

**Texas Commission on Environmental Quality**

**INTEROFFICE MEMORANDUM**

**TO:** Office of Chief Clerk **Date:** December 11, 2025

**FROM:** Katelyn Ding  
Staff Attorney  
Environmental Law Division

**SUBJECT:** Transmittal of Documents for Administrative Record

**Applicant:** Verti-Crete

**Proposed Permit Nos.:** 176289

**Program:** Air

**Docket Nos.:** TCEQ Docket No. 2025-1292-AIR  
SOAH Docket No. 582-26-06288

In a contested case hearing, the administrative record 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, as required by 30 Tex. Admin. Code § 80.118.

This transmittal serves to also 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 indicated below:

- A copy of the Air Quality Standard Permit for Concrete Batch Plants
- The summary of the technical review of the permit application;
- The compliance history of the Applicant;
- The Response to Public Comment (RTC) Transmittal Letter;
- The Executive Director's RTC on the Permit Application;
- The List of Actions from the Commissioner's Integrated Database (CID).

DEC 03 2025

## Air Quality Standard Permit for Concrete Batch Plants

I hereby certify this is a true and correct copy of a  
Texas Commission on Environmental Quality (TCEQ)  
document, which is filed in the Records of the Commission.  
Given under my hand and the seal of office.

**Effective Date: January 24, 2024**

*Laura Menies*  
Alternative Custodian of Records  
Texas Commission on Environmental Quality

### (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 (yd<sup>3</sup>/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<sub>x</sub>, 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 <sup>3</sup> /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 <sup>3</sup> /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 <sup>3</sup> /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 <sup>3</sup> /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 (yd<sup>3</sup>/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 <sup>3</sup> /hr)	Maximum Annual Production Rate (yd <sup>3</sup> /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	Verti-Crete Houston, LLC	Permit Number	176289
City	Missouri City	Project Number	373626
County	Fort Bend	Regulated Entity Number	RN111970471
Project Type	Initial	Customer Reference Number	CN606261493
Project Reviewer	Alexander Hilla	Received Date	May 8, 2024
Site Address	953 Pheasant Valley Drive		

### Project Overview

#### Facility Description:

This is the proposed authorization of a Specialty Central Mix concrete batch plant with a maximum production rate of 20 cubic yards per hour not to exceed 40,000 cubic yards per year in any rolling 12-month period. The facility will be located in Fort Bend County therefore the required setback distance from the nearest drum feed fabric/cartridge filter exhaust, cement/fly ash storage silos, and/or engine to any property line is 100 feet. The applicant has represented the facility will operate up to 8 hours per day, 5 days a week, 50 weeks a year not to exceed 2,000 hours per year.

#### Process Description:

Washed sand and gravel (Aggregate) are to be delivered by trucks and stockpiled at the facility. The stockpiled material 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 hopper and then conveyed to the elevated aggregate bin from where the material will drop into the weigh batcher. The weighed material will drop into the central mixer and then into either rotating drums of mixer trucks or dump trucks.

Cement/Fly ash will be pneumatically conveyed from delivery tankers into three silos. Remaining in total enclosure, the cement will then be gravity dropped from the silo into the cement weigh batcher. The weighed cement will drop into the central mixer and then into either rotating drums of mixer trucks or dump trucks. Particulate matter control of cement dust from the silo will be a vent style bag house. At the central mixer point, the drum feed exhaust will be totally enclosed and all emissions will be vented to a central dust collector.


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.

State of Texas  
County of Travis

DEC 03 2025

I hereby certify this is a true and correct copy of a  
Texas Commission on Environmental Quality (TCEQ)  
document, which is filed in the Records of the Commission.  
Given under my hand and the seal of office.

  
Alternative Custodian of Records  
Texas Commission on Environmental Quality



# Concrete Batch Plant Standard Permit Source Analysis & Technical Review

Permit No. 176289

Regulated Entity No. RN111970471

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## Deficiencies

Has all required information been received by the TCEQ?	<b>Yes</b>
If no, date company notified of deficient items:	<b>NOD sent 05/16/2024</b>
Comments:	<b>Applicant addressed all NOD items on 05/22/2024</b>
Date registration claim complete:	<b>05/22/2024</b>

## Compliance History Evaluation

A compliance history report was reviewed on:	<b>May 25, 2024</b>
Site rating & classification:	<b>N/A</b>
Company rating & classification:	<b>N/A</b>

## Public Notice Information

Requirement	Date
Small Business Source?	No
Legislator letters mailed	5/9/2024
Date consolidated notice published	06/19/2024
Publication Name: <b>Fort Bend Star</b>	
Pollutants: <b>PM, PM<sub>10</sub>, PM<sub>2.5</sub>, Road Dust, Aggregate, Cement</b>	
Date Alternate Language consolidated notice published (if applicable)	06/23/2024
Publication Name (Alternate Language): <b>La Prensa de Houston</b>	
Last Day for Public Comment	12/16/2024
Public notice tearsheet(s) received	06/28/2024
Public notice affidavit(s) received	07/08/2024
Public notice certification of sign posting/application availability received	

## Public Interest

Number of comments received	
Number of meeting requests received	
Number of hearing requests received	
Date meeting held	
Date response to comments filed with OCC	
Date of SOAH hearing	

## Recommendations

**Concrete Batch Plant Standard Permit  
Source Analysis & Technical Review**

Permit No. 176289  
Page 3

Regulated Entity No. RN111970471

All conditions of Standard Permit satisfied?

Final Action:

---

Project Reviewer  
Alexander Hilla

Date

Team Leader  
Joe Nicosia

Date





# Compliance History Report

Compliance History Report for CN606261493, RN111970471, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

<b>Customer, Respondent, or Owner/Operator:</b>	CN606261493, Verti-Crete Houston, LLC	<b>Classification:</b> UNCLASSIFIED	<b>Rating:</b> -----
<b>Regulated Entity:</b>	RN111970471, FORT BEND CBP	<b>Classification:</b> UNCLASSIFIED	<b>Rating:</b> -----
<b>Complexity Points:</b>	0	<b>Repeat Violator:</b>	NO
<b>CH Group:</b>	10 - Cement and Concrete Product Manufacturing		
<b>Location:</b>	953 PHEASANT VALLEY DR MISSOURI CITY, TX 77489-1317, FORT BEND COUNTY		
<b>TCEQ Region:</b>	REGION 12 - HOUSTON		
<b>ID Number(s):</b>			
<b>AIR NEW SOURCE PERMITS</b>	REGISTRATION 176289	<b>WATER QUALITY NON PERMITTED</b>	ID NUMBER WQNP111970471
<b>Compliance History Period:</b>	September 01, 2018 to August 31, 2023	<b>Rating Year:</b>	2023
		<b>Rating Date:</b>	09/01/2023
<b>Date Compliance History Report Prepared:</b>	September 15, 2025		
<b>Agency Decision Requiring Compliance History:</b>	Enforcement		
<b>Component Period Selected:</b>	May 07, 2019 to May 07, 2024		
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>			
<b>Name:</b>	TCEQ Staff Member		<b>Phone:</b> (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):**

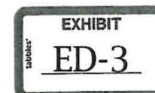
State of Texas  
County of Travis

DEC 03 2025

I hereby certify this is a true and correct copy of a Texas Commission on Environmental Quality (TCEQ) document, which is filed in the Records of the Commission. Given under my hand and the seal of office.

  
Alternative Custodian of Records  
Texas Commission on Environmental Quality

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

Brooke T. Paup, *Chairwoman*  
Bobby Janecka, *Commissioner*  
Catarina R. Gonzales, *Commissioner*  
Kelly Keel, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 8, 2025

State of Texas  
County of Travis

DEC 03 2025

I hereby certify this is a true and correct copy of a Texas Commission on Environmental Quality (TCEQ) document, which is filed in the Records of the Commission. Given under my hand and the seal of office.

*Lauren Mene*

Alternative Custodian of Records  
Texas Commission on Environmental Quality

TO: All interested persons.

RE: Verti-Crete Houston, LLC  
TCEQ Air Quality Standard Permit for  
Concrete Batch Plant Registration No. 176289

### 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](mailto: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. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the TCEQ Houston Regional Office, and at the Fort Bend Chamber of Commerce, 445 Commerce Green Boulevard, Sugar Land, Fort Bend County, Texas 77478. The facility's compliance file, if any exists, is available for public review at the TCEQ Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas. Visit [www.tceq.texas.gov/goto/cbp](http://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 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. Your hearing request 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) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.
- (3) 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."
- (4) 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.

Additionally, 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](http://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 Education Program, toll free, at 1-800-687-4040.

Sincerely,



Laurie Gharis  
Chief Clerk

LG/cb

Enclosure

**EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT**  
**for**  
**Verti-Crete Houston, LLC**  
**TCEQ Air Quality Standard Permit for**  
**Concrete Batch Plant Registration No. 176289**

The Executive Director has made the Response to Public Comment (RTC) for the application by Verti-Crete Houston, LLC for TCEQ Air Quality Standard Permit for Concrete Batch Plant Registration No. 176289 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 (176289) 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](mailto: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), the complete application, the draft permit, and related documents, including comments, are available for review at the TCEQ Central Office in Austin, Texas. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the TCEQ Houston Regional Office, and at the Fort Bend Chamber of Commerce, 445 Commerce Green Boulevard, Sugar Land, Fort Bend County, Texas 77478. The facility's compliance file, if any exists, is available for public review at the TCEQ Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas. Visit [www.tceq.texas.gov/goto/cbp](http://www.tceq.texas.gov/goto/cbp) to review the standard permit.



## COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

*Protegiendo a Texas reduciendo y previniendo la contaminación*

8 de mayo de 2025

TO: Todas las personas interesadas.

RE: Verti-Crete Houston, LLC

Permiso de Estándar de Calidad del Aire TCEQ para Planta de Concreto No. 176289

### **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](mailto: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. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en la Oficina Regional de TCEQ Houston, y en la Cámara de Comercio de Fort Bend, 445 Commerce Green Boulevard, Sugar Land, Fort Bend County, Texas 77478. El expediente de cumplimiento de la instalación, si existe, está disponible para revisión pública en la Oficina Regional de TCEQ Houston, 5425 Polk Street, Suite H, Houston, Texas. Visite [www.tceq.texas.gov/goto/cbp](http://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) El nombre del solicitante, el número de permiso y otros números enumerados anteriormente para que su solicitud pueda procesarse adecuadamente.
- (3) 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".
- (4) 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.

Además, 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 del Estándar de Calidad del Aire para Plantas de Concreto es una persona afectada que tiene derecho a solicitar una audiencia de caso impugnado. La solicitud de audiencia debe declarar 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](http://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/cb  
Recinto

**RESPUESTA DEL DIRECTOR EJECUTIVO AL COMENTARIO DEL PÚBLICO**  
**para**  
**Verti-Crete Houston, LLC**  
**Permiso de Estándar de Calidad del Aire TCEQ para Planta de Concreto**  
**No. 176289**

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de Verti-Crete Houston, LLC del Permiso de Estándar de Calidad del Aire TCEQ para Planta de Concreto No. 176289. 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 (176289) 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](mailto: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. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en la Oficina Regional de TCEQ Houston, y en la Cámara de Comercio de Fort Bend, 445 Commerce Green Boulevard, Sugar Land, Fort Bend County, Texas 77478. El expediente de cumplimiento de la instalación, si existe, está disponible para revisión pública en la Oficina Regional de TCEQ Houston, 5425 Polk Street, Suite H, Houston, Texas. Visite [www.tceq.texas.gov/goto/cbp](http://www.tceq.texas.gov/goto/cbp) para revisar el permiso estándar.

MAILING LIST / LISTA DE CORREO

for / para

Verti-Crete Houston, LLC

Permiso de Estándar de Calidad del Aire TCEQ para Planta de Concreto No. 176289

FOR THE APPLICANT /  
PARA EL SOLICITANTE:

Lindsey Marsters, Project Manager  
Verti-Crete Houston, LLC  
931 Pheasant Valley Drive  
Missouri City, Texas 77489

Anna De La Garza, Consultant  
Edge Engineering and Science  
16285 Park Ten Place, Suite 300  
Houston, Texas 77084

INTERESTED PERSONS /  
PERSONAS INTERESADAS:

See attached list / ver lista adjunta

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

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

Alexander Hill, 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

ADEBIYI , MORAYO GLORIA  
2907 ASHMONT DR  
MISSOURI CITY TX 77459-2112

AHMED , HUMA REGULATORY DIVISON CHIEF  
FORT BEND COUNTY ATTORNEY'S OFFICE  
3RD FL  
401 JACKSON ST  
RICHMOND TX 77469-3110

ANDERSON , MARTINA  
904 CIRCLE BEND DR  
MISSOURI CITY TX 77489-1513

ANDERSON , DOMINIQUE  
12431 S GARDEN ST  
HOUSTON TX 77071-2925

ANDERSON , MS ENA  
1935 GRAY SLATE DR  
MISSOURI CITY TX 77489-4141

ANDERSON , MRS GUANGPEI  
904 CIRCLE BEND DR  
MISSOURI CITY TX 77489-1513

ARMSTRONG , LARRY  
1007 BOLTON DR  
MISSOURI CITY TX 77489-1500

ARVIE , MIYOSHI  
1220 BUFFALO RUN  
MISSOURI CITY TX 77489-1626

BAILEY , LEONARD  
7823 CHASEVIEW DR  
MISSOURI CITY TX 77489-1827

BAILEY , PHYLLIS J  
PJB PUBLIC RELATIONS CONSULTING  
7823 CHASEVIEW DR  
MISSOURI CITY TX 77489-1827

BAKER , SAMUEL D  
3102 APPLE DR  
MISSOURI CITY TX 77459-3456

BALLOW , REBECCA  
3202 OAK BOUGH  
MISSOURI CITY TX 77459-4654

BARNES , MRS SKITTENO R  
907 KENFOREST DR  
MISSOURI CITY TX 77489-2136

BEAL , TAMEISHA  
8302 BLUE QUAIL DR  
MISSOURI CITY TX 77489-5373

BELL , VERNICE A  
15210 STEEPLE CHASE RD  
MISSOURI CITY TX 77489-2323

BELLO , CARRISA  
16510 QUAIL BRIAR DR  
MISSOURI CITY TX 77489-5728

BELLO , CYNTHIA  
16510 QUAIL BRIAR DR  
MISSOURI CITY TX 77489-5728

BENTON , CHARLENE  
PO BOX 864  
MISSOURI CITY TX 77459-0864

BENTON , MS CHARLENE DENISE  
1442 HUNTERS PARK DR  
MISSOURI CITY TX 77489-1612

BENTON , MR CHARLES  
PO BOX 1217  
MISSOURI CITY TX 77459-1217

BERMUDEZ-HACKETT , JOCELYN  
16519 QUAIL MEADOW DR  
MISSOURI CITY TX 77489-5395

BERTRAND , JAMI  
202  
7070 KNIGHTS CT  
MISSOURI CITY TX 77459-5225

BIEKMAN , GINA  
11831 GATLINBURG DR  
HOUSTON TX 77031-2310

BOGANY , SHAD  
HAR  
2727 CREEK TERRACE DR  
MISSOURI CITY TX 77459-2353

BOGANY , ROBERTA  
16718 RUNNING QUAIL CT  
MISSOURI CITY TX 77489-5330

BOWDEN , CHRISTI  
931 PHEASANT VALLEY DR  
MISSOURI CITY TX 77489-1322

BRADLEY , ELEANOR  
8419 LONE QUAIL DR  
MISSOURI CITY TX 77489-5339

BROWN , STEPHANIE  
1206 BLUE DIAMOND DR  
MISSOURI CITY TX 77489-4192

BROWN , DR. DANIKA M  
RICE UNIVERSITY  
926 CIRCLE BEND DR  
MISSOURI CITY TX 77489-1513

BURLEY , VIVIAN  
1138 MOSSRIDGE DR  
MISSOURI CITY TX 77489-4129

BUSH , JANICE  
8507 QUAIL CREST DR  
MISSOURI CITY TX 77489-5351

BUSH , MRS STEPHANIE  
807 PINE MEADOW DR  
MISSOURI CITY TX 77489-1307

BUXTON , JANAI  
911 PINE MEADOW DR  
MISSOURI CITY TX 77489-1309

CALLOWAY , MR LEROY  
1106 BOLTON DR  
MISSOURI CITY TX 77489-1522

CARCAMO , SONIA  
1011 BOLTON DR  
MISSOURI CITY TX 77489-1500

CASADOS-KLEIN , CASSANDRA  
6915 SHERMAN ST  
HOUSTON TX 77011-3623

CENTERO , JUNIOR  
1202 EVERGREEN ST  
FRESNO TX 77545-7678

CHAMBERS , MISS C  
1715 CARRIAGE RUN CT  
FRESNO TX 77545-8701

CHARLESTON , ROSE  
2522 MORNING MEADOW DR  
MISSOURI CITY TX 77489-4221

CHATMAN , TRAMAINÉ  
1616 TOWNHOME LN  
MISSOURI CITY TX 77459-2798

CHOWDHURY , ASIF  
16131 CROOKED ARROW DR  
SUGAR LAND TX 77498-7520

CLAIRBOURNE , LADY  
1220 BUFFALO RUN  
MISSOURI CITY TX 77489-1626

CLAUSELL , SHERRI  
6910 THORNWILD RD  
MISSOURI CITY TX 77489-2647

CLEMENT , CHARLENE  
7711 GOLDEN RUBIA LN  
ROSHARON TX 77583-4907

COLLINS , KEVIN  
14503 CHASE VILLAGE DR  
MISSOURI CITY TX 77489-1825

CONCERNED CITIZEN ,  
6120 BELLAIRE BLVD  
HOUSTON TX 77081-4900

CONWAY JR , EARL J  
1218 CRESTMONT PLACE LOOP  
MISSOURI CITY TX 77489-1455

COOPER , BELINDA  
943 CIRCLE BEND DR  
MISSOURI CITY TX 77489-1514

COOPER , MS RODGRICIA  
2010 GREENWEST DR  
MISSOURI CITY TX 77489-4010

COURSEY , ELENOR  
1119 CIRCLE BEND DR  
MISSOURI CITY TX 77489-1519

COYLE , DAREUS  
15223 RIDINGWOOD DR  
MISSOURI CITY TX 77489-2302

COYLE SR , MR DAREUS  
15223 RIDINGWOOD DR  
MISSOURI CITY TX 77489-2302

CRAMER , RAMONA P  
943 CIRCLE BEND DR  
MISSOURI CITY TX 77489-1514

CREAR , DR. CECILIA  
1523 GREENDALE DR  
MISSOURI CITY TX 77489-5249

CRONIN , WILLIAM A  
902 PINE MEADOW DR  
MISSOURI CITY TX 77489-1310

CROSS , BRANDI  
FORT BEND ISD  
6918 TRIGATE DR  
MISSOURI CITY TX 77489-3441

CROWDER , BRYAN K  
FAIRPLAY OFFICIATING  
1539 NICHOLE WOODS DR  
HOUSTON TX 77047-4445

D'SOUZE , ANTHONY  
APT 4105  
2121 ALLEN PKWY  
HOUSTON TX 77019-2499

DANIELS , GLORIA  
1407 HOLLOWOOD LN  
MISSOURI CITY TX 77489-3106

DAVIS , ELLA  
2403 DOVERGLEN DR  
MISSOURI CITY TX 77489-4212

DAVIS , IVEY  
1254 BEECHBEND DR  
MISSOURI CITY TX 77489-4176

DELGADO , NICANDRO  
5034 BATAAN RD  
HOUSTON TX 77033-2606

DERRICK , RAYMOND  
923 CIRCLE BEND DR  
MISSOURI CITY TX 77489-1514

DIXON , RAY  
3118 MEADOWCREEK DR  
MISSOURI CITY TX 77459-2001

DUKES , ANN  
907 BOLTON DR  
MISSOURI CITY TX 77489-1523

DURHAM , CAROLYN  
947 CIRCLE BEND DR  
MISSOURI CITY TX 77489-1514

EARLES , DAWN E  
2312 ROSEDALE ST  
HOUSTON TX 77004-6074

EDWARDS , EGINA  
1522 TEXAS PKWY  
MISSOURI CITY TX 77489-2170

EDWARDS , IVORY  
I  
2138 RITTENMORE DR  
MISSOURI CITY TX 77489-4232

EMANUEL , ROCHELLE N  
RAYTHEON  
1126 MESA VERDE DR  
MISSOURI CITY TX 77489-1503

EPEGA , KELLY L  
MARSHALL HIGH SCHOOL FBISD  
1510 MEADOW HILL DR  
SUGAR LAND TX 77479-4067

ESCOBAR , HENRY  
1103 MESA VERDE DR  
MISSOURI CITY TX 77489-1504

ESCOBAR, HENRY & GARCIA, RAQUEL  
1103 MESA VERDE DR  
MISSOURI CITY TX 77489-1504

EVANS , JAMES  
1014 BOLTON DR  
MISSOURI CITY TX 77489-1509

FERNANDES , VINCENT  
3826 GRAND OAK CT  
MISSOURI CITY TX 77459-2374

FIGUEROA , SOPHIE ANN  
918 CIRCLE BEND DR  
MISSOURI CITY TX 77489-1513

FORD , JEANNINE  
919 MANORGLN DR  
MISSOURI CITY TX 77489-4183

FOUNTAIN , KEN  
2415 VALLEY BEND DR  
MISSOURI CITY TX 77489-6028

GALLOWAY II , MICHAEL  
2306 ASHMONT DR  
MISSOURI CITY TX 77489-6025

GARCIA , RAQUEL SARAHI  
1103 MESA VERDE DR  
MISSOURI CITY TX 77489-1504

GARMOND , ROSE T  
1419 ELKWOOD DR  
MISSOURI CITY TX 77489-1611

GARZA , HAM  
926 PINE MEADOW DR  
MISSOURI CITY TX 77489-1310

GAVIA , NOEMI  
13027 JAMES LN  
STAFFORD TX 77477-4516

GONALAKIS , MARILYN  
1126 CIRCLE BEND DR  
MISSOURI CITY TX 77489-1510

GONZALEZ CORDOVI , VIOLENA  
1130 CIRCLE BEND DR  
MISSOURI CITY TX 77489-1510

GOODE , KENNETH  
1807 PINE HOLLOW DR  
MISSOURI CITY TX 77489-3140

GRANADOS , GENESIS  
2520 CAROLINE ST  
HOUSTON TX 77004-1000

GRAY , ESHERLONDA  
16327 QUAILYNN CT  
MISSOURI CITY TX 77489-5409

GREGORY , MATT  
9914 LARSTON ST  
HOUSTON TX 77055-6122

GUERRERO , SIRIA M  
1220 BUFFALO RUN  
MISSOURI CITY TX 77489-1626

GUEVARA , NICK  
1711 PAMELA LN  
MISSOURI CITY TX 77489-1400

GUTIERREZ , ISAI  
922 BOLTON DR  
MISSOURI CITY TX 77489-1524

GUY , DEIDRE  
1908 VILLAGE PARK DR  
MISSOURI CITY TX 77489-2909

GWACCHMAI , JUSTIN  
1030 HAYDEN CREEK DR  
SUGAR LAND TX 77479-5315

HADAYIA , JENNIFER M  
AIR ALLIANCE HOUSTON  
STE 100  
2520 CAROLINE ST  
HOUSTON TX 77004-1000

HALL-JONES JONES , MRS PATRICIA  
1222 WESLEY DR  
STAFFORD TX 77477-6492

HARRISON , CARL BROCK  
1123 GRAND PARK DR  
MISSOURI CITY TX 77489-3125

HAWKINS , DE MISHA  
2018 POCO DR  
MISSOURI CITY TX 77489-5937

HENDERSON , SHEENA  
804 MOCKINGBIRD LN  
MISSOURI CITY TX 77489-1520

HERBERT , MRS LISA ANN  
915 BOLTON DR  
MISSOURI CITY TX 77489-1523

HILDRETH , MS SHAWN  
2226 MOUNTSHIRE DR  
MISSOURI CITY TX 77489-3268

HO , LINH  
1111 CIRCLE BEND DR  
MISSOURI CITY TX 77489-1519

HUGHES , WYVETTE  
2311 HAMMERWOOD DR  
MISSOURI CITY TX 77489-4138

HUMPHREY , MARSHA  
2206 PATRIOT BND  
MISSOURI CITY TX 77489-1165

HUSTON , ROSS  
1118 CIRCLE BEND DR  
MISSOURI CITY TX 77489-1510

HYDER , RENE  
14719 CHASE VILLAGE DR  
MISSOURI CITY TX 77489-1839

IYAMU , E. JOYCE  
CITY OF MISSOURI CITY  
1522 TEXAS PKWY  
MISSOURI CITY TX 77489-2170

JACKSON , YVONNE  
8414 BLUE QUAIL DR  
MISSOURI CITY TX 77489-5337

JOHNSON , AMBER  
2722 MAYBROOK HOLLOW LN  
HOUSTON TX 77047-6200

JOHNSON , C  
16807 QUAIL CREST CT  
MISSOURI CITY TX 77489-5383

JOHNSON , ERYN MICHELLE  
809 MOCKINGBIRD LN  
MISSOURI CITY TX 77489-1521

JOHNSON , GAIL  
602 SABERWOOD DR  
MISSOURI CITY TX 77489-4240

JOHNSON-OVERALL , LINDA GAY BLACK  
15123 CAROL CHASE CIR  
MISSOURI CITY TX 77489-2318

JONES , ANNIE  
515 SABERWOOD DR  
MISSOURI CITY TX 77489-4239

JONES , MICHELLE  
1615 TOWER GROVE CT  
MISSOURI CITY TX 77489-2150

JONES , MR RICHARD L  
1222 WESLEY DR  
STAFFORD TX 77477-6492

JONHNSON , GAIL  
602 SABERWOOD DR  
MISSOURI CITY TX 77489-4240

KELLY , ORELIA  
2002 MACKENZE WAY  
MISSOURI CITY TX 77489-3176

KING JR , HOWARD E  
2418 TURTLE CREEK DR  
MISSOURI CITY TX 77459-3302

KING JR , HOWARD E  
1118 MESA VERDE DR  
MISSOURI CITY TX 77489-1503

KUKKALLI , MEDHA  
APT 27  
2100 TANGLEWILDE ST  
HOUSTON TX 77063-1291

LAND , EVERETT  
806 FOXGLOVE DR  
MISSOURI CITY TX 77489-3238

LARA , YOLANDA  
811 BULL LN  
MISSOURI CITY TX 77489-1206

LAVERGNE , THELISA D  
AIR ALLIANCE HOUSTON  
1939 SEVILLE MNR  
FRESNO TX 77545-2150

LAWRENCE , LINDA M  
2306 ASHMONT DR  
MISSOURI CITY TX 77489-6025

LENTON-GARY , DR. CYNTHIA  
1311 MOSSRIDGE DR  
MISSOURI CITY TX 77489-4126

LEWIS , PETE  
805 BULL LN  
MISSOURI CITY TX 77489-1206

LIBERMAN , ANN  
3618 MARONEAL ST  
HOUSTON TX 77025-1325

LOCKSTEDT , LORI  
1106 CIRCLE BEND DR  
MISSOURI CITY TX 77489-1510

LOVE , MARINEL  
1102 CIRCLE BEND DR  
MISSOURI CITY TX 77489-1510

LOWE , JAMAILAH  
1906 DORIS CT  
MISSOURI CITY TX 77489-3170

LYONS , DAMITA  
8518 QUAIL CROFT DR  
MISSOURI CITY TX 77489-5338

MALONE , MICHAEL L  
1114 BOLTON DR  
MISSOURI CITY TX 77489-1522

MARTINEZ , MONIKA  
1131 CIRCLE BEND DR  
MISSOURI CITY TX 77489-1519

MCBRIDE , FERN  
1819 GREENWEST DR  
MISSOURI CITY TX 77489-4032

MCCORMICK , MR & MRS  
903 BOLTON DR  
MISSOURI CITY TX 77489-1523

MCCORMICK SR , MR JESSIE  
903 BOLTON DR  
MISSOURI CITY TX 77489-1523

MCGAHEY , NANCY R  
13102 FRANK LN  
STAFFORD TX 77477-4514

MENDOZA , SANDRA  
1107 CIRCLE BEND DR  
MISSOURI CITY TX 77489-1519

MERRITTE , DIANA  
1806 HALSTEAD ST  
MISSOURI CITY TX 77489-3108

MILES , THE HONORABLE BORRIS L STATE  
SENATOR  
TEXAS STATE SENATE DISTRICT 13  
PO BOX 12068  
AUSTIN TX 78711-2068

MILES , THE HONORABLE BORRIS L STATE  
SENATOR  
TEXAS STATE SENATE DISTRICT 13  
STE A  
5302 ALMEDA RD  
HOUSTON TX 77004-7440

MILLER , DENISE  
1447 HUNTERS PARK DR  
MISSOURI CITY TX 77489-1600

MITCHELL , MICHAEL  
1302 LEXINGTON BLVD  
MISSOURI CITY TX 77489-2176

MITCHELL , LONDON  
BLUESKY GLOBAL  
817 E MAIN ST  
TOMBALL TX 77375-6722

MOLINA , MRS ANA LILIA  
1917 SHORELINE DR  
MISSOURI CITY TX 77459-1684

MORENO , ORALIA  
939 CIRCLE BEND DR  
MISSOURI CITY TX 77489-1514

MOSELY , ERIN  
915 FOXGLOVE DR  
MISSOURI CITY TX 77489-3255

MULLINS , MICHELLE  
2327 RIVER VALLEY DR  
MISSOURI CITY TX 77489-5011

MULLINS , SUSAN  
2327 RIVER VALLEY DR  
MISSOURI CITY TX 77489-5011



NARCISSE , JOE  
1010 BOLTON DR  
MISSOURI CITY TX 77489-1509

NEWELL , SHANDRA  
1719 TEAL RUN PLACE DR  
FRESNO TX 77545-8729

NOYOLA , MARTHA  
934 CIRCLE BEND DR  
MISSOURI CITY TX 77489-1513

OLIVER , LINDA  
1115 CIRCLE BEND DR  
MISSOURI CITY TX 77489-1519

OUDERKIRK , JOANNA  
1727 SHORELINE DR  
MISSOURI CITY TX 77459-1681

PARKER , DOUGLAS  
2038 WATERFALL DR  
MISSOURI CITY TX 77489-5031

PARKS , WILLIAM  
803 BULL LN  
MISSOURI CITY TX 77489-1206

PATTERSON , KELLEN  
8327 BLOSSOM BELL LN  
MISSOURI CITY TX 77489-6208

PATTERSON , MITZI  
8327 BLOSSOM BELL LN  
MISSOURI CITY TX 77489-6208

PHAM , VI  
13014 FRANK LN  
STAFFORD TX 77477-4512

PIERRE , MR RONALD  
12727 WATER OAK DR  
MISSOURI CITY TX 77489-3903

PINA , VERONICA  
5030 RIDGEWEST ST  
HOUSTON TX 77053-3632

PLEASANT , SHANNON  
2306 ASHMONT DR  
MISSOURI CITY TX 77489-6025

PONDER , FREDERICK EARL  
1719 PAMELA LN  
MISSOURI CITY TX 77489-1400

QUICK , CARMON  
16807 QUAIL CREST CT  
MISSOURI CITY TX 77489-5383

RAINWATER , WILLIE  
16410 QUAIL PARK DR  
MISSOURI CITY TX 77489-5705

RAMIREZ , LILLIAN  
1238 CRESTMONT PLACE LOOP  
MISSOURI CITY TX 77489-1455

RANDOLPH , GERALENE  
8203 DAWN QUAIL CT  
MISSOURI CITY TX 77489-5421

RAY , MR WALTER  
1220 BUFFALO RUN  
MISSOURI CITY TX 77489-1626

REED , ALBERT  
2311 VALLEY BEND DR  
MISSOURI CITY TX 77489-6030

RILEY , MONICA  
1522 TEXAS PKWY  
MISSOURI CITY TX 77489-2170

ROBINSON , DONALD R  
930 CIRCLE BEND DR  
MISSOURI CITY TX 77489-1513

RODRIGUEZ , BETHINA  
1015 COLUMBIA BLUE DR  
MISSOURI CITY TX 77489-3090

ROMAINE , THOMAS  
1110 CIRCLE BEND DR  
MISSOURI CITY TX 77489-1510

ROSE , DANIEL  
1455 HUNTERS PARK DR  
MISSOURI CITY TX 77489-1600

SCHOFIELD , JANET  
1847 TERRENCE DR  
STAFFORD TX 77477-6427

SCHULZ , HALEY  
5838 BANYAN OAK CT  
RICHMOND TX 77407-1510

SHERMAN , VERA  
16315 CLAY PIGEON CT  
MISSOURI CITY TX 77489-5319

SHIELDS , MS TORRENUS SHEMIKA  
1117 MESA VERDE DR  
MISSOURI CITY TX 77489-1504

SIMMONS , ANNETTE  
1126 MESA VERDE DR  
MISSOURI CITY TX 77489-1503

SINGLETON , LONDA & PERCY  
3807 PANORAMA DR  
MISSOURI CITY TX 77459-4401

SMITH , DENNIS  
2011 WILDWOOD RIDGE DR  
MISSOURI CITY TX 77489-2917

SMITH , GLORIA P  
8622 QUAILMONT DR  
MISSOURI CITY TX 77489-5352

SMITH , CATHY  
15311 TIMBERLEA DR  
MISSOURI CITY TX 77489-2406

SMITH , DIANNA  
3806 W VALLEY DR  
MISSOURI CITY TX 77459-4310

SMITH , SHIRLEY  
16711 LONE QUAIL CT  
MISSOURI CITY TX 77489-5711

SMITH , TORRENCE  
MARSHALL HIGH SCHOOL  
1200 BUFFALO RUN  
MISSOURI CITY TX 77489-1626

SMITH-LAWSON , BRIDGETTE COUNTY ATTORNEY  
  
FORT BEND COUNTY  
FL 3  
401 JACKSON ST  
RICHMOND TX 77469-3110

SPENCER , MR HORACE  
914 BOLTON DR  
MISSOURI CITY TX 77489-1524

SPENCER , MRS TRACY  
914 BOLTON DR  
MISSOURI CITY TX 77489-1524

SPENCER , TRINITY  
914 BOLTON DR  
MISSOURI CITY TX 77489-1524

STUMP , MARLENE  
1522 TEXAS PKWY  
MISSOURI CITY TX 77489-2170

SULLIVAN , ALLISON  
1102 MESA VERDE DR  
MISSOURI CITY TX 77489-1503

SULLIVAN , KAREN  
1102 MESA VERDE DR  
MISSOURI CITY TX 77489-1503

SULLIVAN , MEAGAN  
1102 MESA VERDE DR  
MISSOURI CITY TX 77489-1503

SULLIVAN , MICHAEL  
1102 MESA VERDE DR  
MISSOURI CITY TX 77489-1503

TEZENO , MRS LOUWILDA  
903 BOLTON DR  
MISSOURI CITY TX 77489-1523

THOMAS , DONNA  
FORT BEND COUNTY ENVIRONMENTAL  
16110 BOOT RIDGE RD  
HOUSTON TX 77053-4727

THOMAS , JONATHAN  
5150 INDIGO ST  
HOUSTON TX 77096-1414

THOMAS , SAM  
1123 BOLTON DR  
MISSOURI CITY TX 77489-1522

THOMPSON , ANTOINETTE  
24330 PALM COCKATOO DR  
HOCKLEY TX 77447-7671

THORNBORROW , KRISTIN  
1127 BOLTON DR  
MISSOURI CITY TX 77489-1522

THORNBORROW , ROBERT  
1127 BOLTON DR  
MISSOURI CITY TX 77489-1522

TRUMMER , MARGARET  
10627 DOUD ST  
HOUSTON TX 77035-3205

TWINE , L E  
1015 BOLTON DR  
MISSOURI CITY TX 77489-1500

UWAGA-SANDERS , DR. OGECHI  
THURGOOD MARSHALL HS  
1220 BUFFALO RUN  
MISSOURI CITY TX 77489-1626

VAN , RAYMONNY  
1109 ADAMS ST  
MISSOURI CITY TX 77489-1501

VARGA , SHAUN  
13102 FRANK LN  
STAFFORD TX 77477-4514

WADE , MS ANASTASIA  
2007 FOXHILL DR  
MISSOURI CITY TX 77489-5926

WAITS , MS LAMONT  
1867 TEXAS PKWY  
MISSOURI CITY TX 77489-2261

WAITS , NICOYA  
1767 TEXAS PKWY  
MISSOURI CITY TX 77489-2183

WALL , GLENDA  
15107 CHASEHILL DR  
MISSOURI CITY TX 77489-2332

WALL , RYDER  
27222 FULSHEAR BEND DR  
FULSHEAR TX 77441-1195

WAN , MICHELLE  
4902 MULBERRY CIR  
MISSOURI CITY TX 77459-4078

WARREN , SHARDA  
8307 QUAIL SHOT DR  
MISSOURI CITY TX 77489-5323

WASHINGTON , EBONY  
15919 PRYOR DR  
MISSOURI CITY TX 77489-3331

WILLIAMS , JAMES  
1220 BUFFALO RUN  
MISSOURI CITY TX 77489-1626

WILLIAMS , JENNIFER  
1018 CIRCLE BEND DR  
MISSOURI CITY TX 77489-1511

WILLIAMS , LAWRENCE  
919 CIRCLE BEND DR  
MISSOURI CITY TX 77489-1514

WOOD , NORMAN  
942 ECHO CREEK DR  
MISSOURI CITY TX 77489-1508

WRIGHT , TYNISHA  
906 PINE MEADOW DR  
MISSOURI CITY TX 77489-1310

WRIGHT , XAVIER  
906 PINE MEADOW DR  
MISSOURI CITY TX 77489-1310

WRIGHT , KATRICE  
1135 CIRCLE BEND DR  
MISSOURI CITY TX 77489-1519

WRIGHT SR , XAVIER L  
906 PINE MEADOW DR  
MISSOURI CITY TX 77489-1310

WYCHE , CATHRYN  
1119 BOLTON DR  
MISSOURI CITY TX 77489-1522

YEAGER , ANN  
2403 QUAIL VALLEY EAST DR  
MISSOURI CITY TX 77459-3329

YOUNG , RUBY  
1802 HALSTEAD ST  
MISSOURI CITY TX 77489-3108

**TCEQ AIR QUALITY STANDARD PERMIT NUMBER CONCRETE BATCH PLANT  
REGISTRATION 176289**

<b>APPLICATION BY</b>	<b>§</b>	<b>BEFORE THE</b>
<b>VERTI-CRETE HOUSTON, LLC</b>	<b>§</b>	
<b>CONCRETE BATCH PLANT</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>MISSOURI CITY, FORT BEND</b>	<b>§</b>	
<b>COUNTY</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>

**EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT**

The Executive Director of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Public Comment (Response) on the Standard Permit application and Executive Director's preliminary decision.

As required by Title 30 Texas Administrative Code (TAC) § 55.156, before an application is approved, the Executive Director prepares a response to all timely, relevant and material, or significant comments. The Office of Chief Clerk received timely comments from the following persons: Senator Borris L. Miles (Texas, District 13), Morayo Gloria Adebisi, Huma Ahmed (Fort Bend County Attorney Office), Dominique Anderson, Martina Anderson, Ena Anderson, Guangpei Anderson, Larry Armstrong, Miyoshi Arvie, Phyllis J. Bailey, Samuel D. Baker, Rebecca Ballow, Skitteno R. Barnes, Tameisha Beal, Charlene Denise Benton, Charles Benton, Jocelyn Bermudez-Hackett, Jami Bertrand, Gina Biekman, Roberta Bogany, Shad Bogany, Christi Bowden, Eleanor Bradley, Danika M. Brown, Stephanie Brown, Janice Bush, Stephanie Bush, Janai Buxton, Leroy Calloway, Sonia Carcamo, Junior Centro, C. Chambers, Rose Charleston, Tramaine Chatman, Asif Chowdhury, Lady Clairbourne, Earl J. Conway, Belinda Cooper, Rodgricia Cooper, Violena Gonzalez Cordovi, Elenor Coursey, Dareus Coyle, Ramona P. Cramer, Cecilia Crear, William A. Cronin, Brandi Cross, Bryan K. Crowder, Gloria Daniels, Ella Davis, Ivey Davis, Nicandro Delgado, Raymond Derrick, Ray Dixon, Anthony D'Souze (Air Alliance Houston), Ann Dukes, Carolyn Durham, Dawn E. Earles, Ivory Edwards, Rochelle N. Emanuel, Kelly L. Epega, Henry Escobar, James Evans, Vincent Fernandes, Sophie Ann Figueroa, Jeannine Ford, Michael Galloway, Raquel Garcia, Raquel Sarahi Garcia, Rose T. Garmond, Ham Garza, Noemi Gavia, Marilyn Gonalakis, Kenneth Goode, Esherlonda Gray, Matt Gregory, Siria M. Guerrero, Isai Gutierrez, Deidre Guy, Justin Gwacchmai, Jennifer M. Hadayia (Air Alliance Houston), Carl Brock Harrison, De Misha Hawkins, Sheena Henderson, Lisa Ann Herbert, Shawn Hildreth, Linh Ho, Wyvette Hughes, Marsha Humphrey, Ross Huston, Rene Hyder, E. Joyce Iyamu, Yvonne Jackson, Amber Johnson, C. Johnson, Eryn Michelle Johnson, Gail Johnson, Linda Gay Black Johnson-Overall, Michelle Jones, Patricia Hall-Jones, Richard L. Jones, Orelia Kelly, Howard E. King, Medha Kukkalli, Yolanda Lara, Linda M. Lawrence, Cynthia Lenton-Gary, Pete Lewis, Ann Liberman, Lori Lockstedt, Marinel Love, Jamailah Lowe, Michael L. Malone, Monika Martinez, Fern McBride, Jessie McCormick, Nancy R. McGahey, Sandra Mendoza, Diana Merritte, Denise Miller, Landon Mitchell, Michael Mitchell, Ana Lilia Molina, Oralia Moreno, Erin Mosely, Michelle Mullins, Joe Narcisse, Shandra Newell, Martha Noyola, Linda Oliver, Joanna Ouderkirk, Douglas Parker, William Parks, Vi Pham, Ronald Pierre, Veronica Pina (Fort Bend County Environmental Organization), Shannon Pleasant, Frederick Earl Ponder, Carmon Quick, Willie Rainwater, Geralene Randolph, Walter Ray, Monica Riley, Donald R. Robinson, Bethina Rodriguez, Donaldo Leon Romero Souto (Concerned Citizen), Daniel

Rose, Janet Schofield, Haley Schulz (Public Citizen), Torrenus Shemika Shields, Annette Simmons, Cathy Smith, Shirley Smith, Torrence Smith, Dianna Smith, Gloria P. Smith, Bridgette Smith-Lawson (Fort Bend County Attorney Office), Horace Spencer, Tracy Spencer, Trinity Spencer, Marlene Stump, Allison Sullivan, Meagan Sullivan, Michael Sullivan, Karen Sullivan, Louwilda Tezeno, Donna Thomas (Fort Bend County Environmental Organization), Sam Thomas, Jonathan Thomas, Antoinette Thompson, Kristin Thornborrow, Robert Thornborrow, Margaret Trummer, L. E. Twine, Ogechi Uwaga-Sanders, Raymonny Van, Shaun Varga, Anastasia Wade, Lamont Waits, Nicoya Waits, Ryder Wall, Michelle Wan, Sharda Warren, Ebony Washington, James Williams, Jennifer Williams, Lawrence Williams, Norman Wood, Katrice Wright, Tynisha Wright, Xavier L. Wright, Cathryn Wyche, Ann Yeager. 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 TCEQ can be found at our website at [www.tceq.texas.gov](http://www.tceq.texas.gov).

## **BACKGROUND**

### Description of Facility

Verti-Crete Houston, LLC (Applicant) has applied to TCEQ for a Standard Permit under Texas Clean Air Act (TCAA), Texas Health and Code (THSC) § 382.05195. This will authorize the construction of a new facility that may emit air contaminants.

This permit will authorize the Applicant to construct a Concrete Batch Plant. The facility is located at 953 Pheasant Valley Drive, Missouri City, Fort Bend County. Contaminants authorized under this permit include aggregate, cement, road dust, and 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 176289.

The permit application was received on May 8, 2024, and declared administratively complete on June 5, 2024. 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 June 19, 2024, in the *Fort Bend Star*, and in Spanish on June 23, 2024, in *La Prensa de Houston*. A public meeting was held on December 12, 2024, at Houston Community College - Missouri City Campus, 1600 Texas Parkway, Missouri City, Fort Bend County, Texas 77489. The notice of public meeting was published in English and Spanish to the TCEQ Website - Public Meetings Calendar, and mailed to individuals on the mailing list on November 8, 2024. The public comment period ended on December 16, 2024. Because this application was received after September 1, 2015, it is subject to the procedural requirements of and rules implementing Senate Bill 709 (84th Legislature, 2015).

## COMMENTS AND RESPONSES

### **COMMENT 1: Air Quality / Health Effects**

Commenters expressed concern about the effect of the emissions from the proposed project on the air quality and the environment. Commenters expressed concern for the potential release of air pollutants such as particulate matter with diameters of 2.5 microns or less (PM<sub>2.5</sub>), Silica dust, Calcium Oxide (CaO), Carbon Monoxide (CO), Volatile Organic Compounds (VOCs), Benzene (C<sub>6</sub>H<sub>6</sub>), Sulfur Dioxide (SO<sub>2</sub>), Nitrogen Oxides (NO<sub>x</sub>), Formaldehyde (CH<sub>2</sub>O), Nickel (Ni), Chromium (Cr), Arsenic (As), Beryllium (Be), Cadmium (Cd), Lead (Pb), Manganese (Mn), Phosphorus (P), and Selenium (Se). Commenters expressed concern regarding the potential adverse health effects of people in close proximity to the project, particularly sensitive populations such as the elderly, children, and people with existing medical conditions. Commenters voiced concern regarding potential health effects and symptoms such as heart disease, kidney disease, lung damage, lung cancer, heart problems, heart attacks, stroke, bronchitis, asthma complications, skin irritation, eye irritation, respiratory issues, musculoskeletal problems, allergic reactions, headaches, dizziness, impaired brain function, diabetes, coronary obstructive pulmonary disease (COPD), and silicosis. In addition, commenters voiced concern that children and nearby residents will be exposed to contaminants during outdoor activities and will not be able to go outside.

(Senator Borris L. Miles, Morayo Gloria Adebisi, Huma Ahmed, Guangpei Anderson, Martina Anderson, Ena Anderson, Dominique Anderson, Larry Armstrong, Miyoshi Arvie, Phyllis J. Bailey, Rebecca Ballow, Skitteno R. Barnes, Tameisha Beal, Charles Benton, Charlene Denise Benton, Jocelyn Bermudez-Hackett, Jami Bertrand, Gina Biekman, Shad Bogany, Roberta Bogany, Stephanie Brown, Danika M. Brown, Janice Bush, Janai Buxton, Leroy Calloway, Sonia Carcamo, C. Chambers, Rose Charleston, Tramaine Chatman, Asif Chowdhury, Lady Clairbourne, Earl J. Conway, Belinda Cooper, Rodgricia Cooper, Elenor Coursey, Dareus Coyle, Ramona P. Cramer, Cecilia Crear, William A. Cronin, Brandi Cross, Bryan K. Crowder, Gloria Daniels, Ella Davis, Ivey Davis, Raymond Derrick, Ann Dukes, Carolyn Durham, Anthony D'Souze, Dawn E. Earles, Ivory Edwards, Rochelle N. Emanuel, Kelly L. Epega, Henry Escobar, James Evans, Sophie Ann Figueroa, Jeannine Ford, Michael Galloway, Raquel Sarahi Garcia, Rose T. Garmond, Ham Garza, Noemi Gavia, Marilyn Gonalakis, Kenneth Goode, Esherlonda Gray, Siria M. Guerrero, Deidre Guy, Jennifer M. Hadayia, Carl Brock Harrison, De Misha Hawkins, Sheena Henderson, Lisa Ann Herbert, Shawn Hildreth, Linh Ho, Wyvette Hughes, Marsha Humphrey, Ross Huston, Yvonne Jackson, Eryn Michelle Johnson, Amber Johnson, C. Johnson, Gail Johnson, Linda Gay Black Johnson-Overall, Patricia Hall-Jones, Richard L. Jones, Orelia Kelly, Howard E. King, Medha Kukkali, Yolanda Lara, Linda M. Lawrence, Cynthia Lenton-Gary, Pete Lewis, Ann Liberman, Lori Lockstedt, Marinel Love, Jamailah Lowe, Michael L. Malone, Monika Martinez, Fern McBride, Jessie McCormick, Nancy R. McGahey, Sandra Mendoza, Diana Merritte, Denise Miller, Michael Mitchell, Landon Mitchell, Ana Lilia Molina, Oralia Moreno, Erin Mosely, Michelle Mullins, Joe Narcisse, Shandra Newell, Martha Noyola, Linda Oliver, Joanna Ouderkirk, Douglas Parker, William Parks, Vi Pham, Veronica Pina, Shannon Pleasant, Frederick Earl Ponder, Carmon Quick, Willie Rainwater, Walter Ray, Monica Riley, Donald R. Robinson, Bethina Rodriguez, Daniel Rose, Janet Schofield, Haley Schulz, Torrenus Shemika Shields, Annette Simmons, Torrence Smith, Gloria P. Smith, Shirley

Smith, Bridgette Smith-Lawson, Tracy Spencer, Horace Spencer, Trinity Spencer, Marlene Stump, Allison Sullivan, Karen Sullivan, Michael Sullivan, Louwilda Tezeno, Sam Thomas, Antoinette Thompson, Robert Thornborrow, Kristin Thornborrow, Margaret Trummer, L. E. Twine, Ogechi Uwaga-Sanders, Raymonny Van, Shaun Varga, Anastasia Wade, Lamont Waits, Michelle Wan, Sharda Warren, Jennifer Williams, Lawrence Williams, Norman Wood, Tynisha Wright, Xavier L. Wright, Katrice Wright, Cathryn Wyche, Ann Yeager)

**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.<sup>1</sup> 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. EPA has set NAAQS for criteria pollutants, which include carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO<sub>2</sub>), ozone (O<sub>3</sub>), sulfur dioxide (SO<sub>2</sub>), particulate matter less than or equal to 10 microns in aerodynamic diameter (PM<sub>10</sub>), and PM less than or equal to 2.5 microns in aerodynamic diameter (PM<sub>2.5</sub>).

Applicants seeking to obtain authorization to operate under the Standard Permit for Concrete Batch Plants are not required to submit site-specific emission calculations or air dispersion modeling. During the protectiveness review for the 2024 amendment to the Standard Permit for Concrete Batch Plants, TCEQ performed an Air Quality Analysis (AQA), which included air dispersion modeling that was inherently conservative and tended to over-predict ground-level concentrations of emissions. The emission generating facilities or activities included in the AQA were material handling operations, truck loading, stockpiles, cement silos, and an internal combustion engine to generate power for equipment at the site. TCEQ calculated emission rates using conservative emission factors and methodology from the EPA in the Compilation of Air Pollution emission Factors, AP-42 manual. TCEQ ensures the conservative nature of these calculations by evaluating each emission point at the maximum material

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<sup>1</sup> Issuance of a standard permit considers the standards in effect at the time of issuance. Individual registrations for authorization under a standard permit must demonstrate compliance with the standard permit. Updates to the Air Quality Standard Permit for Concrete Batch Plants (standard permit) were adopted on January 24, 2024. All pending and new applications to register for authorization under the standard permits are required to meet the recently adopted amendment. Due to the changes in the annual NAAQS standard for PM<sub>2.5</sub> becoming effective on May 6, 2024, TCEQ will evaluate whether updates are necessary to the current standard permit technical requirements.

throughput on both an hourly and an annual basis. The analysis also conservatively assumed the operating schedule of facilities or activities at the site as 24 hours per day. The air contaminants evaluated were carbon monoxide, nitrogen dioxide, sulfur dioxide, PM<sub>10</sub> and PM<sub>2.5</sub>, nickel particulate, and formaldehyde.

TCEQ applied the model in a screening mode to ensure predictions were conservative (higher than expected concentrations) and applicable for any location in the state. For example, the protectiveness review evaluated both rural and urban dispersion coefficients and the higher of the two was used as the maximum predicted concentration for developing the conditions of the Standard Permit for Concrete Batch Plants. The model also incorporated five years of meteorological data, including wind directions, which would include worst-case, short-term meteorological conditions that could occur anywhere in the state. In addition, all emissions sources were co-located in order to minimize bias due to source configuration and wind direction. This technique also provided conservative results since the impact from all sources was maximized.

TCEQ also evaluated the potential for cumulative or additive emissions. The maximum modeled concentration typically occurs at a relatively short distance from the source, so that the peak modeled concentrations represent the source's impact at only a relatively few receptors within the modeled area. The commission included site-wide production limits to avoid the potential for cumulative emissions that would be higher than what is authorized by the standard permit. The applicant represented hourly production limit of 20 cubic yards per hour, and an annual production limit of 40,000 cubic yards per year in any rolling 12-month period. For permit registrations operating a Specialty Batch Plant in Fort Bend County, the maximum production is limited to 131,400 cubic yards annually at 30 cubic yards per hour, and a setback distance from the nearest property line of 100 feet. In addition, distance requirements to the nearest rock crusher, concrete crusher, or hot mix asphalt plant were also added to avoid potential cumulative emission higher than the permit limit. Therefore, the commission determined that a review of other off-site sources is not necessary when determining approval of any particular standard permit application. In addition, based on the results of the protectiveness review, no adverse impacts are expected as a result of operations of multiple similar facilities, such as concrete batch plants, rock crushing plants, or hot-mix asphalt plants.

TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. Accordingly, TCEQ does not have jurisdiction to enforce employee safety regulations promulgated by the Occupational Safety and Health Association (OSHA) or to consider employee health when determining whether to approve or deny an application for an air authorization. Hazardous Air Pollutants (HAPs), Calcium Oxide (CaO), Carbon Monoxide (CO), Volatile Organic Compounds (VOCs), Benzene (C<sub>6</sub>H<sub>6</sub>), Sulfur Dioxide (SO<sub>2</sub>), Nitrogen Oxides (NO<sub>x</sub>), Formaldehyde (CH<sub>2</sub>O), Nickel (Ni), Chromium (Cr), Arsenic (As), Beryllium (Be), Cadmium (Cd), Lead (Pb), Manganese (Mn), Phosphorus (P), and Selenium (Se) are not authorized by this permit.

The review of nickel particulate, and formaldehyde are products of diesel fuel combustion. The most recent amendment of the Air Quality Standard Permit for Concrete Batch Plants (standard permit) adopted on January 24, 2024, made changes to the requirement that owners or operators of concrete batch plants that include a



stationary compression ignition internal combustion engines shall comply with additional applicable engine requirements in 40 CFR 60 Subpart IIII, Standards of Performance for Stationary Compression Ignition, 40 CFR 63, Subpart ZZZZ, National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 30 TAC Chapter 117, Control of Air Pollution from Nitrogen Compounds, and any other applicable state or federal regulation. Adopted subsection (G) of the amended standard permit is based on public comment to improve best management practices, reduce the potential generation of nuisance dust, and prevent the tracking of sediment onto adjacent roadways. The adopted language includes requirements to prevent tracking of sediment onto roadways and reduce the generation of dusts by using one or more of the listed methods. However, the applicant did not represent an engine being used for concrete production. Further, the amendment includes increased setback distances for some areas of the state and options for additional controls.

Additionally, TCEQ has reviewed ambient air crystalline silica levels measured near aggregate production operations (APOs) similar to this proposed facility in various locations throughout the United States where data are available. These data indicate that the contribution of crystalline silica from these facilities to ambient levels of particulate matter and respirable crystalline silica is negligible or minimal and that the levels generally are below the health-based air monitoring comparison values for crystalline silica developed by TCEQ.

You can read TCEQ Toxicology Division's publication on silica at APOs at the following site: <https://www.tceq.texas.gov/downloads/toxicology/research-projects/finalapo.pdf>.

#### **COMMENT 2: Dust Control / Nuisance**

Commenters expressed concern that the proposed site would create nuisance dust conditions near the facility.

(Senator Borris L. Miles, Huma Ahmed, Rebecca Ballow, Roberta Bogany, Leroy Calloway, Sonia Carcamo, Asif Chowdhury, Belinda Cooper, Violena Gonzalez Cordovi, Ramona P. Cramer, Gloria Daniels, Anthony D'Souze, Henry Escobar, Raquel Sarahi Garcia, Siria M Guerrero, De Misha Hawkins, Gail Johnson, Amber Johnson, Howard E. King, Pete Lewis, McCormick, Jessie McCormick, Diana Merritte, Denise Miller, Oralia Moreno, Linda Oliver, Joanna Ouderkirk, Monica Riley, Janet Schofield, Haley Schulz, Torrenus Shemika Shields, Shirley Smith, Bridgette Smith-Lawson, Horace Spencer, Tracy Spencer, Allison Sullivan, Louwilda Tezeno, Antoinette Thompson, L. E. Twine, Lawrence Williams, Tynisha Wright, Ann Yeager)

**RESPONSE 2:** Vehicle traffic and material handling are the primary activities that have the potential to emit particulate matter (i.e. dust) resulting from the proposed plant. All of the potential dust concentrations from the permitted sources have been evaluated based on operating parameters represented in the application and compared to the impacts criteria described in Response 1. The Standard Permit for Concrete Batch Plants requires substantial dust control processes to minimize dust emissions, which include paving in-plant roads and work areas, using water sprays on stockpiles,

and using a suction shroud with a three-sided curtain to prevent flyaway dust at the product loading point. When a company operates in compliance with the Standard Permit, they should not cause or contribute to a violation of the NAAQS and are protective of human health and the environment.

Concrete is made up of four main ingredients: water, Portland cement, fly ash, and aggregates. Portland cement is the most common cement used and is composed of alumina, silica, lime, iron, and gypsum. Aggregates are sand, gravel, and crushed stone.

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

While nuisance conditions are not expected if the facility is operated in compliance with the terms of the permit, operators must also comply with 30 TAC § 101.4, which prohibits a person from creating or maintaining a condition of nuisance that interferes with a landowner's use and enjoyment of a property. Specifically, the rule states that "no person shall discharge from any source" air contaminants which are or may "tend to be injurious to or adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property." When a company operates in compliance with the Standard Permit requirements, such as those listed above, there should be no deterioration of air quality, the generation of dust, or odors such that it impacts visibility or accumulates on water in fields.

Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with terms of any permit or other environmental regulation by contacting TCEQ (Region 12) Houston Regional Office at 713-767-3500 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186.

### **COMMENT 3: Environmental Concerns**

Commenters expressed concern that emissions from the proposed project would negatively impact wildlife, the surrounding environment, and community green spaces, including Buffalo Run Park.

(Danika M. Brown, Jessie McCormick, Linda Oliver, Torrenus Shemika Shields, Tracy Spencer, Louwilda Tezeno)

**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.

#### **COMMENT 4: Cumulative effects**

Commenters voiced concern about the cumulative effects of this project with pending or existing facilities in the area. Commenters specifically voiced concern about cumulative effects of this project with other concrete batch plants in the area.

(Huma Ahmed, Ena Anderson, Dominique Anderson, Larry Armstrong, Phyllis J. Bailey, Samuel D. Baker, Skitteno R. Barnes, Janice Bush, C. Chambers, William A. Cronin, Anthony D'Souze, Jennifer M. Hadayia, Linh Ho, Rene Hyder, Yvonne Jackson, Linda Gay Black Johnson-Overall, Richard L. Jones, Orelia Kelly, Cynthia Lenton-Gary, William Parks, Frederick Earl Ponder, Carmon Quick, Gloria P. Smith, Bridgette Smith-Lawson, Karen Sullivan, Donna Thomas, Sharda Warren, Jennifer Williams)

**RESPONSE 4:** 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: Monitors**

Commenters expressed concern that there are an insufficient number of air quality monitors in the area.

(Huma Ahmed, Asif Chowdhury, Medha Kukkalli, Haley Schulz, Bridgette Smith-Lawson, Tracy Spencer, Allison Sullivan, Karen Sullivan)

**RESPONSE 5:** Due to cost and logistical constraints, the placement of air monitors is prioritized to provide data on regional air quality in areas frequented by the public. The existing air monitoring network is the result of a strategic balance of matching federal monitoring requirements with state and local needs. Consistent with federal air monitoring requirements, TCEQ evaluates the placement of air quality monitors within the air monitoring network using trends in population, reported emissions inventory data, and existing air monitoring data for a given area. In addition, TCEQ may prioritize monitor placement in areas with potential regional air quality issues.

TCEQ annually evaluates the number and location of air monitors within its network to assess compliance with federal monitoring requirements and the adequacy of monitoring coverage for identified monitoring objectives as a part of the Annual Monitoring Network Plan provided to EPA on July 1 of each year. This plan is made

available on TCEQ's website for public review and comment for 30 days beginning in mid-May. Requests for additional monitoring or the identification of additional monitoring needs may be made during this public comment period and will be considered along with other monitoring priorities across the state. To receive email announcements related to the ambient air monitoring network, including the availability of the Annual Monitoring Network Plan for public review and comment, please visit the following link:

<https://service.govdelivery.com/accounts/TXTCEQ/subscriber/new> and select "Air Monitoring Network Announcements."

Since stationary air monitors are sited to measure air quality that is representative of a broader area or region, monitors are not typically placed to measure the impacts from specific industrial facilities. In addition, TCEQ does not have a routine monitoring plan for this type of industry.

Mobile air monitoring is an approach typically used to support on-going field investigations regarding a specific source or group of sources, or to provide short-term evaluations of air quality in areas where the agency suspects potential air quality issues. Mobile monitoring is not appropriate for ambient air monitoring to determine compliance with the NAAQS.

#### **COMMENT 6: Location/Zoning**

Commenters expressed concern regarding the location of the facility and/or whether it complies with current local zoning ordinances. Commenters expressed concern regarding the location of the facility as and the proximity to public areas, including residences, schools, daycares, places of worship. Commenters expressed concern about the proposed plant's facility to Thurgood Marshall High School, Missouri City Middle School, EA Jones Elementary School, Hunter's Glenn Elementary School, Holy Family Catholic Church, and Buffalo Run Park. Commenters voiced concern that construction of this facility would be in violation of land zoning and approved allowances under Missouri City Ordinance NO. O-24-05.

(Senator Borris L. Miles, Morayo Gloria Adebisi, Huma Ahmed, Ena Anderson, Guangpei Anderson, Martina Anderson, Dominique Anderson, Larry Armstrong, Miyoshi Arvie, Phyllis J. Bailey, Samuel D. Baker, Rebecca Ballow, Skitteno R. Barnes, Charlene Denise Benton, Charles Benton, Jocelyn Bermudez-Hackett, Jami Bertrand, Gina Biekman, Shad Bogany, Eleanor Bradley, Danika M. Brown, Stephanie Brown, Janice Bush, Janai Buxton, Leroy Calloway, Sonia Carcamo, Rose Charleston, Asif Chowdhury, Lady Clairbourne, Earl J. Conway, Rodgricia Cooper, Belinda Cooper, Violena Gonzalez Cordovi, Elenor Coursey, Dareus Coyle, Cecilia Crear, William A. Cronin, Brandi Cross, Gloria Daniels, Ivey Davis, Ella Davis, Ray Dixon, Anthony D'Souze, Carolyn Durham, Dawn E. Earles, Ivory Edwards, Kelly L. Epega, Henry Escobar, Sophie Ann Figueroa, Rose T. Garmond, Ham Garza, Noemi Gavia, Marilyn Gonalakis, Kenneth Goode, Esherlonda Gray, Siria M. Guerrero, Isai Gutierrez, Deidre Guy, Patricia Hall-Jones, De Misha Hawkins, Sheena Henderson, Lisa Ann Herbert, Shawn Hildreth, Marsha Humphrey, Ross Huston, Rene Hyder, E. Joyce Iyamu, Yvonne Jackson, Amber Johnson, Eryn Michelle Johnson, Linda Gay Black Johnson-Overall, Michelle Jones, Richard L. Jones, Orelia Kelly, Medha Kukkalli, Linda M. Lawrence, Cynthia Lenton-Gary, Pete Lewis, Lori Lockstedt, Marinel

Love, Jamailah Lowe, Michael L. Malone, Fern McBride, Jessie McCormick, Nancy R. McGahey, Denise Miller, Ana Lilia Molina, Oralia Moreno, Joe Narcisse, Martha Noyola, Linda Oliver, Ronald Pierre, Shannon Pleasant, Frederick Earl Ponder, Willie Rainwater, Bethina Rodriguez, Janet Schofield, Haley Schulz, Torrenus Shemika Shields, Annette Simmons, Gloria P. Smith, Cathy Smith, Shirley Smith, Bridgette Smith-Lawson, Trinity Spencer, Tracy Spencer, Marlene Stump, Allison Sullivan, Karen Sullivan, Michael Sullivan, Meagan Sullivan, Louwilda Tezeno, Antoinette Thompson, Robert Thornborrow, Kristin Thornborrow, Ogechi Uwaga-Sanders, Anastasia Wade, Lamont Waits, Nicoya Waits, Michelle Wan, Sharda Warren, James Williams, Lawrence Williams, Jennifer Williams, Norman Wood, Katrice Wright, Tynisha Wright, Xavier L. Wright, Cathryn Wyche, Ann Yeager)

**RESPONSE 6:** TCEQ does not have jurisdiction to consider facility location choices made by an applicant when determining whether to approve or deny a permit application, unless a statute or rule specifically requires the Commission to consider some aspect of the location. Generally, zoning is beyond the jurisdiction of TCEQ to consider when reviewing air quality permit applications. The issuance of a permit does not override any local zoning requirements that may be in effect and does not authorize an applicant to operate outside of local zoning requirements. Commenters may wish to contact local (i.e., city or county) zoning authorities with questions or concerns relating to the location of the facility.

**Comment 7: Traffic/Trucks/Roads/Public Infrastructure**

Commenters expressed concern regarding truck traffic, diesel emissions, spillage of debris from the truck traffic, and damage to roads. Commenters expressed concern for public roadway safety due to increased truck traffic. Commenters voiced concern about emissions from increased traffic in the area.

(Huma Ahmed, Gina Biekman, Stephanie Brown, Janai Buxton, Sonia Carcamo, Tramaine Chatman, Belinda Cooper, Violena Gonzalez Cordovi, Ramona P. Cramer, Ray Dixon, Ann Dukes, Henry Escobar, James Evans, Isai Gutierrez, Jennifer M. Hadayia, De Misha Hawkins, C. Johnson, Linda Gay Black Johnson-Overall, Howard E. King, Pete Lewis, Ann Liberman, Marinel Love, Oralia Moreno, Linda Oliver, William Parks, Carmon Quick, Walter Ray, Monica Riley, Torrence Smith, Bridgette Smith-Lawson, Michael Sullivan, Karen Sullivan, Kristin Thornborrow, Nicoya Waits, Tynisha Wright, Xavier L. Wright)

**RESPONSE 7:** Under 30 TAC § 101.5, TCEQ prohibits an applicant from discharging air contaminants, uncombined water, or other materials from any source which could cause a traffic hazard or interference with normal road use. If the sources are operated in compliance with the terms and conditions of the permit, nuisance conditions should not occur. 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. If the facility is found to be out of compliance with the terms and conditions of the permit, it may be subject to possible enforcement action.

TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statute. Although TCEQ rules prohibit creation of a nuisance, TCEQ 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 TCEQ. TCEQ is also prohibited from regulating roads per the THSC § 382.003(6) which excludes roads from the definition of "facility."

TCEQ also does not have the authority to regulate traffic on public roads, load-bearing restrictions, and public safety, including access, speed limits, and public roadway issues. These concerns are typically the responsibility of local, county, or other state agencies. Commenters may contact the Texas Department of Transportation (TxDoT) at <https://www.txdot.gov/about/contact-us.html> for any state highway-related concerns. For any concerns related to city or county-maintained roads, commenters may contact the applicable local, city, or county public works or roads/streets department.

**Comment 8: Quality of Life/Aesthetics/Property values**

Commenters voiced concern about the effect of the proposed project on their quality of life and on the aesthetics of the area. Commenters expressed concern about possible devaluation of property in the area.

(Senator Borris L. Miles, Martina Anderson, Dominique Anderson, Ena Anderson, Miyoshi Arvie, Phyllis J. Bailey, Skitteno R. Barnes, Jami Bertrand, Gina Biekman, Shad Bogany, Danika M. Brown, Janice Bush, Janai Buxton, Sonia Carcamo, Rose Charleston, Tramaine Chatman, Asif Chowdhury, Belinda Cooper, Elenor Coursey, Ramona P. Cramer, Gloria Daniels, Raymond Derrick, Raquel Sarahi Garcia, Rose T. Garmond, Jennifer M. Hadayia, Linh Ho, Yvonne Jackson, C. Johnson, Linda Gay Black Johnson-Overall, Pete Lewis, Oralia Moreno, Erin Mosely, Michelle Mullins, Linda Oliver, Douglas Parker, William Parks, Carmon Quick, Willie Rainwater, Monica Riley, Daniel Rose, Annette Simmons, Bridgette Smith-Lawson, Tracy Spencer, Horace Spencer, Allison Sullivan, Michael Sullivan, Karen Sullivan, Sam Thomas, Robert Thornborrow, Kristin Thornborrow, Margaret Trummer, Shaun Varga, Nicoya Waits, Katrice Wright, Xavier L. Wright, Tynisha Wright)

**RESPONSE 8:** TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statute. TCEQ does not have the jurisdiction to consider potential effects from plant location, aesthetics, zoning, and land use issues when determining whether to approve or deny this air permit. TCEQ also does not have jurisdiction to consider whether the proposed activity will impact development, property values, property transactions, or investment property when determining whether to approve or deny a permit application.

**Comment 9: Noise/Light Pollution**

Commenters expressed concern about noise and the potential for light pollution from the proposed project.

(Huma Ahmed, Dominique Anderson, Ena Anderson, Miyoshi Arvie, Phyllis J. Bailey, Gina Biekman, Janice Bush, Sonia Carcamo, Tramaine Chatman, Belinda Cooper, Violena Gonzalez Cordovi, Elenor Coursey, William A. Cronin, Bryan K. Crowder, Ivey Davis, Ann Dukes, Raquel Sarahi Garcia, Marilyn Gonalakis, Jennifer M. Hadayia, Linh Ho, C. Johnson, Amber Johnson, Howard E. King, Medha Kukkali, Pete Lewis, Ann Liberman, Marinel Love, Oralia Moreno, Michelle Mullins, Linda Oliver, Carmon Quick, Janet Schofield, Allison Sullivan, Michael Sullivan, Karen Sullivan, Donna Thomas, Kristin Thornborrow, Nicoya Waits, Tynisha Wright, Xavier L. Wright)

**RESPONSE 9:** TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statute. Accordingly, TCEQ does not have jurisdiction to consider noise from a facility when determining whether to approve or deny a permit application. TCEQ does not have authority to require or enforce any noise abatement measures, as noise ordinances are normally enacted by cities or counties and enforced by local law enforcement authorities. Commenters may wish to contact local authorities to inquire if there are any applicable local noise ordinances in the area where the facility is located. Commenters may wish to contact local (i.e., city or county) law enforcement authorities with questions or complaints about noise.

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

**Comment 10: Effect on Local Economy/Corporate Profits**

Commenters voiced concern about the effects this project could have on the local economy. Commenters also expressed concern that TCEQ would be prioritizing corporate profits over the community.

(Miyoshi Arive, Miyoshi Arvie, Shad Bogany, Dawn E. Earles, Jennifer M. Hadayia, Ana Lilia Molina, Douglas Parker, Carmon Quick, Monica Riley, Daniel Rose, Karen Sullivan, Michael Sullivan, Alison Sullivan, Shaun Varga, Anastasia Wade, Larence Williams, Xavier L. Wright, Cathryn Wyche)

**RESPONSE 10:** TCEQ does not have jurisdiction to prohibit owners and operators from seeking authorization to emit air contaminants; nor can TCEQ prohibit owners and operators from receiving authorization to emit air contaminants if they comply with all statutory and regulatory requirements. Further, TCEQ is not authorized to consider a company's financial status or profit issues, including tax abatements, in determining whether or not a permit should be issued. As explained in previous responses, the decision by the Executive Director to issue the permit is based upon the authority and direction of the TCCA. Specifically, THSC § 382.0518 provides that TCEQ shall issue the permit if an application demonstrates that the proposed facility will use at least

BACT and there is no indication that the emissions from the facility will contravene the intent of the TCAA. TCEQ is not authorized to consider an applicant's experience with a particular facility type. Although, as described in Response 19, TCEQ does consider an applicant's compliance history.

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

#### **Comment 11: Mental Health and Financial Well-being**

Commenters expressed concern about the mental and financial well-being of the people in the area due to the proposed plant. Commenters expressed concern regarding the negative impact on mental health, emotions, and possible PTSD triggers due to the proposed plant. Commenters expressed concern that the proposed plant would cause emotional distress.

(Dominique Anderson, Ena Anderson, Phyllis J. Bailey, Gloria P. Smith)

**RESPONSE 11:** The TCAA does not give TCEQ authority to regulate air emissions beyond the direct impacts (inhalation) that the air emissions have on human health or welfare. In addition, the TCAA specifically address air-related issues. This permit, if issued, would regulate the control and abatement of air emissions only.

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



### **COMMENT 12: Demonstration of Permit Compliance**

Commenters asked how the Applicant will demonstrate compliance with the terms of their permit on a continuous basis.

(Guangpei Anderson, Roberta Bogany, Asif Chowdhury, Belinda Cooper, Ann Dukes, James Evans, Jennifer M. Hadayia, Wyvette Hughes, Medha Kukkali, Landon Mitchell, William Parks, Geralene Randolph, Haley Schulz, Karen Sullivan, Michael Sullivan, Raymonny Van)

**RESPONSE 12:** Monitoring requirements are included in the Standard Permit. Owners or operators are required to keep written records on-site for a rolling 24-month period. Emissions will be monitored and demonstrate compliance by including records of road cleaning, application of road dust control, stockpile dust suppression, monthly silo warning devices or system shut-off tests, quarterly visible emissions observations, and repairs/maintenance of dust suppression controls. Records must be made available upon request to representatives of TCEQ, EPA, or any local air pollution control program having jurisdiction. The Regional Office may perform investigations of the plant as required. The investigation may include an inspection of the site, including all equipment, control devices, monitors, and a review of all required recordkeeping.

TCEQ evaluates all complaints received. If a facility is found to be out of compliance with the terms and conditions of its permit, it will be subject to investigation and possible enforcement action. Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with terms of any permit or other environmental regulation by contacting TCEQ Houston Regional Office at 713-767-3500 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186.

### **COMMENT 13: Environmental Complaints**

Commenters asked how to make complaints and how complaints are handled.

(Senator Borris L. Miles, Guangpei Anderson, Roberta Bogany, Belinda Cooper, James Evans, Jennifer M. Hadayia, Wyvette Hughes, Landon Mitchell, William Parks, Geralene Randolph, Haley Schulz, Karen Sullivan, Michael Sullivan, Allison Sullivan)

**RESPONSE 13:** Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with terms of any permit or other environmental regulation by contacting TCEQ Houston Regional Office at (713) 767-3500 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. Staff from TCEQ regional office reviews all complaints, and regional investigations and are not limited by media. TCEQ regional offices prioritize their responses to complaints based on the potential for adverse health effects associated with the alleged violation. For example, a "priority one" case means serious health concerns exist, and the case will be investigated immediately. A "priority four" case, on the other hand, means no immediate health concerns exist; therefore, it will be investigated within 30 days. If a facility is found to be out of compliance with the terms and conditions of its registration, it may be subject to investigation and possible enforcement action.

Citizen-collected evidence may be used to file a complaint and any applicable enforcement action. See 30 TAC § 70.4, Enforcement Action Using Information Provided by Private Individual, for details on gathering and reporting such evidence. Under the citizen-collected evidence program, individuals are providing information on possible violations of environmental law and the information can be used by TCEQ to pursue enforcement. In this program, citizens can become involved and may eventually testify at a hearing or trial concerning the violation. For additional information, see TCEQ publication, "Do You Want to Make an Environmental Complaint? Do You Have Information or Evidence"? This booklet is available in English and Spanish from TCEQ Publications office at 512-239-0028 and may be downloaded from the agency website at [www.tceq.texas.gov](http://www.tceq.texas.gov) (under Publications, search for Publication Number 278).

There are a number of mechanisms by which TCEQ monitors compliance with permit conditions and state and federal regulations. To the extent that personnel, time, and resources are available, TCEQ investigates permit operations to ensure compliance with applicable rules and regulations. Although specific to each site, investigations generally explore the entire operation of the plant. The investigation schedule may be increased if violations are found, repeated, or if a regulated entity is classified as an unsatisfactory performer. Notices of Violation (NOVs) are public information. Additionally, the public is able to track complaints on TCEQ website by complaint tracking number, date, county, TCEQ region, or regulated entity/customer name or number (<http://www2.tceq.texas.gov/oce/waci/index.cfm>).

#### **COMMENT 14: Permit Violations/Enforcement Actions**

Commenters asked about the consequences of violating the terms of the permit.

(Guangpei Anderson, Roberta Bogany, Belinda Cooper, James Evans, Wyvette Hughes, Jessie McCormick, Landon Mitchell, William Parks, Veronica Pina, Geralene Randolph, Haley Schulz, Torrenus Shemika Shields, Allison Sullivan, Michael Sullivan, Louwilda Tezeno)

**RESPONSE 14:** Violations are usually addressed through a notice of violation letter that allows the operator a specified period of time within which to correct the problem. The violation is considered resolved upon timely corrective action. A formal enforcement referral will be made if the cited problem is not timely corrected, if the violation is repeated, or if a violation is causing substantial impact to the environment or neighbors. In most cases, formal enforcement results in an agreed enforcement order including penalties and technical requirements for corrective action. Penalties are based upon the severity and duration of the violation(s). Violations are maintained on file and are included in the calculation of a facility and a person's compliance history. As discussed further in Response 19, compliance history ratings are considered during permit application reviews.

#### **COMMENT 15: Water Quality/Other Required Authorizations**

Commenters expressed concerns for water quality in the area that may be affected by the proposed facility. Commenters also asked if other authorizations are required for this project.

(Morayo Gloria Adebiyi, Huma Ahmed, Stephanie Brown, Belinda Cooper, Rodgricia Cooper, Bryan K. Crowder, Michael Galloway, Jennifer M. Hadayia, De Misha Hawkins, Howard E. King, Medha Kukkali, Ann Liberman, Jessie McCormick, Linda Oliver, Torrenus Shemika Shields, Allison Sullivan, Karen Sullivan, Michael Sullivan, Louwilda Tezeno)

**RESPONSE 15:** Although 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, as applicable.

**COMMENT 16: Public Notice - Newspaper Publication**

Commenters state that the newspaper selected for public notice was not appropriate and that they were not properly informed about the proposed project or public meeting.

(Phyllis J. Bailey, Janice Bush, Jennifer M. Hadayia, Frederick Earl Ponder, Monica Riley, Karen Sullivan)

**RESPONSE 16:** The TCAA, at THSC § 382.056 requires that the applicant for this Standard Permit publish notice. Notice must be published in a newspaper of general circulation in the municipality in which the proposed facility is located or proposed to be located. The notice must include a description of the facility, information on how an affected person may request a public hearing, pollutants the facility will emit, and any other information TCEQ requires by rule. The commission also requires that notice be published in an alternative language if the elementary or middle school nearest the proposed facility offers a bilingual education program as required by Texas Education Code Chapter 29, Subchapter B. TCEQ adopted rules for these public notice requirements in 30 TAC § 39.603, Public Notice of Air Quality Applications, Newspaper Notice.

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. For this permit application, the Applicant provided verification that it met all applicable notice requirements required by TCEQ rules and statutes.

**COMMENT 17: Public Notice - Sign Posting**

Commenters questioned if the sign posting requirements were met. Commenters expressed that they could not see the signs from their backyards or the nearby highway.

(Jennifer M. Hadayia, Howard E. King, Douglas Parker, Frederick Earl Ponder, Monica Riley, Karen Sullivan, Michael Sullivan)

**RESPONSE 17:** Title 30 TAC § 39.604 requires that signs be placed at the site of the existing or proposed facility. The sign(s) must state that an application for a standard permit has been filed and the manner in which the commission may be contacted for further information.

Each sign placed at the site must be located within ten feet of every property line paralleling a public highway, street, or road. Signs must also be visible from the street and spaced at not more than 1,500-foot intervals. A minimum of one sign, but no more than three signs are required along any property line paralleling a public highway, street, or road. Finally, in cases which notice is required to be published in an alternative language, the applicant must also post signs in the applicable alternative language.

The Applicant provided verification to the Office of the Chief Clerk in accordance with 30 TAC § 39.605 that signs were posted at the proposed site in accordance with 30 TAC § 39.604.

**COMMENT 18: Access to permit documents**

Commenters stated that they did not have access to the permit documents. Commenters ask where the facility will be located on the property.

(Senator Borris L. Miles, Monica Riley, Stephanie Brown, Howard E. King)

**RESPONSE 18:** Based on the plot plan provided by the Applicant, the plant will be located approximately in the central-southwest section of the site. Title 30 TAC Chapter 39 Subchapter H, Applicability and General Provisions requires the Applicant to provide a copy of the application at a public place in the county in which the facility is located or proposed to be located. The rules also require that the application, including any subsequent revisions to the application, be available for review for the duration of the comment period. The Applicant represented that the application was made available at Fort Bend Chamber of Commerce, 445 Commerce Green Boulevard, Sugar Land, Fort Bend County, Texas 77478. In addition, a copy of the application was also available at the TCEQ Houston Regional Office and the TCEQ Central Office. Specific representations were included in the application materials available at the aforementioned locations for the duration of the comment period.<sup>2</sup>

**COMMENT 19: Permit Review process / Application Representations**

Commenters questioned the permitting process, what requirements are included in the Standard Permit, and what representations the applicant submitted in the application. Commenters also asked if local authorities have jurisdiction to deny this pending permit application.

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<sup>2</sup> TCEQ has made the permit applications for New Source Review permits that were declared technically complete after September 2024 available online. Because this permit was declared technically complete on May 22, 2024, it was not subject to the policy implementation.

(Huma Ahmed, Skitteno R. Barnes, Stephanie Brown, Tramaine Chatman, Jennifer M. Hadayia, Jessie McCormick, Erin Mosely, Shandra Newell, Veronica Pina, Frederick Earl Ponder, Monica Riley, Torrenus Shemika Shields, Bridgette Smith-Lawson, Karen Sullivan, Michael Sullivan, Louwilda Tezeno, Donna Thomas, Sharda Warren, Cathryn Wyche, Ann Yeager)

**RESPONSE 19:** TCEQ conducted a review and verified the representations in the application meet the standard permit requirements. This review included both an administrative and technical review. During the administrative review, TCEQ verified the following:

- The correct application was submitted;
- The application form and TCEQ Core Data Form have been signed by the Responsible Official;
- The company is an entity legally entitled to do business in Texas;
- The information is accurately recorded in TCEQ's Central Registry;
- The appropriate application fee was received;
- The mailing addresses for the company and site are USPS validated; and
- There are no delinquent fees owed by the company.

During the technical review, TCEQ evaluated the following:

- All sources of air contaminants at the proposed facility have been properly identified;
- Appropriate controls have been proposed for each emission source;
- Proposed operations meet all applicable Standard Permit requirements;
- Compliance history for the site and the operator; and
- Public notice requirements were fulfilled.

Based on this review, TCEQ determined the application meets the requirements of the standard permit. The TCAA and TCEQ rules authorize TCEQ's ability to control air quality and air emissions. Local governments have authority to enact zoning, noise, and traffic ordinances, but do not have authority over the TCEQ permitting process. See Response 6 concerning how local zoning regulations interact with TCEQ's permitting process.

### Application Representations

An applicant is bound by its representations in the application, and those representations become an enforceable part of the permit, including production rates, authorized emission rates, and equipment. If the Applicant deviates from the representations made in the application, on which the permit was developed, the Applicant may be subject to enforcement action. See Response 14 detailing the complaint and enforcement process for violations and suspected noncompliance.

**COMMENT 20: Application incomplete**

Commenters stated that the application is incomplete. Commenters voiced concern that the facility is in violation of Texas Health and Safety Code § 382.065 and Texas Health and Safety Code § 382.05198(a)(19) and EPA rules regarding setback distances for concrete batch plants.

(Huma Ahmed, Guangpei Anderson, Howard E. King, Medha Kukkali, Veronica Pina, Bridgette Smith-Lawson, Allison Sullivan, Michael Sullivan)

**RESPONSE 20:** Texas Health and Safety Code § 382.065 relates to prohibiting Concrete Crushing Facility within 440 yards of a building in use as a single or multifamily residence, school, or place of worship at the time the application. Texas Health and Safety Code Section 382.065 is not applicable in this situation as the proposed initial authorization application for permit no. 176289 is for a Concrete Batch Plant and not a Concrete Crushing Facility.

Texas Health and Safety Code § 382.05198(a)(19) mandates that Concrete Batch Plants specifically authorized under the Air Quality Standard Permit for Concrete Batch Plants with Enhanced Controls must locate the central baghouse at least 440 yards from any building used as a single or multifamily residence, school, or place of worship at the time the application to use the permit is filed with the commission if the plant is located in an area that is not subject to municipal zoning regulation. Texas Health and Safety Code § 382.05198(a)(19) is not applicable in this situation as the proposed initial authorization application for permit no. 176289 is for a facility authorized by the Air Quality Standard Permit for Concrete Batch Plants and not the Air Quality Standard Permit for Concrete Batch Plants with Enhanced Controls.

The Air Permits Division and other applicable TCEQ staff have conducted a thorough review of this permit application to ensure it meets the requirements of all applicable state and federal standards. An applicant is bound by its representations in the application and those representations become an enforceable part of the permit, including production rates, authorized emission rates, and equipment. If the Applicant deviates from the representations made in the application, on which the permit was developed, the Applicant may be subject to enforcement action.

**COMMENT 21: Operating Hours**

Commenters expressed concern that the site would be allowed to operate 24/7. Commenters are concerned that 24/7 operation would keep nearby residents awake at night and during holidays. Commenters voiced concern that the 24/7 operations would be authorized even though the application states the facility will operate less.

(Stephanie Brown)

**RESPONSE 21:** TCEQ has not been delegated the authority to regulate the hours of operations of a facility or site if the permit review demonstrates all applicable federal and state regulations are met. Accordingly, TCEQ cannot limit the hours of operation unless an emission rate is dependent on a limit on operational hours or there are issues associated with the air quality analysis that require the limitation. The Applicant represented operations up to 2,000 hours per year.

## **COMMENT 22: Environmental justice**

Commenters raised concerns regarding the environmental justice implications of this project.

(Huma Ahmed, Dominique Anderson, Ena Anderson, Phyllis J. Bailey, Skitteno R. Barnes, Gina Biekman, Shad Bogany, Stephanie Brown, Janice Bush, Asif Chowdhury, Dareus Coyle, Gloria Daniels, Anthony D'Souze, Yvonne Jackson, Linda Gay Black Johnson-Overall, Medha Kukkalli, Cynthia Lenton-Gary, Willie Rainwater, Gloria P. Smith, Allison Sullivan, Michael Sullivan, Karen Sullivan, Donna Thomas, Sharda Warren)

**RESPONSE 22:** Air permits evaluated by TCEQ are reviewed without reference to the socioeconomic or racial status of the surrounding community. TCEQ is committed to protecting the health of the people of Texas and the environment regardless of location. A health effects review was conducted during the standard permit development and found to be protective of human health and the environment.

TCEQ encourages participation in the permitting process. The Office of the Chief Clerk works to help the public and neighborhood groups participate in the regulatory process to ensure that agency programs that may affect human health or the environment operate without discrimination and to make sure that concerns are considered thoroughly and are handled in a way that is fair to all. You may contact the Office of the Chief Clerk at 512-239-3300 for further information. More information may be found on TCEQ website:

<https://www.tceq.texas.gov/agency/decisions/participation/title-vi-compliance>.

## **COMMENT 23: TCEQs Responsibility to the Community / General Opposition**

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

(Senator Borris L. Miles, Morayo Gloria Adebisi, Huma Ahmed, Guangpei Anderson, Martina Anderson, Dominique Anderson, Ena Anderson, Larry Armstrong, Miyoshi Arvie, Phyllis J. Bailey, Samuel D. Baker, Rebecca Ballow, Skitteno R. Barnes, Tameisha Beal, Charlene Denise Benton, Charles Benton, Jocelyn Bermudez-Hackett, Jami Bertrand, Gina Biekman, Roberta Bogany, Shad Bogany, Christi Bowden, Stephanie Brown, Danika M. Brown, Stephanie Bush, Janice Bush, Janai Buxton, Leroy Calloway, Sonia Carcamo, Rose Charleston, Tramaine Chatman, Asif Chowdhury, Concerned Citizen, Lady Clairbourne, Earl J. Conway, Rodgricia Cooper, Belinda Cooper, Violena Gonzalez Cordovi, Elenor Coursey, Dareus Coyle, Ramona P. Cramer, Cecilia Crear, William A. Cronin, Brandi Cross, Bryan K. Crowder, Gloria Daniels, Ivey Davis, Ella Davis, Nicandro Delgado, Raymond Derrick, Ray Dixon, Anthony D'Souze, Ann Dukes, Dawn E. Earles, Ivory Edwards, Kelly L. Epega, Henry Escobar, James Evans, Vincent Fernandes, Sophie Ann Figueroa, Michael Galloway, Raquel Sarahi Garcia, Rose T. Garmond, Ham Garza, Noemi Gavia, Kenneth Goode, Siria M Guerrero, Isai Gutierrez, Deidre Guy, Jennifer M. Hadayia, Patricia Hall-Jones, Carl Brock Harrison, De Misha Hawkins, Sheena Henderson, Lisa Ann Herbert, Shawn Hildreth, Linh Ho, Wyvette Hughes, Marsha Humphrey, Ross Huston, Rene Hyder, Yvonne Jackson, Eryn Michelle Johnson, C. Johnson, Gail Johnson, Linda Gay Black Johnson-Overall, Richard L. Jones,

Orelia Kelly, Howard E. King, Yolanda Lara, Linda M. Lawrence, Cynthia Lenton-Gary, Pete Lewis, Ann Liberman, Lori Lockstedt, Marinel Love, Michael L. Malone, Monika Martinez, Fern McBride, Jessie McCormick, McCormick, Nancy R. McGahey, Diana Merritte, Denise Miller, Michael Mitchell, Orelia Moreno, Erin Mosely, Michelle Mullins, Joe Narcisse, Shandra Newell, Martha Noyola, Linda Oliver, Joanna Ouderkirk, Douglas Parker, William Parks, Vi Pham, Ronald Pierre, Veronica Pina, Shannon Pleasant, Frederick Earl Ponder, Carmon Quick, Willie Rainwater, Geralene Randolph, Monica Riley, Bethina Rodriguez, Daniel Rose, Janet Schofield, Haley Schulz, Torrenus Shemika Shields, Annette Simmons, Shirley Smith, Dianna Smith, Gloria P. Smith, Cathy Smith, Bridgette Smith-Lawson, Tracy Spencer, Horace Spencer, Trinity Spencer, Marlene Stump, Karen Sullivan, Allison Sullivan, Michael Sullivan, Louwilda Tezeno, Donna Thomas, Sam Thomas, Jonathan Thomas, Robert Thornborrow, Kristin Thornborrow, L. E. Twine, Ogechi Uwaga-Sanders, Raymonny Van, Nicoya Waits, Lamont Waits, Ryder Wall, Michelle Wan, Sharda Warren, Ebony Washington, Jennifer Williams, Lawrence Williams, James Williams, Norman Wood, Tynisha Wright, Xavier L. Wright, Cathryn Wyche, Ann Yeager)

**RESPONSE 23:** The Executive Director acknowledges the concerns of the citizens. TCEQ appreciates the comments and interest from the public in environmental matters before the agency and acknowledges the comments in opposition of the project. As stated previously, TCEQ reviews all applications consistent with applicable law and TCEQ's regulatory authority.

The Executive Director's staff has reviewed the Standard Permit registration in accordance with the applicable state and federal law, policy and procedures, and the agency's mission to protect the state's human and natural resources consistent with sustainable economic development. As stated in previous responses, TCEQ cannot deny authorization of a facility if a permit application contains a demonstration that all applicable statutes, rules, and regulations will be met.

**COMMENT 24: Texas Health and Safety Code Violations**

Allison Sullivan voiced concerned that the applicant is in violation of Texas Health and Safety Code § 382.004, and Texas Health and Safety Code § 382.05199. Allison Sullivan voiced concern that the applicant has begun construction prior to receiving authorization seeing the applicant begin to clear the land, store equipment, and dig out portions of the land (grading).

(Allison Sullivan)

**RESPONSE 24:** Texas Health and Safety Code § 382.004 relates to facility construction while a permit amendment authorization is pending. Texas Health and Safety Code § 382.004 is not applicable in this situation as the proposed application for permit no. 176289 is for an initial authorization and not a permit amendment.

Texas Health and Safety Code § 382.05199 relates to construction of a permanent concrete batch plant prior to receiving authorization from the commission.

Clean Air Act § 7479(2)(C) states the term "construction" when used in connection with any source or facility, includes the modification (as defined in section 7411(a) of this title) of any source or facility.



Clean Air Act § 7411(a)(4) states the term "modification" means any physical change in, or change in the method of operation of, a stationary source which increases the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted.

Further, there are a variety of construction activities that the EPA has identified that generally would be allowed prior to the issuance of a permit including planning, ordering of equipment and materials, site clearing, grading, and on-site temporary storage of equipment and materials. Site clearance and preparation activities are determined on a case-by-case basis depending on the unique facts and circumstances of each case.

The EPA has issued documents over many years that provide guidance on the types of construction activities that are allowed before obtaining a permit. These documents are available online at <https://www.epa.gov/nsr/begin-actual-construction-0>.

**COMMENT 25: Public Official Notifications**

Stephanie Brown questioned when the local elected officials were notified about this pending application.

(Stephanie Brown)

**RESPONSE 25:** The notification titled Registration under an Air Quality Standard Permit for Concrete Batch Plants was mailed on May 9, 2024, to Senator Borris L. Miles, Representative Ron Reynolds, Missouri City Mayor Robin Elackatt, and Fort Bend County Judge KP George.

### CHANGES MADE IN RESPONSE TO COMMENT

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

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel, Executive Director

Phillip Ledbetter, Director  
Office of Legal Services

Charmaine Backens, Deputy Director  
Environmental Law Division



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REPRESENTING THE  
EXECUTIVE DIRECTOR OF THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

DEC 03 2025

I hereby certify this is a true and correct copy of a  
Texas Commission on Environmental Quality (TCEQ)  
document, which is filed in the Records of the Commission.  
Given under my hand and the seal of office.

**TCEQ AIR QUALITY STANDARD PERMIT NUMBER CONCRETE BATCH PLANT  
REGISTRATION 176289**

*Juan Mena*  
Alternative Custodian of Records  
Texas Commission on Environmental Quality

**APPLICATION BY  
VERTI-CRETE HOUSTON, LLC  
CONCRETE BATCH PLANT  
MISSOURI CITY, FORT BEND  
COUNTY**

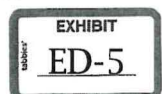
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**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT**

The Executive Director of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Public Comment (Response) on the Standard Permit application and Executive Director's preliminary decision.

As required by Title 30 Texas Administrative Code (TAC) § 55.156, before an application is approved, the Executive Director prepares a response to all timely, relevant and material, or significant comments. The Office of Chief Clerk received timely comments from the following persons: Senator Borris L. Miles (Texas, District 13), Morayo Gloria Adebisi, Huma Ahmed (Fort Bend County Attorney Office), Dominique Anderson, Martina Anderson, Ena Anderson, Guangpei Anderson, Larry Armstrong, Miyoshi Arvie, Phyllis J. Bailey, Samuel D. Baker, Rebecca Ballow, Skitteno R. Barnes, Tameisha Beal, Charlene Denise Benton, Charles Benton, Jocelyn Bermudez-Hackett, Jami Bertrand, Gina Biekman, Roberta Bogany, Shad Bogany, Christi Bowden, Eleanor Bradley, Danika M. Brown, Stephanie Brown, Janice Bush, Stephanie Bush, Janai Buxton, Leroy Calloway, Sonia Carcamo, Junior Centero, C. Chambers, Rose Charleston, Tramaine Chatman, Asif Chowdhury, Lady Clairbourne, Earl J. Conway, Belinda Cooper, Rodgricia Cooper, Violena Gonzalez Cordovi, Elenor Coursey, Dareus Coyle, Ramona P. Cramer, Cecilia Crear, William A. Cronin, Brandi Cross, Bryan K. Crowder, Gloria Daniels, Ella Davis, Ivey Davis, Nicandro Delgado, Raymond Derrick, Ray Dixon, Anthony D'Souze (Air Alliance Houston), Ann Dukes, Carolyn Durham, Dawn E. Earles, Ivory Edwards, Rochelle N. Emanuel, Kelly L. Epega, Henry Escobar, James Evans, Vincent Fernandes, Sophie Ann Figueroa, Jeannine Ford, Michael Galloway, Raquel Garcia, Raquel Sarahi Garcia, Rose T. Garmond, Ham Garza, Noemi Gavia, Marilyn Gonalakis, Kenneth Goode, Esherlonda Gray, Matt Gregory, Siria M. Guerrero, Isai Gutierrez, Deidre Guy, Justin Gwacchmai, Jennifer M. Hadayia (Air Alliance Houston), Carl Brock Harrison, De Misha Hawkins, Sheena Henderson, Lisa Ann Herbert, Shawn Hildreth, Linh Ho, Wyvette Hughes, Marsha Humphrey, Ross Huston, Rene Hyder, E. Joyce Iyamu, Yvonne Jackson, Amber Johnson, C. Johnson, Eryn Michelle Johnson, Gail Johnson, Linda Gay Black Johnson-Overall, Michelle Jones, Patricia Hall-Jones, Richard L. Jones, Orelia Kelly, Howard E. King, Medha Kukkalli, Yolanda Lara, Linda M. Lawrence, Cynthia Lenton-Gary, Pete Lewis, Ann Liberman, Lori Lockstedt, Marinel Love, Jamailah Lowe, Michael L. Malone, Monika Martinez, Fern McBride, Jessie McCormick, Nancy R. McGahey, Sandra Mendoza, Diana Merritte, Denise Miller, Landon Mitchell, Michael Mitchell, Ana Lilia Molina, Oralina Moreno, Erin Mosely, Michelle Mullins, Joe Narcisse, Shandra Newell, Martha Noyola, Linda Oliver, Joanna Ouderkirk, Douglas Parker, William Parks, Vi Pham, Ronald Pierre, Veronica Pina (Fort Bend County Environmental Organization), Shannon Pleasant, Frederick Earl Ponder, Carmon Quick, Willie Rainwater, Geralene Randolph, Walter Ray, Monica Riley, Donald R. Robinson, Bethina Rodriguez, Donaldo Leon Romero Souto (Concerned Citizen), Daniel



Rose, Janet Schofield, Haley Schulz (Public Citizen), Torrenus Shemika Shields, Annette Simmons, Cathy Smith, Shirley Smith, Torrence Smith, Dianna Smith, Gloria P. Smith, Bridgette Smith-Lawson (Fort Bend County Attorney Office), Horace Spencer, Tracy Spencer, Trinity Spencer, Marlene Stump, Allison Sullivan, Meagan Sullivan, Michael Sullivan, Karen Sullivan, Louwilda Tezeno, Donna Thomas (Fort Bend County Environmental Organization), Sam Thomas, Jonathan Thomas, Antoinette Thompson, Kristin Thornborrow, Robert Thornborrow, Margaret Trummer, L. E. Twine, Ogechi Uwaga-Sanders, Raymonny Van, Shaun Varga, Anastasia Wade, Lamont Waits, Nicoya Waits, Ryder Wall, Michelle Wan, Sharda Warren, Ebony Washington, James Williams, Jennifer Williams, Lawrence Williams, Norman Wood, Katrice Wright, Tynisha Wright, Xavier L. Wright, Cathryn Wyche, Ann Yeager. 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 TCEQ can be found at our website at [www.tceq.texas.gov](http://www.tceq.texas.gov).

## **BACKGROUND**

### Description of Facility

Verti-Crete Houston, LLC (Applicant) has applied to TCEQ for a Standard Permit under Texas Clean Air Act (TCAA), Texas Health and Code (THSC) § 382.05195. This will authorize the construction of a new facility that may emit air contaminants.

This permit will authorize the Applicant to construct a Concrete Batch Plant. The facility is located at 953 Pheasant Valley Drive, Missouri City, Fort Bend County. Contaminants authorized under this permit include aggregate, cement, road dust, and 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 176289.

The permit application was received on May 8, 2024, and declared administratively complete on June 5, 2024. 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 June 19, 2024, in the *Fort Bend Star*, and in Spanish on June 23, 2024, in *La Prensa de Houston*. A public meeting was held on December 12, 2024, at Houston Community College - Missouri City Campus, 1600 Texas Parkway, Missouri City, Fort Bend County, Texas 77489. The notice of public meeting was published in English and Spanish to the TCEQ Website - Public Meetings Calendar, and mailed to individuals on the mailing list on November 8, 2024. The public comment period ended on December 16, 2024. Because this application was received after September 1, 2015, it is subject to the procedural requirements of and rules implementing Senate Bill 709 (84th Legislature, 2015).

## COMMENTS AND RESPONSES

### **COMMENT 1: Air Quality / Health Effects**

Commenters expressed concern about the effect of the emissions from the proposed project on the air quality and the environment. Commenters expressed concern for the potential release of air pollutants such as particulate matter with diameters of 2.5 microns or less (PM<sub>2.5</sub>), Silica dust, Calcium Oxide (CaO), Carbon Monoxide (CO), Volatile Organic Compounds (VOCs), Benzene (C<sub>6</sub>H<sub>6</sub>), Sulfur Dioxide (SO<sub>2</sub>), Nitrogen Oxides (NO<sub>x</sub>), Formaldehyde (CH<sub>2</sub>O), Nickel (Ni), Chromium (Cr), Arsenic (As), Beryllium (Be), Cadmium (Cd), Lead (Pb), Manganese (Mn), Phosphorus (P), and Selenium (Se). Commenters expressed concern regarding the potential adverse health effects of people in close proximity to the project, particularly sensitive populations such as the elderly, children, and people with existing medical conditions. Commenters voiced concern regarding potential health effects and symptoms such as heart disease, kidney disease, lung damage, lung cancer, heart problems, heart attacks, stroke, bronchitis, asthma complications, skin irritation, eye irritation, respiratory issues, musculoskeletal problems, allergic reactions, headaches, dizziness, impaired brain function, diabetes, coronary obstructive pulmonary disease (COPD), and silicosis. In addition, commenters voiced concern that children and nearby residents will be exposed to contaminants during outdoor activities and will not be able to go outside.

(Senator Borris L. Miles, Morayo Gloria Adebisi, Huma Ahmed, Guangpei Anderson, Martina Anderson, Ena Anderson, Dominique Anderson, Larry Armstrong, Miyoshi Arvie, Phyllis J. Bailey, Rebecca Ballow, Skitteno R. Barnes, Tameisha Beal, Charles Benton, Charlene Denise Benton, Jocelyn Bermudez-Hackett, Jami Bertrand, Gina Biekman, Shad Bogany, Roberta Bogany, Stephanie Brown, Danika M. Brown, Janice Bush, Janai Buxton, Leroy Calloway, Sonia Carcamo, C. Chambers, Rose Charleston, Tramaine Chatman, Asif Chowdhury, Lady Clairbourne, Earl J. Conway, Belinda Cooper, Rodgricia Cooper, Elenor Coursey, Dareus Coyle, Ramona P. Cramer, Cecilia Crear, William A. Cronin, Brandi Cross, Bryan K. Crowder, Gloria Daniels, Ella Davis, Ivey Davis, Raymond Derrick, Ann Dukes, Carolyn Durham, Anthony D'Souze, Dawn E. Earles, Ivory Edwards, Rochelle N. Emanuel, Kelly L. Epega, Henry Escobar, James Evans, Sophie Ann Figueroa, Jeannine Ford, Michael Galloway, Raquel Sarahi Garcia, Rose T. Garmond, Ham Garza, Noemi Gavia, Marilyn Gonalakis, Kenneth Goode, Esherlonda Gray, Siria M. Guerrero, Deidre Guy, Jennifer M. Hadayia, Carl Brock Harrison, De Misha Hawkins, Sheena Henderson, Lisa Ann Herbert, Shawn Hildreth, Linh Ho, Wyvette Hughes, Marsha Humphrey, Ross Huston, Yvonne Jackson, Eryn Michelle Johnson, Amber Johnson, C. Johnson, Gail Johnson, Linda Gay Black Johnson-Overall, Patricia Hall-Jones, Richard L. Jones, Orelia Kelly, Howard E. King, Medha Kukkali, Yolanda Lara, Linda M. Lawrence, Cynthia Lenton-Gary, Pete Lewis, Ann Liberman, Lori Lockstedt, Marinel Love, Jamailah Lowe, Michael L. Malone, Monika Martinez, Fern McBride, Jessie McCormick, Nancy R. McGahey, Sandra Mendoza, Diana Merritte, Denise Miller, Michael Mitchell, Landon Mitchell, Ana Lilia Molina, Oralia Moreno, Erin Mosely, Michelle Mullins, Joe Narcisse, Shandra Newell, Martha Noyola, Linda Oliver, Joanna Ouderkirk, Douglas Parker, William Parks, Vi Pham, Veronica Pina, Shannon Pleasant, Frederick Earl Ponder, Carmon Quick, Willie Rainwater, Walter Ray, Monica Riley, Donald R. Robinson, Bethina Rodriguez, Daniel Rose, Janet Schofield, Haley Schulz, Torrenus Shemika Shields, Annette Simmons, Torrence Smith, Gloria P. Smith, Shirley



Smith, Bridgette Smith-Lawson, Tracy Spencer, Horace Spencer, Trinity Spencer, Marlene Stump, Allison Sullivan, Karen Sullivan, Michael Sullivan, Louwilda Tezeno, Sam Thomas, Antoinette Thompson, Robert Thornborrow, Kristin Thornborrow, Margaret Trummer, L. E. Twine, Ogechi Uwaga-Sanders, Raymonny Van, Shaun Varga, Anastasia Wade, Lamont Waits, Michelle Wan, Sharda Warren, Jennifer Williams, Lawrence Williams, Norman Wood, Tynisha Wright, Xavier L. Wright, Katrice Wright, Cathryn Wyche, Ann Yeager)

**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.<sup>1</sup> 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. EPA has set NAAQS for criteria pollutants, which include carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO<sub>2</sub>), ozone (O<sub>3</sub>), sulfur dioxide (SO<sub>2</sub>), particulate matter less than or equal to 10 microns in aerodynamic diameter (PM<sub>10</sub>), and PM less than or equal to 2.5 microns in aerodynamic diameter (PM<sub>2.5</sub>).

Applicants seeking to obtain authorization to operate under the Standard Permit for Concrete Batch Plants are not required to submit site-specific emission calculations or air dispersion modeling. During the protectiveness review for the 2024 amendment to the Standard Permit for Concrete Batch Plants, TCEQ performed an Air Quality Analysis (AQA), which included air dispersion modeling that was inherently conservative and tended to over-predict ground-level concentrations of emissions. The emission generating facilities or activities included in the AQA were material handling operations, truck loading, stockpiles, cement silos, and an internal combustion engine to generate power for equipment at the site. TCEQ calculated emission rates using conservative emission factors and methodology from the EPA in the Compilation of Air Pollution Emission Factors, AP-42 manual. TCEQ ensures the conservative nature of these calculations by evaluating each emission point at the maximum material

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<sup>1</sup> Issuance of a standard permit considers the standards in effect at the time of issuance. Individual registrations for authorization under a standard permit must demonstrate compliance with the standard permit. Updates to the Air Quality Standard Permit for Concrete Batch Plants (standard permit) were adopted on January 24, 2024. All pending and new applications to register for authorization under the standard permits are required to meet the recently adopted amendment. Due to the changes in the annual NAAQS standard for PM<sub>2.5</sub> becoming effective on May 6, 2024, TCEQ will evaluate whether updates are necessary to the current standard permit technical requirements.

throughput on both an hourly and an annual basis. The analysis also conservatively assumed the operating schedule of facilities or activities at the site as 24 hours per day. The air contaminants evaluated were carbon monoxide, nitrogen dioxide, sulfur dioxide, PM<sub>10</sub> and PM<sub>2.5</sub>, nickel particulate, and formaldehyde.

TCEQ applied the model in a screening mode to ensure predictions were conservative (higher than expected concentrations) and applicable for any location in the state. For example, the protectiveness review evaluated both rural and urban dispersion coefficients and the higher of the two was used as the maximum predicted concentration for developing the conditions of the Standard Permit for Concrete Batch Plants. The model also incorporated five years of meteorological data, including wind directions, which would include worst-case, short-term meteorological conditions that could occur anywhere in the state. In addition, all emissions sources were co-located in order to minimize bias due to source configuration and wind direction. This technique also provided conservative results since the impact from all sources was maximized.

TCEQ also evaluated the potential for cumulative or additive emissions. The maximum modeled concentration typically occurs at a relatively short distance from the source, so that the peak modeled concentrations represent the source's impact at only a relatively few receptors within the modeled area. The commission included site-wide production limits to avoid the potential for cumulative emissions that would be higher than what is authorized by the standard permit. The applicant represented hourly production limit of 20 cubic yards per hour, and an annual production limit of 40,000 cubic yards per year in any rolling 12-month period. For permit registrations operating a Specialty Batch Plant in Fort Bend County, the maximum production is limited to 131,400 cubic yards annually at 30 cubic yards per hour, and a setback distance from the nearest property line of 100 feet. In addition, distance requirements to the nearest rock crusher, concrete crusher, or hot mix asphalt plant were also added to avoid potential cumulative emission higher than the permit limit. Therefore, the commission determined that a review of other off-site sources is not necessary when determining approval of any particular standard permit application. In addition, based on the results of the protectiveness review, no adverse impacts are expected as a result of operations of multiple similar facilities, such as concrete batch plants, rock crushing plants, or hot-mix asphalt plants.

TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. Accordingly, TCEQ does not have jurisdiction to enforce employee safety regulations promulgated by the Occupational Safety and Health Association (OSHA) or to consider employee health when determining whether to approve or deny an application for an air authorization. Hazardous Air Pollutants (HAPs), Calcium Oxide (CaO), Carbon Monoxide (CO), Volatile Organic Compounds (VOCs), Benzene (C<sub>6</sub>H<sub>6</sub>), Sulfur Dioxide (SO<sub>2</sub>), Nitrogen Oxides (NO<sub>x</sub>), Formaldehyde (CH<sub>2</sub>O), Nickel (Ni), Chromium (Cr), Arsenic (As), Beryllium (Be), Cadmium (Cd), Lead (Pb), Manganese (Mn), Phosphorus (P), and Selenium (Se) are not authorized by this permit.

The review of nickel particulate, and formaldehyde are products of diesel fuel combustion. The most recent amendment of the Air Quality Standard Permit for Concrete Batch Plants (standard permit) adopted on January 24, 2024, made changes to the requirement that owners or operators of concrete batch plants that include a

stationary compression ignition internal combustion engines shall comply with additional applicable engine requirements in 40 CFR 60 Subpart III, Standards of Performance for Stationary Compression Ignition, 40 CFR 63, Subpart ZZZZ, National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 30 TAC Chapter 117, Control of Air Pollution from Nitrogen Compounds, and any other applicable state or federal regulation. Adopted subsection (G) of the amended standard permit is based on public comment to improve best management practices, reduce the potential generation of nuisance dust, and prevent the tracking of sediment onto adjacent roadways. The adopted language includes requirements to prevent tracking of sediment onto roadways and reduce the generation of dusts by using one or more of the listed methods. However, the applicant did not represent an engine being used for concrete production. Further, the amendment includes increased setback distances for some areas of the state and options for additional controls.

Additionally, TCEQ has reviewed ambient air crystalline silica levels measured near aggregate production operations (APOs) similar to this proposed facility in various locations throughout the United States where data are available. These data indicate that the contribution of crystalline silica from these facilities to ambient levels of particulate matter and respirable crystalline silica is negligible or minimal and that the levels generally are below the health-based air monitoring comparison values for crystalline silica developed by TCEQ.

You can read TCEQ Toxicology Division's publication on silica at APOs at the following site: <https://www.tceq.texas.gov/downloads/toxicology/research-projects/finalapo.pdf>.

#### **COMMENT 2: Dust Control / Nuisance**

Commenters expressed concern that the proposed site would create nuisance dust conditions near the facility.

(Senator Borris L. Miles, Huma Ahmed, Rebecca Ballow, Roberta Bogany, Leroy Calloway, Sonia Carcamo, Asif Chowdhury, Belinda Cooper, Violena Gonzalez Cordovi, Ramona P. Cramer, Gloria Daniels, Anthony D'Souze, Henry Escobar, Raquel Sarahi Garcia, Siria M Guerrero, De Misha Hawkins, Gail Johnson, Amber Johnson, Howard E. King, Pete Lewis, McCormick, Jessie McCormick, Diana Merritte, Denise Miller, Oralia Moreno, Linda Oliver, Joanna Ouderkirk, Monica Riley, Janet Schofield, Haley Schulz, Torrenus Shemika Shields, Shirley Smith, Bridgette Smith-Lawson, Horace Spencer, Tracy Spencer, Allison Sullivan, Louwilda Tezeno, Antoinette Thompson, L. E. Twine, Lawrence Williams, Tynisha Wright, Ann Yeager)

**RESPONSE 2:** Vehicle traffic and material handling are the primary activities that have the potential to emit particulate matter (i.e. dust) resulting from the proposed plant. All of the potential dust concentrations from the permitted sources have been evaluated based on operating parameters represented in the application and compared to the impacts criteria described in Response 1. The Standard Permit for Concrete Batch Plants requires substantial dust control processes to minimize dust emissions, which include paving in-plant roads and work areas, using water sprays on stockpiles,



and using a suction shroud with a three-sided curtain to prevent flyaway dust at the product loading point. When a company operates in compliance with the Standard Permit, they should not cause or contribute to a violation of the NAAQS and are protective of human health and the environment.

Concrete is made up of four main ingredients: water, Portland cement, fly ash, and aggregates. Portland cement is the most common cement used and is composed of alumina, silica, lime, iron, and gypsum. Aggregates are sand, gravel, and crushed stone.

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

While nuisance conditions are not expected if the facility is operated in compliance with the terms of the permit, operators must also comply with 30 TAC § 101.4, which prohibits a person from creating or maintaining a condition of nuisance that interferes with a landowner's use and enjoyment of a property. Specifically, the rule states that "no person shall discharge from any source" air contaminants which are or may "tend to be injurious to or adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property." When a company operates in compliance with the Standard Permit requirements, such as those listed above, there should be no deterioration of air quality, the generation of dust, or odors such that it impacts visibility or accumulates on water in fields.

Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with terms of any permit or other environmental regulation by contacting TCEQ (Region 12) Houston Regional Office at 713-767-3500 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186.

### **COMMENT 3: Environmental Concerns**

Commenters expressed concern that emissions from the proposed project would negatively impact wildlife, the surrounding environment, and community green spaces, including Buffalo Run Park.

(Danika M. Brown, Jessie McCormick, Linda Oliver, Torrenus Shemika Shields, Tracy Spencer, Louwilda Tezeno)

**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.

#### **COMMENT 4: Cumulative effects**

Commenters voiced concern about the cumulative effects of this project with pending or existing facilities in the area. Commenters specifically voiced concern about cumulative effects of this project with other concrete batch plants in the area.

(Huma Ahmed, Ena Anderson, Dominique Anderson, Larry Armstrong, Phyllis J. Bailey, Samuel D. Baker, Skitteno R. Barnes, Janice Bush, C. Chambers, William A. Cronin, Anthony D'Souze, Jennifer M. Hadayia, Linh Ho, Rene Hyder, Yvonne Jackson, Linda Gay Black Johnson-Overall, Richard L. Jones, Orelia Kelly, Cynthia Lenton-Gary, William Parks, Frederick Earl Ponder, Carmon Quick, Gloria P. Smith, Bridgette Smith-Lawson, Karen Sullivan, Donna Thomas, Sharda Warren, Jennifer Williams)

**RESPONSE 4:** 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: Monitors**

Commenters expressed concern that there are an insufficient number of air quality monitors in the area.

(Huma Ahmed, Asif Chowdhury, Medha Kukkalli, Haley Schulz, Bridgette Smith-Lawson, Tracy Spencer, Allison Sullivan, Karen Sullivan)

**RESPONSE 5:** Due to cost and logistical constraints, the placement of air monitors is prioritized to provide data on regional air quality in areas frequented by the public. The existing air monitoring network is the result of a strategic balance of matching federal monitoring requirements with state and local needs. Consistent with federal air monitoring requirements, TCEQ evaluates the placement of air quality monitors within the air monitoring network using trends in population, reported emissions inventory data, and existing air monitoring data for a given area. In addition, TCEQ may prioritize monitor placement in areas with potential regional air quality issues.

TCEQ annually evaluates the number and location of air monitors within its network to assess compliance with federal monitoring requirements and the adequacy of monitoring coverage for identified monitoring objectives as a part of the Annual Monitoring Network Plan provided to EPA on July 1 of each year. This plan is made

available on TCEQ's website for public review and comment for 30 days beginning in mid-May. Requests for additional monitoring or the identification of additional monitoring needs may be made during this public comment period and will be considered along with other monitoring priorities across the state. To receive email announcements related to the ambient air monitoring network, including the availability of the Annual Monitoring Network Plan for public review and comment, please visit the following link:

<https://service.govdelivery.com/accounts/TXTCEQ/subscriber/new> and select "Air Monitoring Network Announcements."

Since stationary air monitors are sited to measure air quality that is representative of a broader area or region, monitors are not typically placed to measure the impacts from specific industrial facilities. In addition, TCEQ does not have a routine monitoring plan for this type of industry.

Mobile air monitoring is an approach typically used to support on-going field investigations regarding a specific source or group of sources, or to provide short-term evaluations of air quality in areas where the agency suspects potential air quality issues. Mobile monitoring is not appropriate for ambient air monitoring to determine compliance with the NAAQS.

#### **COMMENT 6: Location/Zoning**

Commenters expressed concern regarding the location of the facility and/or whether it complies with current local zoning ordinances. Commenters expressed concern regarding the location of the facility as and the proximity to public areas, including residences, schools, daycares, places of worship. Commenters expressed concern about the proposed plant's facility to Thurgood Marshall High School, Missouri City Middle School, EA Jones Elementary School, Hunter's Glenn Elementary School, Holy Family Catholic Church, and Buffalo Run Park. Commenters voiced concern that construction of this facility would be in violation of land zoning and approved allowances under Missouri City Ordinance NO. O-24-05.

(Senator Borris L. Miles, Morayo Gloria Adebisi, Huma Ahmed, Ena Anderson, Guangpei Anderson, Martina Anderson, Dominique Anderson, Larry Armstrong, Miyoshi Arvie, Phyllis J. Bailey, Samuel D. Baker, Rebecca Ballow, Skitteno R. Barnes, Charlene Denise Benton, Charles Benton, Jocelyn Bermudez-Hackett, Jami Bertrand, Gina Biekman, Shad Bogany, Eleanor Bradley, Danika M. Brown, Stephanie Brown, Janice Bush, Janai Buxton, Leroy Calloway, Sonia Carcamo, Rose Charleston, Asif Chowdhury, Lady Clairbourne, Earl J. Conway, Rodgricia Cooper, Belinda Cooper, Violena Gonzalez Cordovi, Elenor Coursey, Dareus Coyle, Cecilia Crear, William A. Cronin, Brandi Cross, Gloria Daniels, Ivey Davis, Ella Davis, Ray Dixon, Anthony D'Souze, Carolyn Durham, Dawn E. Earles, Ivory Edwards, Kelly L. Epega, Henry Escobar, Sophie Ann Figueroa, Rose T. Garmond, Ham Garza, Noemi Gavia, Marilyn Gonalakis, Kenneth Goode, Esherlonda Gray, Siria M. Guerrero, Isai Gutierrez, Deidre Guy, Patricia Hall-Jones, De Misha Hawkins, Sheena Henderson, Lisa Ann Herbert, Shawn Hildreth, Marsha Humphrey, Ross Huston, Rene Hyder, E. Joyce Iyamu, Yvonne Jackson, Amber Johnson, Eryn Michelle Johnson, Linda Gay Black Johnson-Overall, Michelle Jones, Richard L. Jones, Orelia Kelly, Medha Kukkalli, Linda M. Lawrence, Cynthia Lenton-Gary, Pete Lewis, Lori Lockstedt, Marinel

Love, Jamailah Lowe, Michael L. Malone, Fern McBride, Jessie McCormick, Nancy R. McGahey, Denise Miller, Ana Lilia Molina, Oralia Moreno, Joe Narcisse, Martha Noyola, Linda Oliver, Ronald Pierre, Shannon Pleasant, Frederick Earl Ponder, Willie Rainwater, Bethina Rodriguez, Janet Schofield, Haley Schulz, Torrenus Shemika Shields, Annette Simmons, Gloria P. Smith, Cathy Smith, Shirley Smith, Bridgette Smith-Lawson, Trinity Spencer, Tracy Spencer, Marlene Stump, Allison Sullivan, Karen Sullivan, Michael Sullivan, Meagan Sullivan, Louwilda Tezeno, Antoinette Thompson, Robert Thornborrow, Kristin Thornborrow, Ogechi Uwaga-Sanders, Anastasia Wade, Lamont Waits, Nicoya Waits, Michelle Wan, Sharda Warren, James Williams, Lawrence Williams, Jennifer Williams, Norman Wood, Katrice Wright, Tynisha Wright, Xavier L. Wright, Cathryn Wyche, Ann Yeager)

**RESPONSE 6:** TCEQ does not have jurisdiction to consider facility location choices made by an applicant when determining whether to approve or deny a permit application, unless a statute or rule specifically requires the Commission to consider some aspect of the location. Generally, zoning is beyond the jurisdiction of TCEQ to consider when reviewing air quality permit applications. The issuance of a permit does not override any local zoning requirements that may be in effect and does not authorize an applicant to operate outside of local zoning requirements. Commenters may wish to contact local (i.e., city or county) zoning authorities with questions or concerns relating to the location of the facility.

**Comment 7: Traffic/Trucks/Roads/Public Infrastructure**

Commenters expressed concern regarding truck traffic, diesel emissions, spillage of debris from the truck traffic, and damage to roads. Commenters expressed concern for public roadway safety due to increased truck traffic. Commenters voiced concern about emissions from increased traffic in the area.

(Huma Ahmed, Gina Biekman, Stephanie Brown, Janai Buxton, Sonia Carcamo, Tramaine Chatman, Belinda Cooper, Violena Gonzalez Cordovi, Ramona P. Cramer, Ray Dixon, Ann Dukes, Henry Escobar, James Evans, Isai Gutierrez, Jennifer M. Hadayia, De Misha Hawkins, C. Johnson, Linda Gay Black Johnson-Overall, Howard E. King, Pete Lewis, Ann Liberman, Marinel Love, Oralia Moreno, Linda Oliver, William Parks, Carmon Quick, Walter Ray, Monica Riley, Torrence Smith, Bridgette Smith-Lawson, Michael Sullivan, Karen Sullivan, Kristin Thornborrow, Nicoya Waits, Tynisha Wright, Xavier L. Wright)

**RESPONSE 7:** Under 30 TAC § 101.5, TCEQ prohibits an applicant from discharging air contaminants, uncombined water, or other materials from any source which could cause a traffic hazard or interference with normal road use. If the sources are operated in compliance with the terms and conditions of the permit, nuisance conditions should not occur. 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. If the facility is found to be out of compliance with the terms and conditions of the permit, it may be subject to possible enforcement action.

TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statute. Although TCEQ rules prohibit creation of a nuisance, TCEQ 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 TCEQ. TCEQ is also prohibited from regulating roads per the THSC § 382.003(6) which excludes roads from the definition of "facility."

TCEQ also does not have the authority to regulate traffic on public roads, load-bearing restrictions, and public safety, including access, speed limits, and public roadway issues. These concerns are typically the responsibility of local, county, or other state agencies. Commenters may contact the Texas Department of Transportation (TxDoT) at <https://www.txdot.gov/about/contact-us.html> for any state highway-related concerns. For any concerns related to city or county-maintained roads, commenters may contact the applicable local, city, or county public works or roads/streets department.

**Comment 8: Quality of Life/Aesthetics/Property values**

Commenters voiced concern about the effect of the proposed project on their quality of life and on the aesthetics of the area. Commenters expressed concern about possible devaluation of property in the area.

(Senator Borris L. Miles, Martina Anderson, Dominique Anderson, Ena Anderson, Miyoshi Arvie, Phyllis J. Bailey, Skitteno R. Barnes, Jami Bertrand, Gina Biekman, Shad Bogany, Danika M. Brown, Janice Bush, Janai Buxton, Sonia Carcamo, Rose Charleston, Tramaine Chatman, Asif Chowdhury, Belinda Cooper, Elenor Coursey, Ramona P. Cramer, Gloria Daniels, Raymond Derrick, Raquel Sarahi Garcia, Rose T. Garmond, Jennifer M. Hadayia, Linh Ho, Yvonne Jackson, C. Johnson, Linda Gay Black Johnson-Overall, Pete Lewis, Oralia Moreno, Erin Mosely, Michelle Mullins, Linda Oliver, Douglas Parker, William Parks, Carmon Quick, Willie Rainwater, Monica Riley, Daniel Rose, Annette Simmons, Bridgette Smith-Lawson, Tracy Spencer, Horace Spencer, Allison Sullivan, Michael Sullivan, Karen Sullivan, Sam Thomas, Robert Thornborrow, Kristin Thornborrow, Margaret Trummer, Shaun Varga, Nicoya Waits, Katrice Wright, Xavier L. Wright, Tynisha Wright)

**RESPONSE 8:** TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statute. TCEQ does not have the jurisdiction to consider potential effects from plant location, aesthetics, zoning, and land use issues when determining whether to approve or deny this air permit. TCEQ also does not have jurisdiction to consider whether the proposed activity will impact development, property values, property transactions, or investment property when determining whether to approve or deny a permit application.

### **Comment 9: Noise/Light Pollution**

Commenters expressed concern about noise and the potential for light pollution from the proposed project.

(Huma Ahmed, Dominique Anderson, Ena Anderson, Miyoshi Arvie, Phyllis J. Bailey, Gina Biekman, Janice Bush, Sonia Carcamo, Tramaine Chatman, Belinda Cooper, Violena Gonzalez Cordovi, Elenor Coursey, William A. Cronin, Bryan K. Crowder, Ivey Davis, Ann Dukes, Raquel Sarahi Garcia, Marilyn Gonalakis, Jennifer M. Hadayia, Linh Ho, C. Johnson, Amber Johnson, Howard E. King, Medha Kukkali, Pete Lewis, Ann Liberman, Marinel Love, Oralia Moreno, Michelle Mullins, Linda Oliver, Carmon Quick, Janet Schofield, Allison Sullivan, Michael Sullivan, Karen Sullivan, Donna Thomas, Kristin Thornborrow, Nicoya Waits, Tynisha Wright, Xavier L. Wright)

**RESPONSE 9:** TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statute. Accordingly, TCEQ does not have jurisdiction to consider noise from a facility when determining whether to approve or deny a permit application. TCEQ does not have authority to require or enforce any noise abatement measures, as noise ordinances are normally enacted by cities or counties and enforced by local law enforcement authorities. Commenters may wish to contact local authorities to inquire if there are any applicable local noise ordinances in the area where the facility is located. Commenters may wish to contact local (i.e., city or county) law enforcement authorities with questions or complaints about noise.

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

### **Comment 10: Effect on Local Economy/Corporate Profits**

Commenters voiced concern about the effects this project could have on the local economy. Commenters also expressed concern that TCEQ would be prioritizing corporate profits over the community.

(Miyoshi Arive, Miyoshi Arvie, Shad Bogany, Dawn E. Earles, Jennifer M. Hadayia, Ana Lilia Molina, Douglas Parker, Carmon Quick, Monica Riley, Daniel Rose, Karen Sullivan, Michael Sullivan, Alison Sullivan, Shaun Varga, Anastasia Wade, Larence Williams, Xavier L. Wright, Cathryn Wyche)

**RESPONSE 10:** TCEQ does not have jurisdiction to prohibit owners and operators from seeking authorization to emit air contaminants; nor can TCEQ prohibit owners and operators from receiving authorization to emit air contaminants if they comply with all statutory and regulatory requirements. Further, TCEQ is not authorized to consider a company's financial status or profit issues, including tax abatements, in determining whether or not a permit should be issued. As explained in previous responses, the decision by the Executive Director to issue the permit is based upon the authority and direction of the TCCA. Specifically, THSC § 382.0518 provides that TCEQ shall issue the permit if an application demonstrates that the proposed facility will use at least

BACT and there is no indication that the emissions from the facility will contravene the intent of the TCAA. TCEQ is not authorized to consider an applicant's experience with a particular facility type. Although, as described in Response 19, TCEQ does consider an applicant's compliance history.

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

#### **Comment 11: Mental Health and Financial Well-being**

Commenters expressed concern about the mental and financial well-being of the people in the area due to the proposed plant. Commenters expressed concern regarding the negative impact on mental health, emotions, and possible PTSD triggers due to the proposed plant. Commenters expressed concern that the proposed plant would cause emotional distress.

(Dominique Anderson, Ena Anderson, Phyllis J. Bailey, Gloria P. Smith)

**RESPONSE 11:** The TCAA does not give TCEQ authority to regulate air emissions beyond the direct impacts (inhalation) that the air emissions have on human health or welfare. In addition, the TCAA specifically address air-related issues. This permit, if issued, would regulate the control and abatement of air emissions only.

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

**COMMENT 12: Demonstration of Permit Compliance**

Commenters asked how the Applicant will demonstrate compliance with the terms of their permit on a continuous basis.

(Guangpei Anderson, Roberta Bogany, Asif Chowdhury, Belinda Cooper, Ann Dukes, James Evans, Jennifer M. Hadayia, Wyvette Hughes, Medha Kukkali, Landon Mitchell, William Parks, Geralene Randolph, Haley Schulz, Karen Sullivan, Michael Sullivan, Raymonny Van)

**RESPONSE 12:** Monitoring requirements are included in the Standard Permit. Owners or operators are required to keep written records on-site for a rolling 24-month period. Emissions will be monitored and demonstrate compliance by including records of road cleaning, application of road dust control, stockpile dust suppression, monthly silo warning devices or system shut-off tests, quarterly visible emissions observations, and repairs/maintenance of dust suppression controls. Records must be made available upon request to representatives of TCEQ, EPA, or any local air pollution control program having jurisdiction. The Regional Office may perform investigations of the plant as required. The investigation may include an inspection of the site, including all equipment, control devices, monitors, and a review of all required recordkeeping.

TCEQ evaluates all complaints received. If a facility is found to be out of compliance with the terms and conditions of its permit, it will be subject to investigation and possible enforcement action. Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with terms of any permit or other environmental regulation by contacting TCEQ Houston Regional Office at 713-767-3500 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186.

**COMMENT 13: Environmental Complaints**

Commenters asked how to make complaints and how complaints are handled.

(Senator Borris L. Miles, Guangpei Anderson, Roberta Bogany, Belinda Cooper, James Evans, Jennifer M. Hadayia, Wyvette Hughes, Landon Mitchell, William Parks, Geralene Randolph, Haley Schulz, Karen Sullivan, Michael Sullivan, Allison Sullivan)

**RESPONSE 13:** Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with terms of any permit or other environmental regulation by contacting TCEQ Houston Regional Office at (713) 767-3500 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. Staff from TCEQ regional office reviews all complaints, and regional investigations and are not limited by media. TCEQ regional offices prioritize their responses to complaints based on the potential for adverse health effects associated with the alleged violation. For example, a "priority one" case means serious health concerns exist, and the case will be investigated immediately. A "priority four" case, on the other hand, means no immediate health concerns exist; therefore, it will be investigated within 30 days. If a facility is found to be out of compliance with the terms and conditions of its registration, it may be subject to investigation and possible enforcement action.



Citizen-collected evidence may be used to file a complaint and any applicable enforcement action. See 30 TAC § 70.4, Enforcement Action Using Information Provided by Private Individual, for details on gathering and reporting such evidence. Under the citizen-collected evidence program, individuals are providing information on possible violations of environmental law and the information can be used by TCEQ to pursue enforcement. In this program, citizens can become involved and may eventually testify at a hearing or trial concerning the violation. For additional information, see TCEQ publication, "Do You Want to Make an Environmental Complaint? Do You Have Information or Evidence"? This booklet is available in English and Spanish from TCEQ Publications office at 512-239-0028 and may be downloaded from the agency website at [www.tceq.texas.gov](http://www.tceq.texas.gov) (under Publications, search for Publication Number 278).

There are a number of mechanisms by which TCEQ monitors compliance with permit conditions and state and federal regulations. To the extent that personnel, time, and resources are available, TCEQ investigates permit operations to ensure compliance with applicable rules and regulations. Although specific to each site, investigations generally explore the entire operation of the plant. The investigation schedule may be increased if violations are found, repeated, or if a regulated entity is classified as an unsatisfactory performer. Notices of Violation (NOVs) are public information. Additionally, the public is able to track complaints on TCEQ website by complaint tracking number, date, county, TCEQ region, or regulated entity/customer name or number (<http://www2.tceq.texas.gov/oce/waci/index.cfm>).

#### **COMMENT 14: Permit Violations/Enforcement Actions**

Commenters asked about the consequences of violating the terms of the permit.

(Guangpei Anderson, Roberta Bogany, Belinda Cooper, James Evans, Wyvette Hughes, Jessie McCormick, Landon Mitchell, William Parks, Veronica Pina, Geralene Randolph, Haley Schulz, Torrenus Shemika Shields, Allison Sullivan, Michael Sullivan, Louwilda Tezeno)

**RESPONSE 14:** Violations are usually addressed through a notice of violation letter that allows the operator a specified period of time within which to correct the problem. The violation is considered resolved upon timely corrective action. A formal enforcement referral will be made if the cited problem is not timely corrected, if the violation is repeated, or if a violation is causing substantial impact to the environment or neighbors. In most cases, formal enforcement results in an agreed enforcement order including penalties and technical requirements for corrective action. Penalties are based upon the severity and duration of the violation(s). Violations are maintained on file and are included in the calculation of a facility and a person's compliance history. As discussed further in Response 19, compliance history ratings are considered during permit application reviews.

#### **COMMENT 15: Water Quality/Other Required Authorizations**

Commenters expressed concerns for water quality in the area that may be affected by the proposed facility. Commenters also asked if other authorizations are required for this project.

(Morayo Gloria Adebiyi, Huma Ahmed, Stephanie Brown, Belinda Cooper, Rodgricia Cooper, Bryan K. Crowder, Michael Galloway, Jennifer M. Hadayia, De Misha Hawkins, Howard E. King, Medha Kukkali, Ann Liberman, Jessie McCormick, Linda Oliver, Torrenus Shemika Shields, Allison Sullivan, Karen Sullivan, Michael Sullivan, Louwilda Tezeno)

**RESPONSE 15:** Although 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, as applicable.

**COMMENT 16: Public Notice - Newspaper Publication**

Commenters state that the newspaper selected for public notice was not appropriate and that they were not properly informed about the proposed project or public meeting.

(Phyllis J. Bailey, Janice Bush, Jennifer M. Hadayia, Frederick Earl Ponder, Monica Riley, Karen Sullivan)

**RESPONSE 16:** The TCAA, at THSC § 382.056 requires that the applicant for this Standard Permit publish notice. Notice must be published in a newspaper of general circulation in the municipality in which the proposed facility is located or proposed to be located. The notice must include a description of the facility, information on how an affected person may request a public hearing, pollutants the facility will emit, and any other information TCEQ requires by rule. The commission also requires that notice be published in an alternative language if the elementary or middle school nearest the proposed facility offers a bilingual education program as required by Texas Education Code Chapter 29, Subchapter B. TCEQ adopted rules for these public notice requirements in 30 TAC § 39.603, Public Notice of Air Quality Applications, Newspaper Notice.

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. For this permit application, the Applicant provided verification that it met all applicable notice requirements required by TCEQ rules and statutes.

**COMMENT 17: Public Notice - Sign Posting**

Commenters questioned if the sign posting requirements were met. Commenters expressed that they could not see the signs from their backyards or the nearby highway.

(Jennifer M. Hadayia, Howard E. King, Douglas Parker, Frederick Earl Ponder, Monica Riley, Karen Sullivan, Michael Sullivan)

**RESPONSE 17:** Title 30 TAC § 39.604 requires that signs be placed at the site of the existing or proposed facility. The sign(s) must state that an application for a standard permit has been filed and the manner in which the commission may be contacted for further information.

Each sign placed at the site must be located within ten feet of every property line paralleling a public highway, street, or road. Signs must also be visible from the street and spaced at not more than 1,500-foot intervals. A minimum of one sign, but no more than three signs are required along any property line paralleling a public highway, street, or road. Finally, in cases which notice is required to be published in an alternative language, the applicant must also post signs in the applicable alternative language.

The Applicant provided verification to the Office of the Chief Clerk in accordance with 30 TAC § 39.605 that signs were posted at the proposed site in accordance with 30 TAC § 39.604.

**COMMENT 18: Access to permit documents**

Commenters stated that they did not have access to the permit documents. Commenters ask where the facility will be located on the property.

(Senator Borris L. Miles, Monica Riley, Stephanie Brown, Howard E. King)

**RESPONSE 18:** Based on the plot plan provided by the Applicant, the plant will be located approximately in the central-southwest section of the site. Title 30 TAC Chapter 39 Subchapter H, Applicability and General Provisions requires the Applicant to provide a copy of the application at a public place in the county in which the facility is located or proposed to be located. The rules also require that the application, including any subsequent revisions to the application, be available for review for the duration of the comment period. The Applicant represented that the application was made available at Fort Bend Chamber of Commerce, 445 Commerce Green Boulevard, Sugar Land, Fort Bend County, Texas 77478. In addition, a copy of the application was also available at the TCEQ Houston Regional Office and the TCEQ Central Office. Specific representations were included in the application materials available at the aforementioned locations for the duration of the comment period.<sup>2</sup>

**COMMENT 19: Permit Review process / Application Representations**

Commenters questioned the permitting process, what requirements are included in the Standard Permit, and what representations the applicant submitted in the application. Commenters also asked if local authorities have jurisdiction to deny this pending permit application.

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<sup>2</sup> TCEQ has made the permit applications for New Source Review permits that were declared technically complete after September 2024 available online. Because this permit was declared technically complete on May 22, 2024, it was not subject to the policy implementation.

(Huma Ahmed, Skitteno R. Barnes, Stephanie Brown, Tramaine Chatman, Jennifer M. Hadayia, Jessie McCormick, Erin Mosely, Shandra Newell, Veronica Pina, Frederick Earl Ponder, Monica Riley, Torrenus Shemika Shields, Bridgette Smith-Lawson, Karen Sullivan, Michael Sullivan, Louwilda Tezeno, Donna Thomas, Sharda Warren, Cathryn Wyche, Ann Yeager)

**RESPONSE 19:** TCEQ conducted a review and verified the representations in the application meet the standard permit requirements. This review included both an administrative and technical review. During the administrative review, TCEQ verified the following:

- The correct application was submitted;
- The application form and TCEQ Core Data Form have been signed by the Responsible Official;
- The company is an entity legally entitled to do business in Texas;
- The information is accurately recorded in TCEQ's Central Registry;
- The appropriate application fee was received;
- The mailing addresses for the company and site are USPS validated; and
- There are no delinquent fees owed by the company.

During the technical review, TCEQ evaluated the following:

- All sources of air contaminants at the proposed facility have been properly identified;
- Appropriate controls have been proposed for each emission source;
- Proposed operations meet all applicable Standard Permit requirements;
- Compliance history for the site and the operator; and
- Public notice requirements were fulfilled.

Based on this review, TCEQ determined the application meets the requirements of the standard permit. The TCAA and TCEQ rules authorize TCEQ's ability to control air quality and air emissions. Local governments have authority to enact zoning, noise, and traffic ordinances, but do not have authority over the TCEQ permitting process. See Response 6 concerning how local zoning regulations interact with TCEQ's permitting process.

### Application Representations

An applicant is bound by its representations in the application, and those representations become an enforceable part of the permit, including production rates, authorized emission rates, and equipment. If the Applicant deviates from the representations made in the application, on which the permit was developed, the Applicant may be subject to enforcement action. See Response 14 detailing the complaint and enforcement process for violations and suspected noncompliance.

**COMMENT 20: Application incomplete**

Commenters stated that the application is incomplete. Commenters voiced concern that the facility is in violation of Texas Health and Safety Code § 382.065 and Texas Health and Safety Code § 382.05198(a)(19) and EPA rules regarding setback distances for concrete batch plants.

(Huma Ahmed, Guangpei Anderson, Howard E. King, Medha Kukkali, Veronica Pina, Bridgette Smith-Lawson, Allison Sullivan, Michael Sullivan)

**RESPONSE 20:** Texas Health and Safety Code § 382.065 relates to prohibiting Concrete Crushing Facility within 440 yards of a building in use as a single or multifamily residence, school, or place of worship at the time the application. Texas Health and Safety Code Section 382.065 is not applicable in this situation as the proposed initial authorization application for permit no. 176289 is for a Concrete Batch Plant and not a Concrete Crushing Facility.

Texas Health and Safety Code § 382.05198(a)(19) mandates that Concrete Batch Plants specifically authorized under the Air Quality Standard Permit for Concrete Batch Plants with Enhanced Controls must locate the central baghouse at least 440 yards from any building used as a single or multifamily residence, school, or place of worship at the time the application to use the permit is filed with the commission if the plant is located in an area that is not subject to municipal zoning regulation. Texas Health and Safety Code § 382.05198(a)(19) is not applicable in this situation as the proposed initial authorization application for permit no. 176289 is for a facility authorized by the Air Quality Standard Permit for Concrete Batch Plants and not the Air Quality Standard Permit for Concrete Batch Plants with Enhanced Controls.

The Air Permits Division and other applicable TCEQ staff have conducted a thorough review of this permit application to ensure it meets the requirements of all applicable state and federal standards. An applicant is bound by its representations in the application and those representations become an enforceable part of the permit, including production rates, authorized emission rates, and equipment. If the Applicant deviates from the representations made in the application, on which the permit was developed, the Applicant may be subject to enforcement action.

**COMMENT 21: Operating Hours**

Commenters expressed concern that the site would be allowed to operate 24/7. Commenters are concerned that 24/7 operation would keep nearby residents awake at night and during holidays. Commenters voiced concern that the 24/7 operations would be authorized even though the application states the facility will operate less.

(Stephanie Brown)

**RESPONSE 21:** TCEQ has not been delegated the authority to regulate the hours of operations of a facility or site if the permit review demonstrates all applicable federal and state regulations are met. Accordingly, TCEQ cannot limit the hours of operation unless an emission rate is dependent on a limit on operational hours or there are issues associated with the air quality analysis that require the limitation. The Applicant represented operations up to 2,000 hours per year.

## **COMMENT 22: Environmental justice**

Commenters raised concerns regarding the environmental justice implications of this project.

(Huma Ahmed, Dominique Anderson, Ena Anderson, Phyllis J. Bailey, Skitteno R. Barnes, Gina Biekman, Shad Bogany, Stephanie Brown, Janice Bush, Asif Chowdhury, Dareus Coyle, Gloria Daniels, Anthony D'Souze, Yvonne Jackson, Linda Gay Black Johnson-Overall, Medha Kukkalli, Cynthia Lenton-Gary, Willie Rainwater, Gloria P. Smith, Allison Sullivan, Michael Sullivan, Karen Sullivan, Donna Thomas, Sharda Warren)

**RESPONSE 22:** Air permits evaluated by TCEQ are reviewed without reference to the socioeconomic or racial status of the surrounding community. TCEQ is committed to protecting the health of the people of Texas and the environment regardless of location. A health effects review was conducted during the standard permit development and found to be protective of human health and the environment.

TCEQ encourages participation in the permitting process. The Office of the Chief Clerk works to help the public and neighborhood groups participate in the regulatory process to ensure that agency programs that may affect human health or the environment operate without discrimination and to make sure that concerns are considered thoroughly and are handled in a way that is fair to all. You may contact the Office of the Chief Clerk at 512-239-3300 for further information. More information may be found on TCEQ website:

<https://www.tceq.texas.gov/agency/decisions/participation/title-vi-compliance>.

## **COMMENT 23: TCEQs Responsibility to the Community / General Opposition**

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

(Senator Borris L. Miles, Morayo Gloria Adebisi, Huma Ahmed, Guangpei Anderson, Martina Anderson, Dominique Anderson, Ena Anderson, Larry Armstrong, Miyoshi Arvie, Phyllis J. Bailey, Samuel D. Baker, Rebecca Ballow, Skitteno R. Barnes, Tameisha Beal, Charlene Denise Benton, Charles Benton, Jocelyn Bermudez-Hackett, Jami Bertrand, Gina Biekman, Roberta Bogany, Shad Bogany, Christi Bowden, Stephanie Brown, Danika M. Brown, Stephanie Bush, Janice Bush, Janai Buxton, Leroy Calloway, Sonia Carcamo, Rose Charleston, Tramaine Chatman, Asif Chowdhury, Concerned Citizen, Lady Clairbourne, Earl J. Conway, Rodgricia Cooper, Belinda Cooper, Violena Gonzalez Cordovi, Elenor Coursey, Dareus Coyle, Ramona P. Cramer, Cecilia Crear, William A. Cronin, Brandi Cross, Bryan K. Crowder, Gloria Daniels, Ivey Davis, Ella Davis, Nicandro Delgado, Raymond Derrick, Ray Dixon, Anthony D'Souze, Ann Dukes, Dawn E. Earles, Ivory Edwards, Kelly L. Epega, Henry Escobar, James Evans, Vincent Fernandes, Sophie Ann Figueroa, Michael Galloway, Raquel Sarahi Garcia, Rose T. Garmond, Ham Garza, Noemi Gavia, Kenneth Goode, Siria M Guerrero, Isai Gutierrez, Deidre Guy, Jennifer M. Hadayia, Patricia Hall-Jones, Carl Brock Harrison, De Misha Hawkins, Sheena Henderson, Lisa Ann Herbert, Shawn Hildreth, Linh Ho, Wyvette Hughes, Marsha Humphrey, Ross Huston, Rene Hyder, Yvonne Jackson, Eryn Michelle Johnson, C. Johnson, Gail Johnson, Linda Gay Black Johnson-Overall, Richard L. Jones,

Orelia Kelly, Howard E. King, Yolanda Lara, Linda M. Lawrence, Cynthia Lenton-Gary, Pete Lewis, Ann Liberman, Lori Lockstedt, Marinel Love, Michael L. Malone, Monika Martinez, Fern McBride, Jessie McCormick, McCormick, Nancy R. McGahey, Diana Merritte, Denise Miller, Michael Mitchell, Orelia Moreno, Erin Mosely, Michelle Mullins, Joe Narcisse, Shandra Newell, Martha Noyola, Linda Oliver, Joanna Ouderkirk, Douglas Parker, William Parks, Vi Pham, Ronald Pierre, Veronica Pina, Shannon Pleasant, Frederick Earl Ponder, Carmon Quick, Willie Rainwater, Geralene Randolph, Monica Riley, Bethina Rodriguez, Daniel Rose, Janet Schofield, Haley Schulz, Torrenus Shemika Shields, Annette Simmons, Shirley Smith, Dianna Smith, Gloria P. Smith, Cathy Smith, Bridgette Smith-Lawson, Tracy Spencer, Horace Spencer, Trinity Spencer, Marlene Stump, Karen Sullivan, Allison Sullivan, Michael Sullivan, Louwilda Tezeno, Donna Thomas, Sam Thomas, Jonathan Thomas, Robert Thornborrow, Kristin Thornborrow, L. E. Twine, Ogechi Uwaga-Sanders, Raymonny Van, Nicoya Waits, Lamont Waits, Ryder Wall, Michelle Wan, Sharda Warren, Ebony Washington, Jennifer Williams, Lawrence Williams, James Williams, Norman Wood, Tynisha Wright, Xavier L. Wright, Cathryn Wyche, Ann Yeager)

**RESPONSE 23:** The Executive Director acknowledges the concerns of the citizens. TCEQ appreciates the comments and interest from the public in environmental matters before the agency and acknowledges the comments in opposition of the project. As stated previously, TCEQ reviews all applications consistent with applicable law and TCEQ's regulatory authority.

The Executive Director's staff has reviewed the Standard Permit registration in accordance with the applicable state and federal law, policy and procedures, and the agency's mission to protect the state's human and natural resources consistent with sustainable economic development. As stated in previous responses, TCEQ cannot deny authorization of a facility if a permit application contains a demonstration that all applicable statutes, rules, and regulations will be met.

**COMMENT 24: Texas Health and Safety Code Violations**

Allison Sullivan voiced concerned that the applicant is in violation of Texas Health and Safety Code § 382.004, and Texas Health and Safety Code § 382.05199. Allison Sullivan voiced concern that the applicant has begun construction prior to receiving authorization seeing the applicant begin to clear the land, store equipment, and dig out portions of the land (grading).

(Allison Sullivan)

**RESPONSE 24:** Texas Health and Safety Code § 382.004 relates to facility construction while a permit amendment authorization is pending. Texas Health and Safety Code § 382.004 is not applicable in this situation as the proposed application for permit no. 176289 is for an initial authorization and not a permit amendment.

Texas Health and Safety Code § 382.05199 relates to construction of a permanent concrete batch plant prior to receiving authorization from the commission.

Clean Air Act § 7479(2)(C) states the term "construction" when used in connection with any source or facility, includes the modification (as defined in section 7411(a) of this title) of any source or facility.

Clean Air Act § 7411(a)(4) states the term "modification" means any physical change in, or change in the method of operation of, a stationary source which increases the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted.

Further, there are a variety of construction activities that the EPA has identified that generally would be allowed prior to the issuance of a permit including planning, ordering of equipment and materials, site clearing, grading, and on-site temporary storage of equipment and materials. Site clearance and preparation activities are determined on a case-by-case basis depending on the unique facts and circumstances of each case.

The EPA has issued documents over many years that provide guidance on the types of construction activities that are allowed before obtaining a permit. These documents are available online at <https://www.epa.gov/nsr/begin-actual-construction-0>.

**COMMENT 25: Public Official Notifications**

Stephanie Brown questioned when the local elected officials were notified about this pending application.

(Stephanie Brown)

**RESPONSE 25:** The notification titled Registration under an Air Quality Standard Permit for Concrete Batch Plants was mailed on May 9, 2024, to Senator Borris L. Miles, Representative Ron Reynolds, Missouri City Mayor Robin Elackatt, and Fort Bend County Judge KP George.



### CHANGES MADE IN RESPONSE TO COMMENT

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

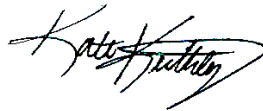
Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel, Executive Director

Phillip Ledbetter, Director  
Office of Legal Services

Charmaine Backens, Deputy Director  
Environmental Law Division



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REPRESENTING THE  
EXECUTIVE DIRECTOR OF THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

DEC 03 2025

I hereby certify this is a true and correct copy of a  
Texas Commission on Environmental Quality (TCEQ)  
document, which is filed in the Records of the Commission.  
Given under my hand and the seal of office.

Questions or Comments >>

*Juan Mena*  
Alternative Custodian of Records  
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
10/17/2025	INTERIM ORDER	MAILED
10/15/2025	INTERIM ORDER	SIGNED
10/08/2025	COMMISSION AGENDA	SCHEDULED
09/03/2025	AGENDA SETTING LTR	MAILED
08/26/2025	TCEQ DOCKET NUMBER	REQUESTED
08/26/2025	TCEQ DOCKET NUMBER	ISSUED
06/09/2025	RFR/HR PERIOD	END
05/08/2025	FINAL DECISION LETTER	MAILED
04/29/2025	RESPONSE TO COMMENTS	RECEIVED
12/16/2024	COMMENT PERIOD	END
12/12/2024	PUBLIC MEETING	SCHEDULED
12/12/2024	PUBLIC MEETING	HELD
11/08/2024	NOTICE OF PUBLIC MEETING	MAILED
11/05/2024	NOTICE OF PUBLIC MEETING	RECEIVED
11/04/2024	CONFIRMATION	RECEIVED
08/05/2024	ALTERNATIVE LANGUAGE VERIFICATION FORM	RECEIVED
08/05/2024	AVAILABILITY VERIFICATIO	RECEIVED
07/31/2024	COMMENT PERIOD	END
07/31/2024	PUBLIC MEETING	ED APPROVE
07/08/2024	AFFIDAVIT	RECEIVED
07/08/2024	ALTERNATIVE LANGUAGE AFFIDAVIT	RECEIVED
06/28/2024	ALTERNATIVE LANGUAGE TEARSHEET	RECEIVED
06/28/2024	NEWSPAPER TEARSHEET	RECEIVED
06/23/2024	ALTERNATIVE LANGUAGE NOTICE	PUBLISHED
06/19/2024	NOTICE OF APPLICATION	PUBLISHED
06/06/2024	NOTICE OF APPLICATION	MAILED
06/05/2024	ADMIN REVIEW	COMPLETE
06/05/2024	NOTICE OF APPLICATION	RECEIVED
05/08/2024	APPLICATION	RECEIVED

EXHIBIT

ED-6

Related Links:

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<a href="#">Public Notice</a>	<a href="#">Comment on Pending Applications</a>	<a href="#">File documents</a>			

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