

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

NOTICE OF REQUEST FOR PUBLIC COMMENT AND NOTICE OF A PUBLIC MEETING ON PROPOSED NON-RULE AIR QUALITY STANDARD PERMIT FOR TEMPORARY PUBLIC WORKS PROJECTS

The Texas Commission on Environmental Quality (TCEQ or commission) is providing an opportunity for public comment and will conduct a public meeting to receive testimony regarding a new non-rule Air Quality Standard Permit for Temporary Public Works Projects proposed for issuance under the Texas Clean Air Act, Texas Health and Safety Code (THSC), §382.05195, Standard Permit; THSC, §382.051985, Standard Permit for Certain Temporary Concrete Plants for Public Works; 30 Texas Administrative Code Chapter 116, Subchapter F, Standard Permits; and Texas Government Code, Chapter 2001, Subchapter B.

Senate Bill (SB) 1397, 88th Session, amended Chapter 382 of the THSC to require TCEQ to issue a standard permit for temporary concrete plants that perform wet batching, dry batching, or central mixing to support public works projects. THSC, §382.051985 requires that a plant operating under the new standard permit must be located in or contiguous to the right-of-way of the public works project; may occupy a designated site for not more than 180 consecutive days or to supply material for a single project; and may not support a project which is not related to the public works project. The proposed standard permit contains conditions to ensure that facilities authorized by the standard permit meet the criteria of THSC, §382.051985, and includes emission control requirements, best management practices, and recordkeeping requirements to ensure the new standard permit is protective of human health and the environment and is enforceable.

The proposed non-rule air quality standard permit is subject to a 30-day comment period. During the comment period, any person may submit written comments. After the comment period, TCEQ may revise the draft standard permit if appropriate. The final standard permit will then be considered by the commission for adoption. Upon adoption of the standard permit by the commission, the final standard permit and a response to all comments received will be made available on TCEQ's website.

The commission will hold a hybrid virtual and in-person public meeting on this proposal in Austin on Friday, December 6, 2024, at 10:00 a.m. in Building A, Room 173, at the TCEQ's central office located at 12100 Park 35 Circle. The meeting is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not be permitted during the meeting; however, commission staff members will be available to discuss the proposal 30 minutes prior to the meeting at 9:30 a.m.

Individuals who plan to attend the meeting virtually and want to provide oral comments and/or want their attendance on record must register by Wednesday, December 4, 2024. To register for the meeting, please email Rules@tceq.texas.gov and provide the following information: your name, your affiliation, your email address, your phone number, and whether or not you plan to provide oral comments during the meeting. Instructions for participating in the meeting will be sent on Thursday, December 5, 2024, to those who register for the meeting.

Members of the public who do not wish to provide oral comments but would like to view the meeting may do so at no cost at:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_OTBlnzNlZDUtZGNhNy00YWNiLWI3YmltZDIlNTk1Yjk5MzRm%40thread.v2/0?context=%7b%22Tid%22%3a%22871a83a4-a1ce-4b7a-8156-3bcd93a08fba%22%2c%22Oid%22%3a%22e74a40ea-69d4-469d-a8ef-06f2c9ac2a80%22%7d

Persons with special communication or other accommodation needs who are planning to attend the meeting should contact Michael Wilhoit, Air Permits Division at (512) 239-1222 or 1-800-RELAY-TX (TDD). Requests should be made as far in advance as possible.

If you need translation services, please contact TCEQ at 800-687-4040. Si desea información general en español, puede llamar al 800-687-4040.

Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to fax4808@tceq.texas.gov. Electronic comments may be submitted at:

<https://tceq.commentinput.com>. File size restrictions may apply to comments being submitted via the TCEQ Public Comment system. All comments should reference Non-Rule Project No. 2024-018-OTH-NR. The comment period closes at 11:59 p.m. on December 6, 2024. Copies of the proposed standard permit can be obtained from the commission's website at <https://www.tceq.texas.gov/permitting/air/nav/standard.html>. For further information, please contact Michael Wilhoit, Project Manager, Air Permits Division, at (512) 239-1222.