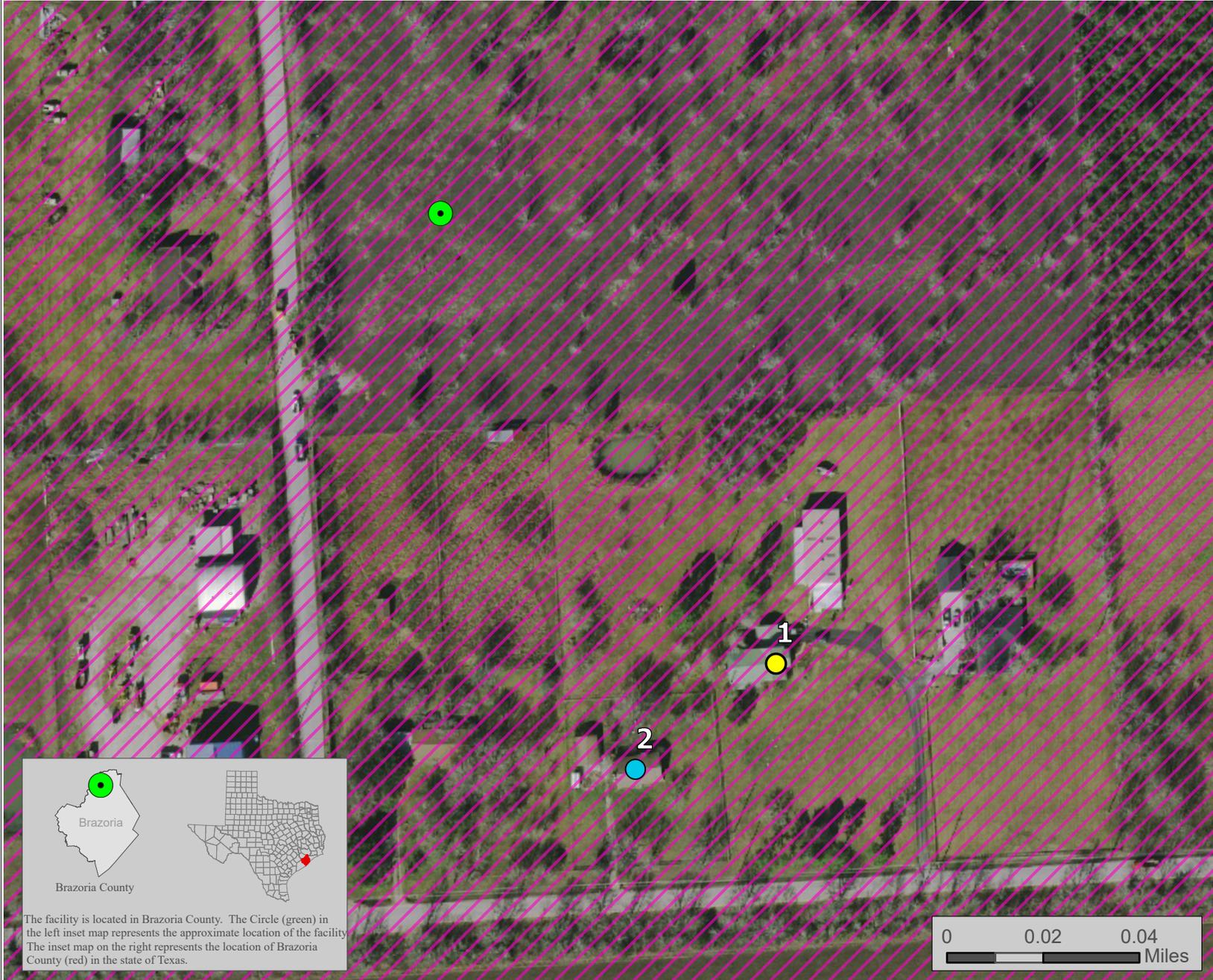
Map Requested by TCEQ Office of Legal Services
for Commissioners' Agenda

Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087
Date: 11/15/2021
CRF 0062296
Cartographer: ABanda

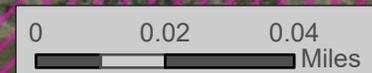


-  User Defined Facility Point
-  Milinda Hymel
-  Kristin E Picard
-  440 Yard Buffer from Facility

Refer to Appendix A for distances
between the Facility Point and the
location of each Requestor Point.



The facility is located in Brazoria County. The Circle (green) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Brazoria County (red) in the state of Texas.



Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.

Map Appendix A: Requester Table

ID	Requester	Distance from Facility
1	Milinda Hymel	205.01 yrds
2	Kristin E Picard	214.86 yrds