

Texas Commission on Environmental Quality
Interoffice MEMORANDUM

TO: Office of Chief Clerk

DATE: August 28, 2024

FROM: Abigail Adkins
Staff Attorney
Environmental Law Division

SUBJECT: Transmittal of Documents of Administrative Record

Applicant:	R&L Concrete, LLC
Proposed Permit No.	171631
Program:	Air
Docket Nos.:	TCEQ Docket No. 2023-1561-AIR SOAH Docket No. 582-24-23311

In a permit hearing, the record in a contested case includes copies of the public notices relating to the permit application, as well as affidavits of public notices that are filed by the applicant 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. 30 TEX. ADMIN CODE § 80.118.

This transmittal serves to also request that the OCC transmit the attached items, together with (a) the public notice documents (including notice of hearing), and (b) where available for direct referral cases only, the Executive Director's Response to Comments to the State Office of Administrative Hearings.

Documents with this transmittal are indicated below:

- The Standard Permit for Concrete Batch Plants
- The summary of the technical review of the permit application
- The compliance history of the applicant
- The Final Decision Letter
- The List of Actions from the Commissioner's Integrated Database (CID) (Accessed on July 24, 2024).
- Any agency document determined by the Executive Director to be necessary to reflect the administrative and technical review of the application. The following documents are included:
 - The Executive Director's Response to Comments.
 - Map of hearing requestors prepared by the Executive Director

Air Quality Standard Permit for Concrete Batch Plants

Effective Date: January 24, 2024

(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 sections (8) or (9). Concrete batch plants that are authorized as temporary operations shall also comply with section (10) for relocation requirements. If a concrete batch plant operates using sections (8) or (9) 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 storage 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) Central mix plant (also known as wet mix) – A concrete batch plant where sand, aggregate, cement, cement supplement, and water are all combined and mixed in a central mix drum before being transferred to a transport truck.

- (E) Dust suppressing fencing or other equivalent 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.
- (F) 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.
- (G) 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.
- (H) 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 THSC, § 382.056, Notice of Intent to Obtain Permit or Permit Review; Hearing.
- (I) Setback distance - The minimum distance from the nearest suction shroud fabric/cartridge filter exhaust (truck mix plant), drum feed fabric/cartridge filter exhaust (central mix plant), batch mixer feed exhaust (specialty plant), cement/fly ash storage silos, and/or engine to any property line.
- (J) Site - The total of all stationary sources located on one or more contiguous or adjacent properties, that are under common control of the same person (or persons under common control).
- (K) 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 60 cubic yards per hour (yd³/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.
- (L) 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.
- (M) 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.
- (N) 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.

- (O) Truck mix plant – A concrete batch plant where sand, aggregate, cement, cement supplement, and water are all gravity fed from the weigh hopper into mixer trucks. The concrete is mixed on the way to the site where the concrete is to be placed.

(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 PI-1S-CBP, Concrete Batch Plant Standard Permit Registration Application.
- (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 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 (10)(A) 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 rates for hourly and annual operations that demonstrate compliance with the tables in subsection (8)(A) or the production limitations in subsection (9)(A) of this standard permit, as applicable;
 - (iv) all repairs and maintenance of abatement systems and other dust suppression controls;
 - (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) monthly 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;
 - (xi) type of fuel used to power engines authorized by this standard permit; and
 - (xii) demonstration of compliance with subsection (5)(L) of 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/fly ash 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 (9)(B).
- (B) Owners or operators shall maintain fabric or cartridge filters and collection systems in good working condition 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 in Appendix A-7 to Part 60 - Test Methods 19 through 25E; 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/fly ash, 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 in Appendix A-7 to Part 60 - Test Methods 19 through 25E, except during cement and fly ash 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 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 storage 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 storage 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 one or more of the following methods:
- (i) watering them;
 - (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;
 - (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 regularly.

- (F) Owners or operators shall use water, dust-suppressant chemicals, or cover stockpiles, as necessary to minimize dust emissions. Stockpiles shall be limited to a total of no more than 1.5 acres.
- (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 EPA TM 22 in Appendix A-7 to Part 60 - Test Methods 19 through 25E, 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 TM 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 crushing plant 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 and setback limits specified in sections (8) or (9) of this standard permit.
- (K) Concrete additives shall not emit volatile organic compounds (VOCs).
- (L) All sand and aggregate shall be washed prior to delivery to the site.
- (M) Any claim under this standard permit shall comply with the following:
 - (i) 30 TAC § 116.604, Duration and Renewal of Registrations to Use Standard Permits;
 - (ii) 30 TAC § 116.605(d)(1), 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.

- (N) The owner or operator of any concrete batch plant authorized by this standard permit shall comply with 30 TAC § 101.4, Nuisance.

(6) Engines

- (A) This standard permit authorizes emissions from a stationary compression ignition internal combustion engine (or combination of engines) of no more than 1,000 total horsepower (hp).
- (B) Owners or operators of concrete batch plants that include one or more 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.
- (E) Emissions from the engine(s) shall not exceed 2.61 grams per horsepower-hour (g/hp-hr) of NO_x, per manufacturer's specifications. A copy of the manufacturer's specifications shall be kept at the site.
- (F) 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.

(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) Operational Requirements for Permanent and Temporary Concrete Plants

- (A) Concrete batch plants authorized under this standard permit shall be limited to the maximum hourly production rate, and minimum setback distances for the suction shroud fabric/cartridge filter exhaust (truck mix plant), drum feed fabric/cartridge filter exhaust (central mix plant), cement/fly ash storage silos, and/or engine, based upon the plant location as follows:
 - (i) A single truck mix plant shall operate under the requirements in subsection (8)(E) and shall comply with Table 1 below, except as provided in paragraph (A)(ii) of this section.

Table 1: Production Rates and Setback Distances, single truck mix plant with shrouded mixer truck-receiving funnel.

Location (County)	Production Rate	Setback Distance (ft)
Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller	200 yd ³ /hour	200
Cameron and Hidalgo		300
All other counties		100

- (ii) A single truck mix plant operating under the requirements in subsection (8)(E) and subsection (8)(F) shall comply with Table 2 below.

Table 2: Production Rates and Setback Distances, single truck mix plant with shrouded mixer truck-receiving funnel and enclosure.

Location (County)	Production Rate	Setback Distance (ft)
All counties	200 yd ³ /hour	100

- (iii) Multiple truck mix plants at the same site operating under the requirements in subsection (8)(E) and subsection (8)(F) shall comply with Table 3 below.

Table 3: Production Rates and Setback Distances, multiple truck mix plants at a single site with enclosure.

Location (County)	Total Site Production Rate	Setback Distance (ft) for each Plant
Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller	300 yd ³ /hour	200
Cameron and Hidalgo		200
All other counties		100

- (iv) Central mix plants shall comply with Table 4 below.

Table 4: Production Rates and Setback Distances, central mix plants.

Location (County)	Production Rate	Setback Distance (ft)
Cameron and Hidalgo	300 yd ³ /hour	200
All other counties		100

- (B) Temporary concrete batch plants approved to operate in or contiguous to the right-of-way of a public works project are exempt from subsections (8)(E) and (F) and the minimum setback distances.
- (C) Concrete batch plants shall be limited to a maximum production rate of no more than 650,000 cubic yards per year (yd³/yr) in any rolling 12-month period.
- (D) The owner or operator shall install and properly maintain a suction shroud at the truck mix batch drop point or a total enclosure of the central mix drum feed exhaust and vent the captured emissions to a fabric/cartridge filter system with a minimum of 5,000 actual cubic feet per minute (acfm) of air.
- (E) For truck mix plants, the owner or operator shall shelter the drop point by an intact three-sided enclosure with a flexible shroud hanging from above the truck, or equivalent dust collection technology that extends below the mixer truck-receiving funnel.
- (F) For alternative setback distances as listed in subsection (8)(A) Tables 2 and 3, in addition to subsection (8)(E), the owner or operator of truck mix plants shall shelter the truck loading operation with a three-sided solid enclosure or equivalent that extends from the ground level to three feet above the truck-receiving funnel.
- (G) For permanent plants, the owner or operator shall prevent tracking of sediment onto adjacent roadways and reduce the generation of dust by one or more of the following methods:
 - (i) watering, sweeping, and cleaning the plant road entrances;
 - (ii) the use of a rumble grate (or equivalent) that is placed at least 50 feet from a public road to dislodge sediment from the wheels and undercarriage of trucks that haul aggregate, cement, and/or concrete;
 - (iii) the use of a vacuum truck (or equivalent) to clean the plant road entrances; or
 - (iv) the use of a tire-wash system (or equivalent) to remove sediment from the wheels and undercarriage of trucks that haul aggregate, cement, and/or concrete. It shall be (1) located in front of some type of traffic restriction such as a scale, plant gate or a stop sign to encourage its proper use, and (2) shall be set back at least 50 feet from the public road. This permit does not authorize the construction and/or use of a truck washing system under Texas Water Code Chapter 26.
- (H) Stationary equipment (excluding the suction shroud fabric/cartridge filter exhaust, drum feed fabric/cartridge filter exhaust, cement/fly ash storage silos, and engine), stockpiles, and vehicles used for the operation of the concrete batch plant (except for incidental traffic and the entrance and exit to the site), shall not be located closer than 50 feet less than the applicable minimum setback distance listed in subsection (8)(A) from any property line.
- (I) In lieu of meeting the distance requirements for roads of subsection (8)(H) of this standard permit, the owner or operator shall:

- (i) construct and maintain in good working order dust suppressing fencing or other equivalent barriers as a border around roads, other traffic areas, and work areas; and
 - (ii) construct these borders to a height of at least 12 feet.
- (J) In lieu of meeting the distance requirements for stockpiles of subsection (8)(H) of this standard permit, the owner or operator shall contain stockpiles within a three-walled bunker that extends at least two feet above the top of the stockpile.
- (K) For permanent plants, 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 shall be cleaned and maintained intact. 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.

(9) Additional Requirements for Specialty Concrete Batch Plants

- (A) Specialty concrete batch plants authorized under this standard permit shall be limited to the maximum hourly production rate, maximum annual production rate in any rolling 12-month period, and minimum setback distance for the batch mixer feed exhaust as follows:

Table 5: Hourly and Annual Maximum Production Rates and Minimum Setback Distances, Specialty Concrete Batch Plants

Maximum Hourly Production Rate (yd ³ /hr)	Maximum Annual Production Rate (yd ³ /yr)	Minimum Setback Distance (ft)
No more than 30	131,400	100
More than 30 but less than or equal to 60	262,800	200

- (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 50 feet less than the applicable minimum setback distance listed in subsection (9)(A) from any property line.

- (E) In lieu of meeting the buffer distance requirement for roads and other traffic areas in subsection (9)(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 borders to a height of at least 12 feet.

(10) Temporary Concrete Plants Relocation Requirements

- (A) The appropriate TCEQ regional office may approve, without the need of public notice referenced in section (4) of this standard permit, the relocation 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 section (10)(B) 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.
- (B) For relocations meeting subsection (10)(A) 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 setback distances to the property lines can be met at the new location;
 - (vi) representation of maximum hourly and annual site production;
 - (vii) 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);
 - (viii) the proposed date for start of construction and expected date for start of operation;

- (ix) the expected time period at the proposed site;
 - (x) 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
 - (xi) 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.
- (C) The owner or operator shall submit a completed current TCEQ Regional Notification Standard Permit/PBR Relocation Form when applying to relocate a temporary concrete batch plant.

Concrete Batch Plant Standard Permit Source Analysis & Technical Review

Company	R&L Concrete LLC	Permit Number	171631
City	Kaufman	Project Number	353027
County	Kaufman	Regulated Entity Number	RN111647921
Project Type	Initial	Customer Reference Number	CN606101665
Project Reviewer	Alexander Hilla	Received Date	January 30, 2023
Site Address	From the intersection of Jiba road 147 and U.S Highway 175, drive 0.4 miles South on U.S. Highway 175 and site entrance is on left side		

Project Overview

Facility Description:

This is the proposed authorization of a permanent concrete batch plant with a maximum production rate of 90 cubic yards per hour not to exceed 2,160 cubic yards per day. The applicant has represented the facility will operate up to 24 hours per day, 7 days a week, 52 weeks a year not to exceed 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/Fly ash 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. In addition, emissions from planned startup and shutdown of combustion units should not result in any quantifiable hourly emissions change for products of combustion. Although there may be transitional and incidental spikes before units stabilize during startups (5 to 15 minutes), overall products of combustion are expected to be within hourly range limits for normal loads during production operations.

Deficiencies

Has all required information been received by the TCEQ?	Yes
Date registration claim complete:	02/27/2023

Compliance History Evaluation

A compliance history report was reviewed on:	February 27, 2023
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Compliance History Evaluation

Site rating & classification:	N/A
Company rating & classification:	N/A

Public Notice Information

Requirement	
Small Business Source?	Yes
Legislator letters mailed	2/6/2023
Date consolidated notice published	03/30/2023
Publication Name: The Kaufman Herald	
Pollutants: PM, PM₁₀, PM_{2.5}, Road Dust, Aggregate, Cement	
Date Alternate Language consolidated notice published (if applicable)	03/28/2023
Publication Name (Alternate Language): La Prensa Comunidad	
Last Day for Public Comment	04/28/2023
Public notice tearsheet(s) received	03/31/2023
Public notice affidavit(s) received	03/31/2023
Public notice certification of sign posting/application availability received	05/15/2023

Public Interest

Number of comments received	1
Number of meeting requests received	0
Number of hearing requests received	1
Date meeting held	N/A
Date response to comments filed with OCC	08/21/2023
Date of SOAH hearing	

Recommendations

All conditions of Standard Permit satisfied?	Yes
Final Action:	

Project Reviewer
Alexander Hilla

Date

Team Leader
Joe Nicosia

Date



Compliance History Report

Compliance History Report for CN606101665, RN111647921, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator:	CN606101665, R&L Concrete LLC	Classification:	NOT APPLICABLE	Rating:	N/A
Regulated Entity:	RN111647921, R&L CONCRETE - KAUFMAN - CBP1	Classification:	NOT APPLICABLE	Rating:	N/A
Complexity Points:	N/A	Repeat Violator:	N/A		
CH Group:	10 - Cement and Concrete Product Manufacturing				
Location:	FROM THE INTERSECTION OF JIBA ROAD 147 AND US HIGHWAY 175 DRIVE 0.4 MILES SOUTH ON US HIGHWAY 175 AND SITE ENTRANCE IS ON LEFT SIDE KAUFMAN, TX, KAUFMAN COUNTY				
TCEQ Region:	REGION 04 - DFW METROPLEX				
ID Number(s):					
AIR NEW SOURCE PERMITS	REGISTRATION 171631				
Compliance History Period:	September 01, 2017 to August 31, 2022	Rating Year:	2022	Rating Date:	09/01/2022
Date Compliance History Report Prepared:	January 03, 2024				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	September 01, 2018 to September 01, 2022				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	TCEQ Staff Member		Phone:	(512) 239-1000	

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):

Customer was not affiliated to Regulated Entity at time of Compliance History Rating.

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

August 21, 2023

TO: All interested persons.

RE: R&L Concrete LLC
Air Quality Standard Permit No. 171631

Decision of the Executive Director.

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** This decision will be considered by the commissioners at a regularly scheduled public meeting before any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.

Enclosed with this letter are instructions to view the Executive Director's Response to Public Comment (RTC) on the Internet. Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at chiefclk@tceq.texas.gov. A complete copy of the RTC (including the mailing list), complete application, draft permit and related documents, including public comments, are available for review at the TCEQ Central Office. The application, executive director's preliminary decision, and standard permit will be available for viewing and copying at the TCEQ Central Office, the TCEQ Dallas/Fort Worth Regional Office, and the Kaufman County Library, 3790 South Houston Street, Kaufman, Kaufman County, Texas 75142. The facility's compliance file, if any exists, is available for public review at the TCEQ Dallas/Fort Worth Regional Office, 2309 Gravel Dr, Fort Worth, Texas. Visit www.tceq.texas.gov/goto/cbp to review the standard permit.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. The procedures for the commission's evaluation of hearing requests/requests for reconsideration are located in 30 Texas Administrative Code Chapter 55, Subchapter F. A brief description of the procedures for these two types of requests follows.

How to Request a Contested Case Hearing.

It is important that your request include all the information that supports your right to a contested case hearing. You must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

The request must include the following:

- (1) Your name, address, daytime telephone number, and, if possible, a fax number.
- (2) If the request is made by a group or association, the request must identify:
 - (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group;
 - (B) the comments on the application submitted by the group that are the basis of the hearing request; and
 - (C) by name and physical address one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.
- (3) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.
- (4) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."

Your request must demonstrate that you are an **"affected person."** An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities. A person who may be affected by emissions of air contaminants from the facility is entitled to request a contested case hearing.

A person permanently residing within 440 yards of a concrete batch plant authorized by the Air Quality Standard Permit for Concrete Batch Plants is an affected person who is entitled to request a contested case hearing. The hearing request must state a personal justiciable interest.

Your request must raise disputed issues of fact that are relevant and material to the commission's decision on this application that were raised **by you** during the public comment period. The request cannot be based solely on issues raised in comments that you have withdrawn.

To facilitate the commission's determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director's responses to **your** comments that you dispute; 2) the factual basis of the dispute; and 3) list any disputed issues of law.

How to Request Reconsideration of the Executive Director's Decision.

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

Deadline for Submitting Requests.

A request for a contested case hearing or reconsideration of the executive director's decision must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date of this letter. You may submit your request electronically at www.tceq.texas.gov/agency/decisions/cc/comments.html or by mail to the following address:

Laurie Gharis, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Processing of Requests.

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the TCEQ's Alternative Dispute Resolution Program and set on the agenda of one of the commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

How to Obtain Additional Information.

If you have any questions or need additional information about the procedures described in this letter, please call the Public Participation and Education Program, toll free, at 1-800-687-4040.

Sincerely,



Laurie Gharis
Chief Clerk

LG/erg

Enclosure

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT
for
R&L Concrete LLC
Air Quality Standard Permit No. 171631

The Executive Director has made the Response to Public Comment (RTC) for the application by R&L Concrete LLC, for Air Quality Standard Permit No. 171631 available for viewing on the Internet. You may view and print the document by visiting the TCEQ Commissioners' Integrated Database at the following link:

<https://www.tceq.texas.gov/goto/cid>

In order to view the RTC at the link above, enter the TCEQ ID Number for this application (171631) and click the "Search" button. The search results will display a link to the RTC.

Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at chiefclk@tceq.texas.gov.

Additional Information

For more information on the public participation process, you may contact the Office of the Public Interest Counsel at (512) 239-6363 or call the Public Education Program, toll free, at (800) 687-4040.

A complete copy of the RTC (including the mailing list), complete application, draft permit and related documents, including public comments, are available for review at the TCEQ Central Office. The application, executive director's preliminary decision, and standard permit will be available for viewing and copying at the TCEQ Central Office, the TCEQ Dallas/Fort Worth Regional Office, and the Kaufman County Library, 3790 South Houston Street, Kaufman, Kaufman County, Texas 75142. The facility's compliance file, if any exists, is available for public review at the TCEQ Dallas/Fort Worth Regional Office, 2309 Gravel Dr, Fort Worth, Texas..

21 de agosto de 2023

TO: Todas las personas interesadas.

RE: R&L Concrete LLC

Permiso estándar de calidad del aire No. 171631

Decisión del Director Ejecutivo.

El director ejecutivo ha tomado la decisión de que la solicitud de permiso mencionada anteriormente cumple con los requisitos de la ley aplicable. **Esta decisión no autoriza la construcción u operación de ninguna instalación propuesta.** Esta decisión será considerada por los comisionados en una reunión pública programada regularmente antes de que se tome cualquier medida sobre esta solicitud, a menos que todas las solicitudes de audiencia o reconsideración de casos impugnados hayan sido retiradas antes de esa reunión.

Se adjuntan a esta carta las instrucciones para ver en Internet la Respuesta del Director Ejecutivo al Comentario Público (RTC). Las personas que prefieran una copia por correo del RTC o que tengan problemas para acceder al RTC en el sitio web, deben comunicarse con la Oficina del Secretario Oficial, por teléfono al (512) 239-3300 o por correo electrónico a chiefclk@tceq.texas.gov. Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios públicos, están disponibles para su revisión en la Oficina Central de TCEQ. La solicitud, la decisión preliminar del director ejecutivo y el permiso estándar estarán disponibles para su visualización y copia en la Oficina Central de la TCEQ, la Oficina Regional de la TCEQ Dallas/Fort Worth y la Biblioteca del Condado de Kaufman, 3790 South Houston Street, Kaufman, Kaufman County, Texas 75142. El archivo de cumplimiento de la instalación, si existe alguno, está disponible para su revisión pública en la Oficina Regional de la TCEQ Dallas/Fort Worth. Visite www.tceq.texas.gov/goto/cbp para revisar el permiso estándar.

Si no está de acuerdo con la decisión del director ejecutivo y cree que es una "persona afectada" como se define a continuación, puede solicitar una audiencia de caso impugnado. Además, cualquier persona puede solicitar la reconsideración de la decisión del director ejecutivo. Los procedimientos para la evaluación de la comisión de las solicitudes de audiencia/solicitudes de reconsideración se encuentran en 30 Código Administrativo de Texas, Capítulo 55, Subcapítulo F. A continuación, se presenta una breve descripción de los procedimientos para estas dos solicitudes.

Cómo solicitar una audiencia de caso impugnado.

Es importante que su solicitud incluya toda la información que respalde su derecho a una audiencia de caso impugnado. Su solicitud de audiencia debe demostrar que cumple con los requisitos legales aplicables para que se le conceda su solicitud de audiencia. La consideración de la comisión de su solicitud se basará en la información que usted proporcione.

La solicitud debe incluir lo siguiente:

- (1) Su nombre, dirección, número de teléfono durante el día y, si es posible, un número de fax.
- (2) Si la solicitud es realizada por un grupo o asociación, la solicitud debe identificar:
 - (A) una persona por nombre, dirección, número de teléfono durante el día y, si es posible, el número de fax, de la persona que será responsable de recibir todas las comunicaciones y documentos para el grupo.;
 - (B) los comentarios sobre la solicitud presentada por el grupo que constituyen la base de la solicitud de audiencia; y
 - (C) por nombre y dirección física, uno o más miembros del grupo que de otro modo tendrían derecho a solicitar una audiencia por derecho propio. Los intereses que el grupo busca proteger deben estar relacionados con el propósito de la organización. Ni la reclamación alegada ni la reparación solicitada deben requerir la participación de los miembros individuales en el caso.
- (3) El nombre del solicitante, el número de permiso y otros números enumerados anteriormente para que su solicitud pueda procesarse adecuadamente.
- (4) Una declaración que exprese claramente que está solicitando una audiencia de caso impugnado. Por ejemplo, la siguiente declaración sería suficiente: "Solicito una audiencia de caso impugnado".

Su solicitud debe demostrar que usted es una **"persona afectada"**. Una persona afectada es aquella que tiene un interés justiciable personal relacionado con un derecho, deber, privilegio, poder o interés económico legal afectado por la solicitud. Su solicitud debe describir cómo y por qué se vería afectado negativamente por la instalación o actividad propuesta de una manera que no sea común al público en general. Por ejemplo, en la medida en que su solicitud se base en estas preocupaciones, debe describir el impacto probable en su salud, seguridad o usos de su propiedad que puedan verse afectados negativamente por la instalación o las actividades propuestas. Para demostrar que tiene un interés personal justiciable, debe indicar, tan específicamente como pueda, su ubicación y la distancia entre su ubicación y la instalación o actividades propuestas. Una persona que pueda verse afectada por las emisiones de contaminantes del aire de la instalación tiene derecho a solicitar una audiencia de caso impugnado.

Una persona que reside permanentemente dentro de las 440 yardas de una planta de concreto autorizada por el Permiso de Estándar de Calidad del Aire para Plantas de Concreto por Lotes es una persona afectada que tiene derecho a solicitar una audiencia de caso impugnado. La solicitud de audiencia debe indicar un interés personal justiciable.

Su solicitud debe plantear cuestiones de hecho controvertidas que sean relevantes y materiales para la decisión de la comisión sobre esta solicitud que fueron planteadas **por usted** durante el período de comentarios públicos. La solicitud no puede basarse únicamente en cuestiones planteadas en los comentarios que haya retirado.

Para facilitar la determinación por parte de la comisión del número y alcance de los asuntos que se remitirán a la audiencia, usted debe: 1) especificar cualquiera de las respuestas del director ejecutivo a **sus** comentarios que usted disputa; 2) la base fáctica de la disputa; y 3) enumerar cualquier cuestión de derecho en disputa.

Cómo solicitar la reconsideración de la decisión del Director Ejecutivo.

A diferencia de una solicitud de audiencia de caso impugnado, cualquier persona puede solicitar la reconsideración de la decisión del director ejecutivo. Una solicitud de reconsideración debe contener su nombre, dirección, número de teléfono durante el día y, si es posible, su número de fax. La solicitud debe indicar que está solicitando la reconsideración de la decisión del director ejecutivo, y debe explicar por qué cree que la decisión debe ser reconsiderada.

Fecha límite para la presentación de solicitudes.

La oficina del Secretario Oficial debe **recibir** una solicitud de audiencia de caso impugnado o reconsideración de la decisión del director ejecutivo a más tardar **30 días calendario** después de la fecha de esta carta. Puede enviar su solicitud electrónicamente a www.tceq.texas.gov/agency/decisions/cc/comments.html o por correo a la siguiente dirección:

Laurie Gharis, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Procesamiento de solicitudes.

Las solicitudes oportunas para una audiencia de caso impugnado o para la reconsideración de la decisión del director ejecutivo se remitirán al Programa de Resolución Alternativa de Disputas de TCEQ y se incluirán en la agenda de una de las reuniones programadas regularmente de la comisión. Las instrucciones adicionales que explican estos procedimientos se enviarán a la lista de correo adjunta cuando se haya programado esta reunión.

Cómo obtener información adicional.

Si tiene alguna pregunta o necesita información adicional sobre los procedimientos descritos en esta carta, llame al Programa de Educación Pública, al número gratuito, 1-800-687-4040.

Atentamente,



Laurie Gharis
Secretaria Oficial

LG/erg

Recinto

RESPUESTA DEL DIRECTOR EJECUTIVO AL COMENTARIO DEL PÚBLICO
para
R&L Concrete LLC
Permiso estándar de calidad del aire No. 171631

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de R&L Concrete LLC, del permiso estándar de calidad del aire No. 171631. Puede ver e imprimir el documento visitando la Base de Datos Integrada de los Comisionados de TCEQ en el siguiente enlace:

<https://www.tceq.texas.gov/goto/cid>

Para ver el RTC en el enlace anterior, ingrese el número de identificación TCEQ para esta solicitud (171631) y haga clic en el botón "Buscar". Los resultados de la búsqueda mostrarán un enlace al RTC.

Las personas que prefieran una copia por correo del RTC o que tengan problemas para acceder al RTC en el sitio web, deben comunicarse con la Oficina del Secretario Oficial, por teléfono al (512) 239-3300 o por correo electrónico a chiefclk@tceq.texas.gov.

Información adicional

Para obtener más información sobre el proceso de participación pública, puede comunicarse con la Oficina del Asesor de Interés Público al (512) 239-6363 o llamar al Programa de Educación Pública, al número gratuito, (800) 687-4040.

Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios, están disponibles para su revisión en la Oficina Central de TCEQ en Austin, Texas. La solicitud, la decisión preliminar del director ejecutivo y el permiso estándar estarán disponibles para su visualización y copia en la Oficina Central de la TCEQ, la Oficina Regional de la TCEQ Dallas/Fort Worth y la Biblioteca del Condado de Kaufman, 3790 South Houston Street, Kaufman, Kaufman County, Texas 75142. El archivo de cumplimiento de la instalación, si existe alguno, está disponible para su revisión pública en la Oficina Regional de la TCEQ Dallas/Fort Worth. Visite www.tceq.texas.gov/goto/cbp para revisar el permiso estándar.

MAIL LIST / LISTA DE CORREO

for / para

R&L Concrete LLC

Air Quality Standard Permit No. 171631 / Permiso estándar de calidad del aire No. 171631

FOR THE APPLICANT /
PARA EL SOLICITANTE:

Rolando Suarez, Manager
R&L Concrete LLC
907 Royse Ridge Road
Ennis, Texas 75119

Venkata Godasi, Graduate Engineer
Aarc Environmental Inc
2000 West Sam Houston Parkway South
Suite 850
Houston, Texas 77042

INTERESTED PERSONS /
PERSONAS INTERESADAS:

Carol Bourquin
8550 County Road 148
Kaufman, Texas 75142

Cesley Ray Gordon
5615 East US Highway 175
Kaufman, Texas 75142

FOR THE EXECUTIVE DIRECTOR / PARA
EL DIRECTOR EJECUTIVO
via electronic mail /
por correo electrónico:

Ryan Vise, Deputy Director
Texas Commission on Environmental
Quality
External Relations Division
Public Education Program MC-108
P.O. Box 13087
Austin, Texas 78711-3087

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

Alexander Hilla, Technical Staff
Texas Commission on Environmental
Quality
Air Permits Division MC-163
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL /
PARA ABOGADOS DE INTERÉS PÚBLICO
via electronic mail /
por correo electrónico:

Garrett T. Arthur, Attorney
Texas Commission on Environmental
Quality
Public Interest Counsel MC-103
P.O. Box 13087
Austin, Texas 78711-3087

FOR THE CHIEF CLERK /
PARA EL SECRETARIO OFICIAL
via electronic mail
por correo electrónico:

Laurie Gharis, Chief Clerk
Texas Commission on Environmental
Quality
Office of Chief Clerk MC-105
P.O. Box 13087
Austin, Texas 78711-3087

**TCEQ AIR QUALITY STANDARD PERMIT NUMBER CONCRETE BATCH PLANT
REGISTRATION 171631**

APPLICATION BY	§	BEFORE THE
R&L CONCRETE LLC	§	TEXAS COMMISSION ON
CONCRETE BATCH PLANT	§	ENVIRONMENTAL QUALITY
KAUFMAN, KAUFMAN COUNTY	§	

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: Carol Bourquin and Cesley Ray Gordon. 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

R&L Concrete 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 Concrete Batch Plant. The plant is proposed to be located at the following driving directions: from the intersection of Jiba Road 147 and US Highway 175, drive 0.4 miles South on US Highway 175 and the site entrance is on the left side, Kaufman, Kaufman County. Contaminants authorized under this permit include aggregate, cement, particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less and road dust.

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 171631.

The permit application was received on January 30, 2023 and declared administratively complete on February 06, 2023. The Consolidated Notice of Receipt and Intent to Obtain an Air Quality Permit and Notice of Application and Preliminary Decision (public notice) for this permit application was published in English on March 30, 2023, in *The Kaufman Herald* and published in Spanish on March 28, 2023, in *La Prensa Comunidad*. The comment period ended on May 1, 2023. 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.

(Carol Bourquin, Cesley Ray Gordon)

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. 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}). 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.

COMMENT 2: Dust Control/Nuisance

Commenters are concerned about dust generated by the proposed project.

(Carol Bourquin, Cesley Ray Gordon)

RESPONSE 2: The permit application must meet standards outlined in the TCAA and all applicable state and federal rules and regulations. As discussed in Response 1, the technical requirements contained in the Standard Permit are designed to ensure that facilities operating under 30 TAC § 116.611, Registration to Use a Standard Permit, achieve the emission standards determined to be protective of human health and the environment.

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 1. The Standard Permit requires control processes to minimize dust including paving 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 cleaned. The Standard Permit also dictates that water sprays shall be used on the stockpiles to minimize dust emissions, and a three-sided curtain and suction shroud shall be installed at the truck drop point to minimize fly away dust. When a company operates in compliance with the Standard Permit requirements there should be no deterioration of air quality or the generation of dust such that it impacts visibility. 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 or the generation of dust 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 the TCEQ Dallas/Fort Worth Regional Office at 817-588-5800 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186.

COMMENT 3: 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.

(Carol Bourquin, Cesley Ray Gordon)

Quality of Life/Aesthetics/Property Value

Commenter is concerned about the effect of the proposed project on their quality of life, on the aesthetics of the area, and on their property value.

(Carol Bourquin)

RESPONSE 3: The TCEQ does not have jurisdiction to consider plant location, aesthetics, zoning and land use issues, or effects on property values when determining whether to approve or deny this air permit, 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.

COMMENT 4: Water

Commenter is concerned about water contamination and runoff from the proposed project. Commenter is concerned the proposed plant will negatively impact water sources in the area, including groundwater, and a nearby reservoir.

(Carol Bourquin)

RESPONSE 4: 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.

This permit does not authorize the discharge of pollution into a body of water or the storage or handling of hazardous waste. Individuals are encouraged to report environmental concerns, including water quality issues, or suspected noncompliance with the terms of any permit or other environmental regulation by contacting the TCEQ Dallas/Fort Worth Regional Office at 817-588-5800 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. The TCEQ evaluates all complaints received. If the plant is found to be out of compliance with the terms and conditions of the permit, the Applicant will be subject to enforcement action.

COMMENT 5: Notification to Neighbors/EPA

Commenter asked about notification requirements to neighbors and other agencies, such as the EPA and FAA.

(Carol Bourquin)

RESPONSE 5: The TCAA § 382.056 requires that the applicant for this Standard Permit publish notice 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 the 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. The TCEQ adopted rules for these public notice requirements in 30 TAC § 39.603, Public Notice of Air Quality Applications, Newspaper Notice.

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.

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CHANGES MADE IN RESPONSE TO COMMENT

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

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel, Interim Executive Director

Erin E. Chancellor, Director
Office of Legal Services

Charmaine Backens, Deputy Director
Environmental Law Division



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REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY



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TCEQ Commissioners' Integrated Database - All Activity Actions

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Activity Action List:

Date	Document Type	Action
01/19/2024	INTERIM ORDER	MAILED
01/17/2024	INTERIM ORDER	SIGNED
11/22/2023	AGENDA SETTING LTR	MAILED
11/07/2023	TCEQ DOCKET NUMBER	ISSUED
11/07/2023	TCEQ DOCKET NUMBER	REQUESTED
09/20/2023	RFR/HR PERIOD	END
08/21/2023	FINAL DECISION LETTER	MAILED
08/15/2023	RESPONSE TO COMMENTS	RECEIVED
05/16/2023	AVAILABILITY VERIFICATIO	RECEIVED
05/16/2023	ALTERNATIVE LANGUAGE VERIFICATION FORM	RECEIVED
05/01/2023	COMMENT PERIOD	END
03/31/2023	ALTERNATIVE LANGUAGE TEARSHEET	RECEIVED
03/31/2023	ALTERNATIVE LANGUAGE AFFIDAVIT	RECEIVED
03/31/2023	NEWSPAPER TEARSHEET	RECEIVED
03/31/2023	AFFIDAVIT	RECEIVED
03/30/2023	NOTICE OF APPLICATION	PUBLISHED
03/28/2023	ALTERNATIVE LANGUAGE NOTICE	PUBLISHED
03/06/2023	NOTICE OF APPLICATION	MAILED
03/03/2023	NOTICE OF APPLICATION	RECEIVED
02/06/2023	ADMIN REVIEW	COMPLETE
01/30/2023	APPLICATION	RECEIVED

Related Links:



**TCEQ AIR QUALITY STANDARD PERMIT NUMBER CONCRETE BATCH PLANT
REGISTRATION 171631**

APPLICATION BY	§	BEFORE THE
R&L CONCRETE LLC	§	TEXAS COMMISSION ON
CONCRETE BATCH PLANT	§	ENVIRONMENTAL QUALITY
KAUFMAN, KAUFMAN COUNTY	§	

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: Carol Bourquin and Cesley Ray Gordon. 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

R&L Concrete 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 Concrete Batch Plant. The plant is proposed to be located at the following driving directions: from the intersection of Jiba Road 147 and US Highway 175, drive 0.4 miles South on US Highway 175 and the site entrance is on the left side, Kaufman, Kaufman County. Contaminants authorized under this permit include aggregate, cement, particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less and road dust.

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 171631.

The permit application was received on January 30, 2023 and declared administratively complete on February 06, 2023. The Consolidated Notice of Receipt and Intent to Obtain an Air Quality Permit and Notice of Application and Preliminary Decision (public notice) for this permit application was published in English on March 30, 2023, in *The Kaufman Herald* and published in Spanish on March 28, 2023, in *La Prensa Comunidad*. The comment period ended on May 1, 2023. 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.

(Carol Bourquin, Cesley Ray Gordon)

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. 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}). 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.

COMMENT 2: Dust Control/Nuisance

Commenters are concerned about dust generated by the proposed project.

(Carol Bourquin, Cesley Ray Gordon)

RESPONSE 2: The permit application must meet standards outlined in the TCAA and all applicable state and federal rules and regulations. As discussed in Response 1, the technical requirements contained in the Standard Permit are designed to ensure that facilities operating under 30 TAC § 116.611, Registration to Use a Standard Permit, achieve the emission standards determined to be protective of human health and the environment.

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 1. The Standard Permit requires control processes to minimize dust including paving 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 cleaned. The Standard Permit also dictates that water sprays shall be used on the stockpiles to minimize dust emissions, and a three-sided curtain and suction shroud shall be installed at the truck drop point to minimize fly away dust. When a company operates in compliance with the Standard Permit requirements there should be no deterioration of air quality or the generation of dust such that it impacts visibility. 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 or the generation of dust 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 the TCEQ Dallas/Fort Worth Regional Office at 817-588-5800 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186.

COMMENT 3: 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.

(Carol Bourquin, Cesley Ray Gordon)

Quality of Life/Aesthetics/Property Value

Commenter is concerned about the effect of the proposed project on their quality of life, on the aesthetics of the area, and on their property value.

(Carol Bourquin)

RESPONSE 3: The TCEQ does not have jurisdiction to consider plant location, aesthetics, zoning and land use issues, or effects on property values when determining whether to approve or deny this air permit, 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.

COMMENT 4: Water

Commenter is concerned about water contamination and runoff from the proposed project. Commenter is concerned the proposed plant will negatively impact water sources in the area, including groundwater, and a nearby reservoir.

(Carol Bourquin)

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REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

R&L Concrete 171631





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

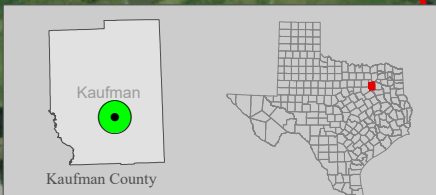
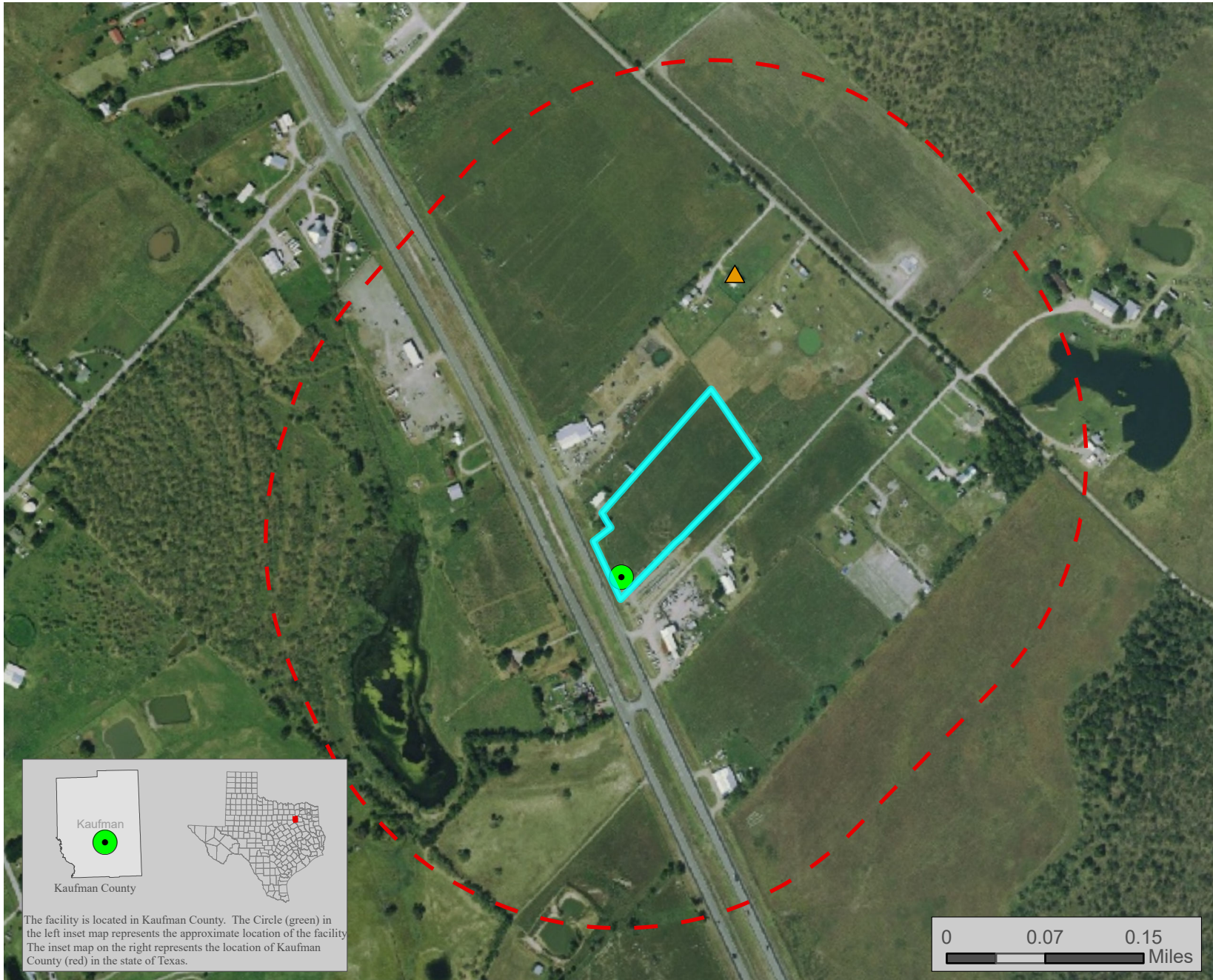


*Protecting Texas by
Reducing and
Preventing Pollution*

Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087
Date: 9/27/2023
CRF 0094909
Cartographer: MAttoh



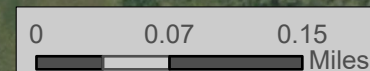
-  Facility Point
-  Carol Bourquin
-  Plant Footprint
-  440 Yards from the Plant footprint



The facility is located in Kaufman 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 Kaufman 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.



R&L Concrete 171631





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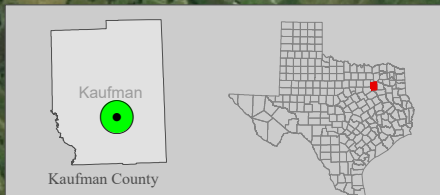
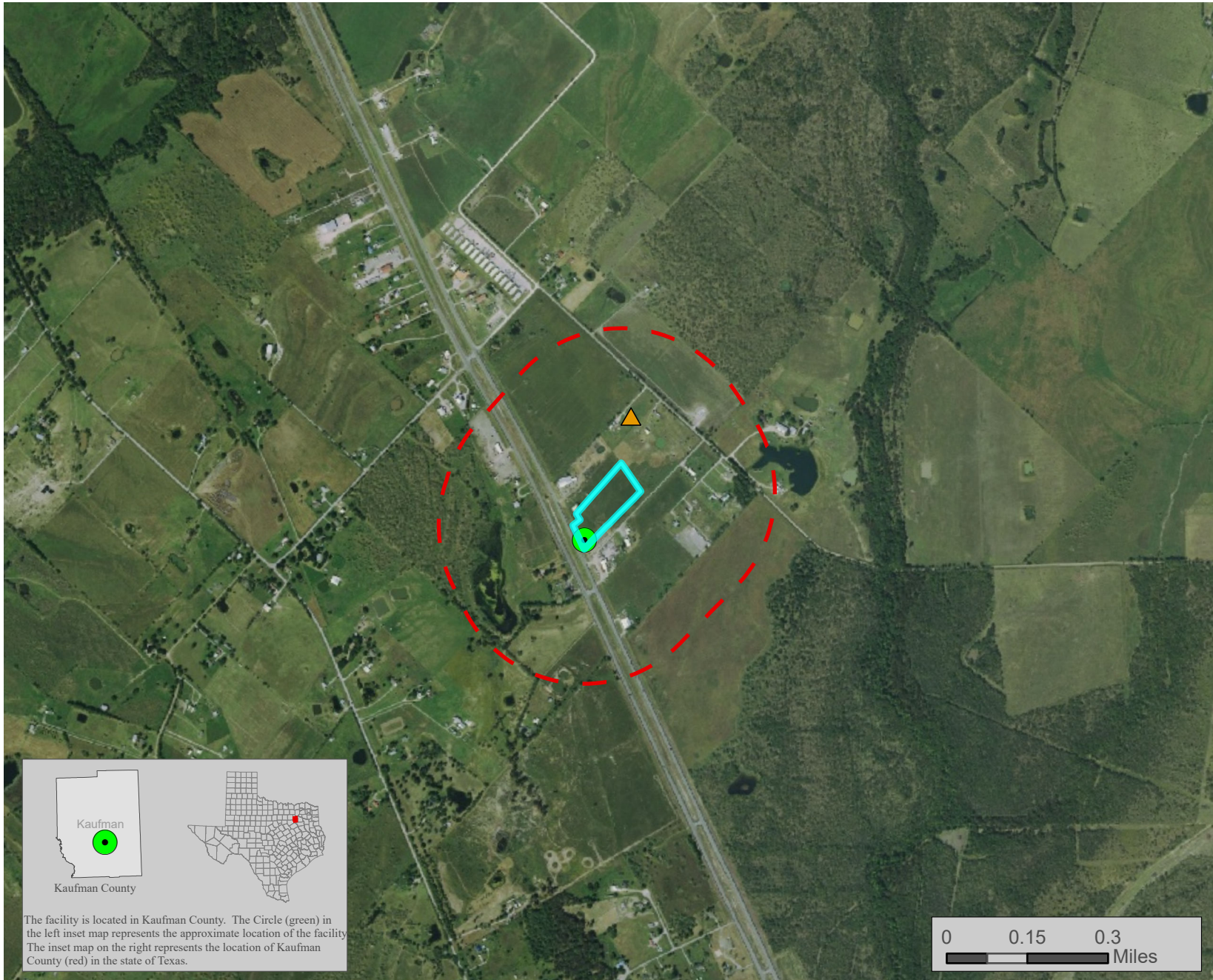


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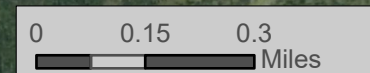
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