Texas Commission on Environmental Quality
Interoffice Memorandum

To: Commissioners **Date:** May 30, 2025

Thru: Laurie Gharis, Chief Clerk
Kelly Keel, Executive Director

From: Richard C. Chism, Director *RCC*
Office of Air

Docket No.: 2024-1168-MIS

Subject: Commission Approval for Standard Permit Adoption
Air Quality Standard Permit for Temporary Public Works Projects
Rule Project No. 2024-018-OTH-NR

Background and reason(s) for the non-rule standard permit:
Section 3 of Senate Bill (SB) 1397, 88th Legislative Session, amended Chapter 382 of the Texas Health and Safety Code (THSC) to require the Texas Commission on Environmental Quality (TCEQ or commission) to issue an air quality standard permit for temporary concrete batch plants that perform wet batching, dry batching, or central mixing to support public works projects. The Temporary Public Works Standard Permit (TPWSP) is intended to meet this legislative and statutory requirement for TCEQ to issue a standard permit authorizing facilities meeting the criteria specified in THSC, §382.051985, Standard Permit for Certain Temporary Concrete Plants for Public Works.

Scope of the adopted standard permit:

A.) Summary of what the permit will do:
The TPWSP will implement SB 1397 and THSC, §382.051985 by creating a new, non-rule standard permit for concrete batch plant facilities associated with temporary public works projects. The standard permit contains conditions to satisfy the statutory criteria established in THSC, §382.051985 and additional conditions to protect human health and the environment and ensure the enforceability of the standard permit.

B.) Scope required by federal regulations or state statutes:
As required by THSC, §382.051985, the new standard permit will provide for the authorization of temporary concrete plants that perform wet batching, dry batching, or central mixing to support a public works project. The standard permit includes conditions to ensure compliance with the criteria specified in THSC, §382.051985. Specifically, these criteria stipulate 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 that is not related to the public works project. The standard permit also contains conditions to ensure that the applicable statutory requirements of THSC, §382.05195 are met, including but not limited, to enforceability of the standard permit, monitoring of compliance, and use of appropriate emission control technology.

C.) Additional staff recommendations that are not required by federal rule or state statute:
None.

Statutory authority:
The new standard permit is issued under the following:
Texas Water Code, §5.102, General Powers; and
THSC, Texas Clean Air Act:

- §382.011, General Powers and Duties;
- §382.023, Orders;
- §382.051, Permitting Authority of the Commission; Rules;
- §382.0513, Permit Conditions;
- §382.05195, Standard Permit; and
- §382.051985, Standard Permit for Certain Temporary Concrete Plants for Public Works.

Effect on the:

A.) Regulated community:
The issuance of the new TPWSP is not expected to have a major impact on the regulated community. Currently, concrete batch plants supporting public works projects may be authorized by the existing non-rule Air Quality Standard Permit for Concrete Batch Plants, or by case-by-case 30 Texas Administrative Code Chapter 116 permits. If the new standard permit is issued by the commission, the regulated community will have a new option to authorize these types of facilities. The new standard permit contains requirements that are more focused and relevant for facilities supporting public works.

B.) Public:
The new TPWSP will have no significant effect on the public. Concrete batch plants supporting public works projects are currently authorized by the existing Air Quality Standard Permit for Concrete Batch Plants, and the new standard permit includes similar control requirements and supporting conditions for these temporary batch plants. As already established by statute, concrete batch plants that support public works projects are exempt from public notice and hearing requirements, and will remain so under the new TPWSP. The new TPWSP is protective of human health and the environment.

C.) Agency programs:
No significant fiscal implications are anticipated for the agency or the state. The issuance of the new TPWSP may require preparation of updated or new guidance, workbooks, or applicable checklists.

Stakeholder meetings:
No stakeholder meetings were held. The new TPWSP underwent the required 30-day public comment period, and a public meeting was offered. Notice of the draft standard permit was published in the *Texas Register,* the commission's publicly accessible electronic media, and in the newspapers of the largest general circulation in the following metropolitan areas: Austin, Dallas, San Antonio, and Houston.

Public Involvement Plan:
In addition to the statutory public notice requirements, TCEQ developed a public involvement plan to encourage public participation. A plain language summary was provided.

Alternative Language Requirements:
Notice of the proposed standard permit was published in both English and Spanish in the Austin, Dallas, San Antonio, and Houston areas. TCEQ offered to provide interpreters for the public meeting held December 6, 2024, if requested, but no persons requested interpretation services. A plain language summary and executive summary was provided in Spanish.

Public Comment:
The commission offered a public meeting on December 6, 2024. A 30-day comment period was provided that closed on December 6, 2024. Written comments were received from numerous individuals and groups, including private citizens, local government officials, industry representatives. Some commenters expressed concerns about the effects of concrete batch plant facilities on their health or quality of life, and concerns about the effectiveness of TCEQ's enforcement of permit requirements. Some commenters expressed concern about various factors that are not within TCEQ's authority or jurisdiction, such as appropriate land use, noise, lighting, and traffic. The Analysis of Comments section within the standard permit Technical Background Document has a full description of the comments and TCEQ's detailed responses.

Significant changes from proposal:
In response to comments, the standard permit has been revised to allow owners or operators of a temporary concrete batch plant to comply with a daily production limit as an alternative to restricting operations to 12 hours in any 24-hour period. TCEQ has also added the option of paving with a hard, cohesive surface as another method for controlling dust emissions from roads and traffic areas. Requirements associated with stationary engines have been removed from the standard permit. TCEQ has also removed the requirement for a registration fee to maintain consistency with the fee structure in the original standard permit for concrete batch plants. Other minor changes have been made for clarity and readability.

Potential controversial concerns and legislative interest:
There has been significant interest in standard permits for concrete batch plants from elected officials, local governments, industry, advocacy groups, and citizens of the state.

Would this non-rulemaking action affect any current policies or require development of new policies?
If issued, the new TPWSP may require minor revisions to internal policies, guidance, and procedures.

What are the consequences if this new standard permit does not go forward? Are there alternatives to non-rulemaking?
The issuance of a standard permit for temporary public works projects is a requirement of THSC, §382.051985. If a standard permit for these types of facilities is not issued, the commission could be considered out of compliance with the statute.

Key points in the standard permit schedule:
Anticipated adoption date: June 18, 2025
Anticipated effective date of issued permit: June 18, 2025

Agency contacts:
Michael Wilhoit, Rule Project Manager, Air Permits Division, (512) 239-1222
Amy Browning, Senior Attorney, Environmental Law Division, (512) 239-0469
Gwen Ricco, Texas Register Rule/Agenda Coordinator, General Law Division, (512) 239-2678

Attachments:
None.

cc: Chief Clerk, 2 copies
Executive Director's Office
Patrick Lopez
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Krista Kyle
Office of General Counsel
Michael Wilhoit
Amy Browning
Terry Salem
Gwen Ricco

Comisión de Calidad Ambiental de Texas
Memorándum Interno

Para: Los Comisionados **Fecha:** 30 de mayo de 2025

A través de: Laurie Gharis, Secretaria Oficial
Kelly Keel, Directora Ejecutiva

De: Richard C. Chism, Director *RCC*
Oficina del Aire

Expediente No.: 2024-1168-MIS

Asunto: Aprobación de la Comisión para la Adopción de Permiso Estándar
Permiso Estándar de Calidad del Aire para Proyectos Temporales de Obras Públicas
Proyecto Reglamentario No. 2024-018-OTH-NR

Antecedentes y razón(es) para el permiso estándar no reglamentario:
La Sección 3 del Proyecto de Ley del Senado (SB, por sus siglas en inglés) 1397 (88ª Legislatura) modificó el Capítulo 382 del Código de Salud y Seguridad de Texas para requerir que la Comisión de Calidad Ambiental de Texas (THSC y TCEQ, por sus siglas en inglés; o la comisión) emita un permiso estándar para plantas mezcladoras de concreto temporales de mezcla húmeda, mezcla seca o mezcla central para apoyar proyectos de obras públicas. El Permiso Estándar Temporal de Obras Públicas (TPWSP, por sus siglas en inglés) está destinado a cumplir con este requisito legislativo y legal para que la TCEQ emita un permiso estándar que autorice a las instalaciones que cumplan con los criterios especificados en la sección 382.051985 del THSC (Permiso Estándar para Ciertas Plantas Mezcladoras de Concreto Temporales para Obras Públicas).

Alcance del permiso estándar adoptado:

A.) Resumen de lo que hará el permiso:
El TPWSP implementará el SB 1397 y la sección 382.051985 del THSC al crear un nuevo permiso estándar no reglamentario para instalaciones de mezcla de concreto asociadas a proyectos temporales de obras públicas. El permiso estándar contiene condiciones para satisfacer los criterios legales establecidos en la sección 382.051985 del THSC y condiciones adicionales para proteger la salud humana y el ambiente, y para garantizar la aplicabilidad de dicho permiso.

B.) Alcance requerido por regulaciones federales o estatutos estatales:
Como lo requiere la sección 382.051985 del THSC, el nuevo permiso estándar permitirá la autorización de plantas mezcladoras de concreto temporales de mezcla húmeda, mezcla seca o mezcla central para apoyar un proyecto de obras públicas. El permiso estándar incluye condiciones para garantizar el cumplimiento de los criterios especificados en la sección 382.051985 del THSC. En específico, estos criterios estipulan que una planta que opere bajo el nuevo permiso estándar debe estar ubicada en o al lado del derecho de paso del proyecto de obras públicas; puede ocupar un sitio designado por un periodo de no más de 180 días consecutivos o para proveer materiales para un solo proyecto; y no puede apoyar un proyecto que no esté relacionado con el proyecto de obras públicas. El permiso estándar también contiene condiciones para garantizar que se cumplan los requisitos legales aplicables de la sección 382.05195 del THSC, incluidos (entre otros), la aplicabilidad del permiso, monitoreo de cumplimiento, y el uso apropiado de tecnología de control de emisiones.

C.) Recomendaciones adicionales del personal que no son requeridas por norma federal o estatuto estatal:
Ninguna.

Re: Expediente No. 2024-1168-MIS

Autoridad reglamentaria:
El nuevo permiso estándar se emite bajo lo siguiente:
Sección 5.102 (Facultades Generales) del Código de Aguas de Texas; y
THSC, Ley de Aire Limpio de Texas:

- §382.011, Facultades y Obligaciones Generales;
- §382.023, Órdenes;
- §382.051, Autoridad de Permisos de la Comisión; Normas;
- §382.0513, Condiciones del permiso;
- §382.05195, Permiso Estándar; y
- §382.051985, Permiso Estándar para Ciertas Plantas Mezcladoras de Concreto Temporales para Obras Públicas.

Efecto sobre:

A.) La comunidad regulada:
No se espera que la emisión del nuevo TPWSP tenga un impacto significativo sobre la comunidad regulada. Actualmente las plantas mezcladoras de concreto que apoyan proyectos de obras públicas pueden ser autorizadas por el Permiso Estándar de Calidad del Aire para Plantas Mezcladoras de Concreto no reglamentario existente o por permisos caso por caso del Capítulo 116 del Título 30 del Código Administrativo de Texas. Si la comisión emite el nuevo permiso estándar, la comunidad regulada tendrá una nueva opción para autorizar estos tipos de instalaciones. El nuevo permiso estándar contiene requisitos que están más enfocados y son más relevantes para instalaciones de apoyo a obras públicas.

B.) El público:
El nuevo TPWSP no tendrá un efecto significativo en el público. Las plantas mezcladoras de concreto que apoyan proyectos de obras públicas actualmente están autorizadas por el Permiso Estándar de Calidad del Aire para Plantas Mezcladoras de Concreto existente, y el nuevo permiso estándar incluye requisitos de control similares y condiciones de apoyo para estas plantas temporales. Como ha se ha establecido por estatuto, las plantas mezcladoras de concreto que apoyan proyectos de obras públicas están exentas de los requisitos de aviso y audiencia públicos, y así permanecerán bajo el nuevo TPWSP, el cual protege la salud humana y el ambiente.

C.) Los programas de la agencia:
No se anticipan implicaciones fiscales significativas para la agencia o para el estado. La emisión del nuevo TPWSP podría requerir preparación de directrices nuevas o actualizadas, libros de trabajo, o listas aplicables.

Reuniones de partes interesadas:
No se llevaron a cabo reuniones de partes interesadas. El nuevo TPWSP se sometió al periodo requerido de comentarios públicos de 30 días y se ofreció una reunión pública. El aviso del proyecto de permiso estándar se publicó en el *Texas Register*, los medios electrónicos de acceso públicos de la comisión, y en los periódicos de mayor circulación general en las siguientes áreas metropolitanas: Austin, Dallas, San Antonio, y Houston.

Plan de participación pública:
Además de los requisitos legales de aviso público, la TCEQ desarrolló un plan para fomentar la participación pública. Asimismo, se ofreció un resumen en lenguaje sencillo.

Requisitos de idioma alternativos:
El aviso sobre el permiso estándar propuesto se publicó tanto en inglés como en español en las áreas de Austin, Dallas, San Antonio, y Houston. La TCEQ ofreció proporcionar intérpretes para la

reunión pública que se llevó a cabo el 6 de diciembre de 2024 en caso de que se solicitaran, pero ninguna persona solicitó servicios de interpretación. Se proporcionaron un resumen en lenguaje sencillo y un resumen ejecutivo en español.

Comentarios públicos:
La comisión ofreció una reunión pública el 6 de diciembre de 2024. Se ofreció un periodo de comentarios de 30 días que concluyó el 6 de diciembre de 2024. Se recibieron comentarios por escrito de parte de numerosas personas y grupos, entre ellos ciudadanos particulares, funcionarios del gobierno local y representantes de la industria. Algunas de las personas que presentaron comentarios expresaron preocupaciones sobre los efectos de las instalaciones de mezcla de concreto en su salid o calidad de vida, así como preocupaciones sobre la efectividad de la aplicación de requisitos de permiso de la TCEQ. Algunas personas expresaron preocupaciones sobre varios factores que no están dentro de la autoridad o jurisdicción de la TCEQ, tales como uso apropiado de la tierra, ruido, iluminación y tráfico. La sección Análisis de Comentarios dentro del Documento de Antecedentes Técnicos del permiso estándar contiene una descripción completa de los comentarios, así como las respuestas detalladas de parte de la TCEQ.

Cambios importantes con respecto a la propuesta:
En respuesta a los comentarios, el permiso estándar ha sido revisado para permitir que los propietarios u operadores de una planta mezcladora de concreto temporal cumpla con un límite diario de producción como una alternativa a la restricción de las operaciones a 12 horas en cualquier periodo de 24 horas. Asimismo, la TCEQ ha agregado la opción de pavimentar con una superficie dura y cohesiva como otro método de control de emisiones de polvo de calles y áreas de tráfico. Los requisitos asociados con motores estacionarios se han eliminado del permiso estándar. La TCEQ también eliminó el requisito de una cuota de registro para mantener la coherencia con la estructura de cuotas en el permiso estándar para plantas mezcladoras de concreto original. Se han realizado otros cambios menores para mejorar la claridad y la legibilidad.

Posibles preocupaciones controversiales e interés legislativo:
Ha habido un interés significativo en permisos estándar por parte de funcionarios electos, gobiernos locales, la industria, grupos de defensa y ciudadanos estatales.

¿Afectará esta reglamentación cualquier normativa actual o requerirá el desarrollo de nuevas normativas?
De ser emitido, el nuevo TPWSP podría requerir revisiones menores de las normativas, directrices y procedimientos internos.

¿Cuáles serán las consecuencias si esta reglamentación no procede? ¿Existen alternativas a la reglamentación?
La emisión de un permiso estándar para proyectos temporales de obras públicas es un requisito de la sección 382.051985 del THSC. Si no se emite un permiso estándar para este tipo de instalaciones, se podría considerar que la comisión está fuera de cumplimiento con el estatuto.

Puntos clave en el cronograma estándar de permisos:
Fecha prevista de adopción: 18 de junio de 2025
Fecha prevista de entrada en vigor del permiso emitido: 18 de junio de 2025

Contactos de la agencia:
Michael Wilhoit, Gerente de Proyectos Reglamentarios de la División de Permisos del Aire, (512) 239-1222
Amy Browning, Abogada Senior de la División de Leyes Ambientales, (512) 239-0469

Re: Expediente No. 2024-1168-MIS

Gwen Ricco, Coordinadora de Reglamentaciones/Agenda del Texas Register de la División de Leyes Generales, (512) 239-2678

Archivos adjuntos:
Ninguno.

cc: Secretaria Oficial, 2 copias
Oficina del Director Ejecutivo
Patrick Lopez
Jessie Powell
Krista Kyle
Oficina del Asesor Jurídico General
Michael Wilhoit
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Technical Background Document
Air Quality Standard Permit for Temporary Public Works Projects
Texas Commission on Environmental Quality
Effective June 18, 2025

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I. Executive Summary

The Texas Commission on Environmental Quality (TCEQ or commission) is issuing a new air quality standard permit for temporary concrete batch plants that support certain public works projects in accordance with the Texas Clean Air Act (TCAA), Texas Health and Safety Code (THSC), §382.051985, Standard Permit for Certain Temporary Concrete Batch Plants for Public Works, and 30 Texas Administrative Code (TAC) §116.603. This new standard permit will provide a preconstruction authorization mechanism for temporary concrete batch plants that support these types of public work projects. The new standard permit is applicable to temporary concrete batch plants in or contiguous to the right-of-way of a public works project.

II. Explanation and Background of Proposed Air Quality Standard Permit

The commission is issuing an air quality standard permit for certain temporary concrete batch plants for public works under the specific authority of THSC, §382.05195, Standard Permit; THSC, §382.051985, and 30 TAC Chapter 116, Subchapter F, Standard Permits. THSC, §382.051985 was enacted by Senate Bill 1397, 88th Legislature, Regular Session. According to THSC, §382.051985(a), the commission shall issue a standard permit that meets the requirements of THSC, §382.05195 for a temporary concrete plant that performs wet batching, dry batching, or central mixing to support a public works project. A plant operating under the permit: (1) may not support a project that is not related to the public works project; and (2) must be located in or contiguous to the right-of-way of the public works project. Subsection (b) of THSC, §382.051985 specifies that a plant permitted under that section may occupy a designated site for not more than 180 consecutive days or to supply material for a single project, but not other unrelated projects.

This standard permit provides a streamlined preconstruction authorization process that may be used by any owner or operator of a concrete batch plant that is related to a public works project and can comply with these standard permit requirements and all other state or federal permitting statutes or regulations. As discussed in more detail in Section V of this document, the commission conducted a protectiveness review which determined that this standard permit is protective of human health and the environment.

III. Overview of Air Quality Standard Permit

This standard permit authorizes temporary concrete batch plants located in or contiguous to the right-of-way of a public works project. The standard permit includes conditions or limitations to address operational requirements, required emission control equipment, maximum production rates, hours of operations, setback distances, and relocation requirements. This standard permit includes requirements to control dust that meet current best available control technology (BACT), operational limitations, plant visible emission observations, and minimum setback distances that ensure the protectiveness of this standard permit. The commission has conducted a protectiveness review demonstrating the standard permit for temporary public works projects is protective of human health and welfare and that facilities operating under the conditions specified will comply with TCEQ rules and regulations.

While this standard permit authorizes temporary concrete batch plants in or contiguous to the right-of-way of a public works project, it is not intended to authorize all possible operating scenarios. Temporary concrete batch plants that cannot meet this standard permit may apply for a different standard permit if the conditions of the applicable standard permit can be met, or apply for a case-by-case new source review (NSR) air permit.

IV. Permit Condition Analysis and Justification

This standard permit for temporary public works projects creates a new authorization mechanism for temporary concrete plants that perform wet batching, dry batching, or central mixing to support a public works project that meet the specified conditions. The requirements contained in this standard permit are less than the allowed operating hours and annual production rates found in the Air Quality Standard Permit for Concrete Batch Plants since these types of facilities operate on a temporary basis. To qualify for this standard permit the plant must operate for no more than 180 consecutive days at the site, or for a duration needed to supply concrete for a single project.

The following discussion demonstrates how each section of this standard permit is enforceable and how the commission can adequately monitor compliance with the permit conditions.

Applicability

Section (1) of the standard permit outlines applicability for use of the standard permit. Subsection (A) summarizes the authorized permit conditions and references relocation requirements in section (7) and the appropriate rule (30 TAC §116.615(2)) if changes to the standard permit registration are proposed. Subsection (B) specifies that a temporary concrete batch plant authorized by this standard permit must be located in or contiguous to the right-of-way of a public works project, which is a requirement under THSC, §382.051985(a)(2). Subsection (C) specifies that emission increases already prohibited by an issued NSR permit for the site are not authorized by this standard permit. Subsection (D) states that the owner or operator of the authorized temporary concrete batch plant is also subject to all applicable state or federal regulations. Subsection (E) states that facilities that meet the conditions of this standard permit do not have to meet the emissions and distance limitations in 30 TAC §116.601(a)(1).

Definitions

Section (2) of the standard permit contains definitions for use in the standard permit. Subsections (A) through (L) contain the definitions of auxiliary storage tank, central mix plant, cohesive hard surface, concrete batch plant, off-site receptor, related project segments, right-of-way of a public works project, setback distance, site, temporary concrete batch plant, traffic areas, and truck mix plant. These definitions ensure that important terms are clearly and consistently understood and that the standard permit will be enforceable.

The definition of auxiliary storage tank is included to clarify that petroleum products and fuel storage tanks are not appliable to the requirements in this standard permit referencing auxiliary storage tanks. The definition of cohesive hard surface is included to identify the road surface preparation techniques that are considered a cohesive hard surface and the types of cleaning mechanisms. The definition of concrete batch plant is included to specify the applicability of this standard permit. The definition of central mix plant is included to state the specific operating requirements for those types of facilities.

The definition of off-site receptor is included to specify what is considered in the measurement of setback distance. An off-site receptor specifically includes any off-site building that is in use as a single or multi-family residence, school, day-care, hospital, business, or place of worship at the time the temporary concrete batch plant is registered. In addition, this definition specifies that a residence is a structure primarily used as a permanent dwelling, and a business is a structure that is occupied for at least eight hours a day, five days a week. This term does not include structures occupied or used solely by the owner or operator of the concrete batch plant. Furthermore, the site property extends to the outer boundaries of the designated public property roadway project, and associated right-of-way.

The definition of related project segments is included since it is used in other terms of section (2). The definition of right-of-way of a public works project is included to give examples of right-of-way public works projects. Examples include public highways and roads, water and sewer pipelines, electrical transmission lines, and other similar works. Additionally, the definition provides that 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 specified in THSC, §382.056, Notice of Intent to Obtain Permit or Permit Review; Hearing.

The definition of setback distance is included to define the minimum distance required from the nearest suction shroud fabric/cartridge filter exhaust (truck mix plant), drum feed fabric/cartridge filter exhaust (central mix plant), and cement/fly ash storage silos to the nearest off-site receptor. The setback distance for a truck mix plant will be based on the minimum distance from the nearest suction shroud fabric/cartridge filter exhaust to the nearest off-site receptor. Setback distance for a central mix plant will be based on the drum feed fabric/cartridge filter exhaust to the nearest off-site receptor. For any plant type, cement/fly ash storage silos must also be considered in the setback distance.

The definition of site in this standard permit restates the definition in 30 TAC Chapter 122, Federal Operating Permits Program. The definition of temporary concrete batch plant is included to clearly distinguish the type of plant authorized under this standard permit. The definition of traffic areas is included to identify what is considered a traffic area under this standard permit. The definition of truck mix plant is included to identify specific operating requirements for those types of facilities.

Administrative Requirements

Section (3) of this standard permit outlines the administrative requirements all facilities must meet.

Subsection (A) includes the requirement for owners or operators to submit the PI-1S-CBP form when applying to register under this standard permit. Subsection (B) states that the facilities cannot be constructed or operated until the executive director provides written approval of the registration. Subsection (C) states the time period in 30 TAC §116.611(b) (45 days) does not apply to facilities registered under this standard permit, so construction and operation are prohibited until written approval has been obtained, even if the 45-day period is exceeded. However, public notification requirements do not apply to these facilities, so in most cases approval should be received within 45 days after filing an administratively and technically complete registration. Written approval must be received in all cases prior to construction of any concrete batch plant.

Subsection (D) states that owners or operators of temporary concrete batch plants seeking registration under this standard permit are exempt from public notice requirements, as provided by THSC, §382.056, Notice of Intent to Obtain Permit or Permit Review; Hearing. Subsection (D) also specifies that registrations for this standard permit are exempt from the registration fee requirements of §116.614, Standard Permit Fees. This exemption from fees is consistent with the existing Standard Permit for Concrete Batch Plants, which does not require registration fees for concrete batch plants that are exempt from public notice. Subsection (E) states that the owner or operator of a plant shall comply with 30 TAC §116.120(a)(1), Voiding of Permits during start of construction and states that facilities that register under this standard permit must commence construction no later than 18 months from written approval of the executive director. Subsection (F) eliminates any requirement for applicants to submit modeling and impact analysis for the review of a standard permit application in accordance with THSC, §382.058(d).

Subsection (G) requires records to be kept on-site for a rolling 24-month period for compliance demonstrations in accordance with this standard permit. Records shall be maintained for paragraphs (i) through (xii) which includes emissions event reporting and recordkeeping requirements for 30 TAC §101.201; scheduled maintenance, startup, and shutdown reporting and recordkeeping requirements for 30 TAC §101.211; production rates for hourly, daily, and annual production; repairs and maintenance of abatement systems and dust suppression controls; Safety Data Sheets for all additives and other chemicals used on site; road cleaning, application of road dust control, or road maintenance for dust control; stockpile dust suppression; monthly silo warning device or shut-off system tests; quarterly visible emissions observations and any corrective actions required to control excess visible emissions; and demonstration of compliance with subsection (4)(E) which requires owners or operators to control emissions from in-plant roads and traffic areas by watering them, treating them with dust-suppressant chemicals, or covering them. In addition, paragraphs (xi) through (xii) require the maintenance of records demonstrating compliance with subsection (4)(K) which requires all sand and aggregate to be washed prior to delivery at a site, and records of actual hours of operation.

Subsection (H) requires owners and operators to document and report abatement equipment failure or visible emissions deviations in excess of paragraph (4)(B)(iii) in accordance with 30 TAC Chapter 101, General Air Quality Rules, as appropriate which requires owners or operators to meet 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.

General Requirements

The technical specifications and conditions for the temporary public works standard permit begin with section (4) which outlines the general pollution control requirements for all temporary concrete batch plant facilities seeking to obtain authorization under this standard permit.

Subsection (A) requires all cement/fly ash storage silos, weigh hoppers, and auxiliary storage tanks be controlled by fabric or cartridge filter systems or a central fabric/cartridge filter system. Subsection (B) lists design and performance criteria for the primary dust abatement systems at a temporary concrete batch plant, including a requirement that the filter systems meet a minimum control efficiency of 99.5% for particulate matter 2.5 micrometers or less in diameter ($PM_{2.5}$). The design criteria are reviewed for each registration. Applicants are also required to submit any other relevant information for review. The performance expectations of these abatement systems are listed for compliance demonstrations with the conditions of the standard permit and prevention of nuisance dust conditions in a form easily followed by both plant owners or operators and TCEQ investigators. The exhaust of all filter systems is limited to no visible emissions exceeding 30 seconds over a six-minute period as determined by the U.S. EPA TM 22 so that both owners and operators and TCEQ investigators can clearly understand how to demonstrate compliance. Subsection (C) requires facilities transferring cement/fly ash to use totally enclosed conveying systems to and from storge silos and auxiliary storage tanks and operate with no visible emissions exceeding 30 seconds over a six-minute period following EPA TM 22, except during cement and fly ash supply truck connect and disconnect.

Subsection (D) requires that each bulk storage silo be equipped with an automatic shut-off or warning device to alert operators before the silo is full to ensure that these facilities are not overloaded, and to ensure the abatement systems can control emissions during filling. The requirements detail both preventative measures and compliance documentation for upset conditions.

Subsection (E) requires that dust emissions from road and traffic areas directly associated with the operation of a temporary concrete batch plant be controlled by covering or treating them with dust-suppressant materials, chemicals, watering, or paving with a cohesive hard surface. Similarly, subsection (F) requires that dust from stockpiles be minimized by watering, dust-suppressant chemicals, or covering. Subsection (G) requires that spills of batching materials (cement, fly ash, sand, aggregate, or additives) must be cleaned up immediately or controlled to minimize dust. Additionally, owners or operators shall contain or dampen spilled materials.

Subsection (H) prohibits visible fugitive emissions from leaving the property and requires visible emission observations to be performed quarterly during normal operations. Observations must be made for a minimum of six minutes. If visible emissions are observed, an evaluation must be conducted in accordance with EPA TM 22, using the criteria that visible emissions shall not exceed a cumulative 30 seconds in duration in any six-minute period. If visible emissions exceed the TM 22 criteria, immediate action shall be taken to eliminate the excessive visible emissions. These visible emissions requirements should influence the use of best management practices (BMPs), such as road dust control required in the permit. Including this requirement will also provide a method for determining how well the BMPs are controlling a potential nuisance condition.

Subsection (I) requires a distance of at least 550 feet from a concrete batch plant facility to the nearest rock crusher, concrete crusher, or hot mix asphalt plant to reduce the potential for cumulative effects from both plants operating simultaneously and to be protective of the $PM_{2.5}$ and PM_{10} National Ambient Air Quality Standards (NAAQS) based on the results of the modeling. The distance requirement also helps maintain consistency with other standard permits that include a similar 550-foot distance limitation. If the owner or operator cannot meet the 550-foot distance limitation, the owner or operator shall not operate the temporary concrete batch plant at the same time as the crushing plant or hot mix plant.

Subsection (J) prohibits concrete additives from emitting volatile organic compounds (VOCs). Subsection (K) requires that all sand and aggregate be washed prior to delivery to the site. The emission calculations used in the development of the standard permit account for washed sand and aggregate; therefore, the requirement for washed material was included in the standard permit to ensure that the emission characteristics of the material being processed are consistent with the protectiveness review. Concrete batch plants that provide concrete for the Texas Department of Transportation and other projects where specific standards must be met on aggregate particle sizes are required to use washed aggregate in concrete mixtures. Washing the aggregate removes most of the smaller particles (fines) of silt and clay. This requirement is also consistent with the authorization for concrete batch plants permitted under a case-by-case permit and other TCEQ standard permits for concrete batch plants.

Subsection (L) provides references to applicable standard permit registration and renewal requirements. Subsection (M) requires that the owner or operator of any temporary concrete batch plant authorized by this standard permit comply with 30 TAC §101.4, Nuisance. This rule states that no person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to 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. This requirement is a reminder to owners and operators that concrete batch plant operations must not cause a nuisance.

This standard permit does not authorize stationary internal combustion engines. Engines on-site should be authorized separately under permit by rule (PBR) 30 TAC §106.512, Stationary Engines and Turbines, if engines will remain on-site for more than a year. A portable or transportable engine that remains at a single location for less than or equal to 12 consecutive months is not considered a stationary source, and does not require authorization under 30 TAC Chapter 106, Permits by Rule; 30 TAC Chapter 116, Control of Air Pollution by Permits for New Construction or Modification; or 30 TAC Chapter 117, Control of Air Pollution from Nitrogen Compounds.

Planned Maintenance, Startup, and Shutdown (MSS) Activities

Section (5) of this standard permit addresses emissions from planned startup and shutdown activities from those facilities authorized by this standard permit. Startup and shutdown emissions are not distinguishable from production emissions and are authorized by the standard permit. 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.

Owners or operators are also required to maintain records of planned maintenance activities authorized by a permit by rule or by 30 TAC §116.119 De Minimis Facilities or Sources.

Operational Requirements

Section (6) covers the operational requirements for temporary concrete batch plants authorized under this standard permit. Subsection (A) outlines the maximum hourly production rate for both truck and central mix plants as well as the total annual site production limits. The site production is limited to no more than 200 cubic yards (yd^3) in any one hour for truck mix plants and 300 yd^3 in any one hour for central mix plants. These limits are based on a historic review of registrations and represents what the commission believes to be the upper limit of what a typical plant can process and load onto the truck within an hour. Total site production shall be limited to no more than 350,000 yd^3 in any rolling 12-month period. An annual production cap is required to ensure that temporary concrete batch plants operating under the standard permit do not cause or contribute to an exceedance of the annual $PM_{2.5}$ NAAQS. Subsection (B) limits facilities to a maximum operating schedule of 12 hours, consecutive or non-consecutive, during any rolling 24-hour period. As an alternative to limiting the operating schedule, daily site production is limited to no more than 2,400 yd^3 for truck mix plants and 3,600 yd^3 for central mix plants during any rolling 24-hour period. These site production limits are equal to the 12 hours per 24-hour period operating schedule multiplied by the hourly production limits for truck and central mix plants. This alternative daily production limit does not increase the amount of production or emissions that are allowed in any 24-hour period, compared to the proposed operating schedule. This alternative provides flexibility for owners or operators to operate the facilities any number of hours in a rolling 24-hour period as long as the hourly and daily site production limits are not exceeded.

Subsection (C) requires the owner or operator to install and properly maintain a suction shroud at the truck mix batch drop 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 of air.

Subsection (D) requires truck mix plants to shelter the drop point by an intact three-sided enclosure with a flexible shroud that hangs from above the truck, or equivalent dust collection technology that extends below the mixer truck-receiving funnel. The flexible shroud hanging from above the truck will help to improve capture efficiency.

Subsection (E) specifies setback distances to the nearest off-site receptor based on dispersion modeling and impacts review (available upon request from TCEQ Air Permits Division (APD) and summarized in the Protectiveness Review section of this document). For temporary plants authorized under this standard permit, the setback distance is at least 100 feet as measured from the location of the suction shroud fabric/cartridge filter (truck mix plant), and the drum feed fabric/cartridge filter exhaust (central mix plant) to the nearest off-site receptor. The 100-foot setback distance would also include cement/fly ash storage silos. The distance measurement technique is protective of public health and welfare since no one from the general public will be exposed for a continuous hour on the roadway undergoing the pavement project. In addition, under no circumstances will any facility be allowed to create a nuisance as defined by 30 TAC §101.4, Nuisance, as required in subsection (4)(M) of this standard permit. In addition, all stationary equipment (excluding the suction shroud fabric/cartridge filter exhaust and cement/fly ash storage silos), stockpiles and vehicles used for the operation of the temporary concrete batch on in-plant roads (except for incidental traffic and the entrance and exit to the site), are required to be located at least 50 feet from the nearest off-site receptor to minimize the potential for nuisance dust. Alternative setback requirements are not available under this standard permit.

Relocation Requirements

Section (7) contains relocation provisions contained in 30 TAC §116.178 for temporary concrete plants. A relocation is the process of gaining approval and moving a facility and associated sources to an approved site in which no public notice is required. Subsection (A) states the TCEQ executive director may approve 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 temporary public works standard permit version adopted at the registration that provides the information listed under subsection (7)(B). The plant must be a registered portable facility. The plant and associated equipment must be 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. Subsection (7)(B) lists the required information that must be submitted to the executive director at least 12 business days prior to relocation.

V. Protectiveness Review

The review of the temporary batch plants facilities authorized under this standard permit focused on facilities that are limited to occupying a particular location for not more than 180 days or until a single project is completed. A conceptual plant incorporating typical operating parameters was used to evaluate the temporary concrete batch plant emissions. These parameters are typical of currently authorized temporary plants.

TCEQ calculated emission rates for sources at concrete batch plants using emission factors (EF) and historically accepted calculation methodologies. Truck and central mix plants EFs were based on the composition of concrete from EPA AP-42: “Compilation of Air Pollution Emission Factors” (AP-42) Chapter 11.12 Concrete Batching. Material handling emissions were based on AP-42 Chapter 11.12 Table 11.12-2, and the "Uncontrolled" factor was used. The control efficiency percentages were based on washed material. The $PM_{2.5}$ EF was based on the ratio from the drop point emission factors (k values) found in Aggregate Handling and Storage Piles AP-42 Chapter 13.2.4. Particulate emissions from silo loading were based on a control efficiency of at least 99.5% from the silo baghouse.

Emissions from the central baghouse for truck mix and central mix operations are calculated using PM and PM_{10} EFs from AP-42 Chapter 11.12 Table 11.12-2. The EF for $PM_{2.5}$ is in AP-42 Chapter 11.12 Background Document Table 18.6. Nickel emissions calculated for truck mix and central mix operations are based on factors from AP-42 Chapter 11.12 Table 11.12-8.

For truck mix operations, particulate emissions from the baghouse stack and fugitive loading emissions are based on a control efficiency of at least 99.5% from the baghouse for $PM_{2.5}$. A 99% capture efficiency was used for the suction shroud. Requirements for the suction shroud in subsection (6)(D) include a three-sided enclosure with a flexible shroud hanging from above the truck. For central mix operations, particulate emissions from the baghouse stack are based on complete capture of emissions and a control efficiency of at least 99.5% from the baghouse for $PM_{2.5}$.

PM and PM_{10} emissions from the weigh hopper vented to a baghouse are from the equation in AP-42 Chapter 13.2.4 with 10 mph wind speed (from Table 11.12-2 footnote) and a moisture content of 0.25% (minimum moisture content). Nickel emission factors are from AP-42 Chapter 11.12 Table 11.12-8.

Stockpile emissions are based on an emission factor obtained from the EPA guidance Development of Emission Factors for Fugitive Dust Sources, 1974, in units of a pound of pollutant per acre per day. PM_{10} is assumed to be 50% of PM. The $PM_{2.5}/PM_{10}$ ratio is from the Background Document for Revisions to Fine Fraction Ratios Used for AP-42 Fugitive Dust Emission Factors (Chapter 13.2).

Crystalline silica emission rates are based on a respirable silica content in cement of 1% and a respirable silica content in fly ash of 7% for an overall percentage of 1.66% using a cement to fly ash ratio of 89 parts of cement to 11 parts of fly ash in concrete. The source of the silica content percentages is from a review of twenty Safety Data Sheets for cement and fly ash.

TCEQ performed an air quality analysis (AQA) in support of the temporary public works standard permit protectiveness review. The AQA included dispersion modeling of a model concrete batch plant at multiple maximum hourly production rates for truck mix operations: 100 yd^3 per hour, 150 yd^3 per hour, 200 yd^3 per hour, 250 yd^3 per hour, and 300 yd^3 per hour. The AQA included dispersion modeling for a maximum hourly production rate of 300 yd^3 per hour for central mix operations. The AQA also included dispersion modeling for a maximum daily production rate of 2,400 yd^3 for truck mix operations. The AQA included the following emission generating facilities or activities: material handling operations, truck loading, stockpiles, and cement silos. The pollutants evaluated were PM_{10} and $PM_{2.5}$, nickel (Ni) particulate, and silica (SiO_2).

TCEQ performed the modeling using the EPA's ISCST3 (version 02035) model. Modelers have been using the ISC model in permitting for more than 30 years. Developers created the model to be easy to use and to address complex atmospheric processes in a relatively simple way that all users can understand. Developers based the ISCST3 model on the Gaussian distribution equation and it is inherently conservative due to the main simplifying assumptions made in its derivation. These assumptions are:

- Conditions are steady-state (for each hour, emissions, wind speed, and direction are constant) and the dispersion from source to receptor is effectively instantaneous;

- There is no plume history as model calculations in each hour are independent of those in other hours;

- Mass is conserved (no removal due to interaction with terrain, deposition, or chemical transformation) and is reflected at the surface; and

- Plume spread from the centerline follows a normal Gaussian distribution and only vertical and crosswind dispersion occurs. The model ignores dispersion downwind.

TCEQ applied the model in a screening mode to ensure predictions were conservative and applicable for any location in the state. The rationale for using ISCST3 is that the standard permit has statewide applicability. The ISCST3 model handles surface characteristics simplistically, using either rural or urban dispersion coefficients. Using EPA's refined dispersion model, AERMOD, would have required considering site-specific surface characteristics. Rather than the two choices of surface characteristics for ISCST3, AERMOD would have required dozens to capture a sufficient variation across the state. With dozens of choices of surface characteristics, the reasonable worst-case for all concrete batch plants across the state would be unclear. In addition, TCEQ used ISCST3 as a screening technique in the context of this protectiveness review since the purpose of such techniques is to eliminate the need for more detailed modeling when those sources clearly will not cause or contribute to ambient concentrations in excess of the NAAQS.

The modeling used a polar receptor grid with 36 radials spaced every 10 degrees from true north. Each radial includes a receptor every 100 feet out to 1000 feet from the center point. The modeling used surface meteorological data from Austin and upper-air meteorological data from Victoria for the years 1983, 1984, 1986, 1987, and 1988. Since the analysis is primarily for short-term concentrations, this five-year data set would include worst-case, short-term meteorological conditions that could occur anywhere in the state. The wind directions were set at 10-degree intervals to coincide with the receptor radials. This would provide predictions along the plume centerline, which provides a conservative result.

The modeling was conducted using both rural and urban dispersion coefficients. The higher concentration of the two options was used as the maximum predicted concentration. The modeling used the flat terrain option since the majority of the emissions are fugitive emissions that would closely follow the terrain. Downwash structures were not included in the modeling since no significant structures would likely exist at these types of sites that would influence dispersion. In addition, downwash is not applicable to area sources. TCEQ represented emissions from all material handling activities, truck loading, and stockpiles as a series of co-located circular area sources 100 feet in diameter at 5, 10, 15, and 20 feet high. These emissions are well distributed throughout the site; therefore, modeling these emissions as an area source is appropriate. The modeling included emissions from material handling activities, truck loading, and stockpiles that take place from ground level to about 20 feet in height. The circular area minimizes bias of any one wind direction or source orientation. The modeling represented emissions from baghouses as a single point source 40 feet high with no vertical momentum or buoyancy.

All sources were modeled with maximum hourly emission rates for the short-term standards and thresholds and annual average emission rates for the annual thresholds. Modeling was initially conducted using an emission rate of one pound per hour (lb/hr) to predict a generic impact for each source. The generic impact was multiplied by the pollutant-specific emission rates to calculate a maximum predicted concentration for each source. The maximum predicted concentrations for each source were added together to get a total predicted concentration for each pollutant for comparison with applicable standards/thresholds.

Generic modeling was initially conducted (results added independent of time and space) as a conservative first step. If the results pass this first step for a given pollutant, the analysis was complete. The modeling was further refined for the remaining pollutants and to consider time and location of predicted high concentrations. Pollutant-specific modeling was performed for the PM_{10} and 24-hour $PM_{2.5}$ NAAQS demonstrations. The pollutant-specific modeling considered the form of the applicable NAAQS.

For all hourly production rates associated with truck mix operations, pollutant-specific modeling for PM_{10} and $PM_{2.5}$ was performed for two different scenarios to account for limited operations of 12 hours per day: a 13-hour time span covering the period of 7 am to 8 pm and a second 13-hour time span covering the period of 6 pm to 7 am. These model runs were performed for just PM_{10} and $PM_{2.5}$ since these two pollutants are associated with the minimum setback distances.

The predicted concentrations for criteria pollutants were initially compared to de minimis levels. For criteria pollutants with predicted concentrations greater than de minimis levels (PM_{10} and 24-hour $PM_{2.5}$), a cumulative analysis of each air pollutant was conducted by adding background concentrations to the model predicted concentrations for comparison with the applicable NAAQS. The results of the cumulative analysis were used to establish minimum setback distances. The predicted concentrations of Ni and SiO_2 were less than their effects screening levels (ESLs) at all distances. ESLs are values of chemical concentrations in the air that have been determined to be safe by the Toxicology Division of TCEQ. ESLs protect human health in the general public, including children, the elderly, pregnant women, and people with pre-existing health conditions. ESLs also protect against welfare effects, such as strong odors and harmful effects to plants. ESLs are used in the air permit application process to evaluate the protectiveness of emissions of specific chemicals.

A qualitative analysis was performed for annual $PM_{2.5}$. A qualitative analysis for annual $PM_{2.5}$ is appropriate given the temporary nature of the public works projects, as well as the form of the annual $PM_{2.5}$ NAAQS. The form of the annual $PM_{2.5}$ NAAQS is based on a three-year average of the annual average concentrations. Not only are the public works projects temporary, but operations are intermittent as well. Considerable preparation work is performed along the project segments of public works projects before concrete is even mixed and poured. These intermittent operations are common for the duration of public works projects. Additionally, the combination of the operational limit of 12 hours in any 24-hour period or daily site production limits of no more than 2,400 yd^3 for truck mix plants and 3,600 yd^3 for central mix plants during any rolling 24-hour period, and the decreased annual production limit of 350,000 yd^3/yr (instead of 650,000 yd^3/yr in the Standard Permit for Concrete Batch Plants) ensure the operations are intermittent and should not impact the annual $PM_{2.5}$ concentrations.

The results of the review for all pollutants show that the standard permit is protective. The modeling report (memo titled “Public Works Standard Permit Protectiveness Review,” dated May 24, 2024) is available upon request.

VI. Public Notice and Comment Period

In accordance with 30 TAC §116.603, Public Participation in Issuance of Standard Permits, TCEQ published notice of the proposed standard permit in the *Texas Register* and newspapers of the largest general circulation in the following metropolitan areas: Austin, Dallas, Houston, and San Antonio. Notices were published in both English and Spanish language newspapers in these areas. The notice and supporting project documents were posted on the TCEQ website. The notice included instructions on how the public may comment on the proposed standard permit. The notice and selected project documents were made available in Spanish. The date of the English-language publications was November 1, 2024, in the San Antonio Express-News, Austin-American Statesman, Dallas Morning News, Houston Chronicle, and *Texas Register*. The dates of the Spanish-language newspaper publications were October 30, 2024, in Conexiõn (San Antonio); October 31, 2024, in El Mundo (Austin); November 3, 2024, in La Prensa de Houston; and November 6, 2024, in Al Dia (Dallas).

The public comment period ran from November 1, 2024, until midnight on December 6, 2024. TCEQ continued to accept comments from the public that were received shortly after the comment period closed. Written comments were received.

After the public comment period, TCEQ revised the proposed standard permit. The revisions included the addition of a daily production limit as an alternative to the proposed limitations on hours of operation; the removal of conditions authorizing stationary engines; and the addition of an option to use paving with a hard, cohesive surface as another method for controlling dust emissions from roads and traffic areas. Upon adoption of the standard permit by the commission, the final standard permit and a response to all comments received is available on TCEQ's website.

VII. Public Meeting

The commission offered a hybrid in-person and virtual public meeting on this proposal in Austin on Friday, December 6, 2024, at 10:00 a.m. in Building A, Room 173, at the commission's central office located at 12100 Park 35 Circle. The meeting was structured for the receipt of oral or written comments by interested persons. No persons registered to provide comments at the public meeting.

VIII. Analysis of Comments

The commission received comments from Marilyn Bahney, Merlin and Cathy Baker, Susan Beelman, J & M Boal, Alex Campbell, Linda Campbell, Jenny Carpenter, Allen Dale, Patrick Ellis, Gregory Foust, Gary Fulton, James Gerry, Lucille Gervais, TerryAnn Glandon, Brian Harle, Kathleen Hedberg, Nancy Hicks, Marjorie Holt, Patsy Hudson, Steven Kendrick (on behalf of the Alamo Country Club Owners Association [ACCOA]), Linda Lane, Helen Lindenmuth, David and Barbara Milne, Christian Menefee (on behalf of Harris County Attorney's Office [Harris County]), Travis Mross (on behalf of Zachry Construction Corporation [ZCC], Barry Nolde, Dennis Parker, Diane Parker, Avery Pesek (on behalf of the City of Fort Worth), James Rachwitz, Randy Rawlings, Brian and Laura Runge, Carla Rychlec, Carmen Samperio, Rodrigo Samperio, Dawn Savino, Steve Savino, Theresa Schwinghammer, Elizabeth Sheppard, Jack Smith, Lynette Smith, Carl and Connie Swann, Allan Templeton, Sheryl Treaster, Wyatt Watson, Patricia Whalen and Stanley Vee, Scott and Kimberly Wilke, Lowell and Diana Wolf, and Jennifer Woodard (on behalf of the Associated General Contractors of Texas [AGC of Texas]).

Certain commenters provided a set of similar comments on various aspects of the proposed standard permit. These commenters will be referenced collectively as Commenter Group A: Merlin and Cathy Baker, J & M Boal, Alex Campbell, Linda Campbell, Allen Dale, Gregory Foust, Gary Fulton, James Gerry, Lucille Gervais, Dr. TerryAnn Glandon, Kathleen Hedberg, Nancy Hicks, Marjorie Holt, Patsy Hudson, Linda Lane, Helen Lindenmuth, Barry Nolde, James Rachwitz, Randy Rawlings, Brian and Laura Runge, Carla Rychlec, Carmen Samperio, Rodrigo Samperio, Dawn Savino, Steve Savino, Jack Smith, Lynette Smith, Allan Templeton, Sheryl Treaster, Wyatt Watson, Patricia Whalen and Stanley Vee, Scott and Kimberly Wilke, and Lowell and Diana Wolf.

Some similar or related comments have been grouped together to facilitate a collective response. All comments were reviewed, however, a number of comments included statements or opinions which were outside the scope of the proposed standard permit and TCEQ is not addressing those comments in these responses.

Health, Air Quality, and Protectiveness Review

Comment 1

ACCOA, Commenter Group A, Marilyn Bahney, Susan Beelman, Jenny Carpenter, Patrick Ellis, Brian Harle, David and Barbara Milne, Dennis Parker, Diane Parker, Theresa Schwinghammer, Elizabeth Sheppard, and Carl and Connie Swann expressed concern about the possibility of adverse health effects caused by emissions from temporary concrete batch plants authorized by the new standard permit.

Some commenters specifically identified silica, carbon monoxide (CO), sulfur dioxide (SO_2), nitrogen oxides (NO_X), particulate matter (PM), and PM with an aerodynamic diameter of less than 2.5 microns ($PM_{2.5}$) as pollutants of concern. Many commenters stated that they are senior citizens who would be particularly vulnerable to the effects of pollutants from temporary concrete batch plants. Some commenters indicated that they have pre-existing health conditions that could be exacerbated by emissions from temporary concrete batch plants. Commenters identified existing conditions such as allergies, asthma, bronchitis, cancer, chronic obstructive pulmonary disease, cardiovascular disease, congestion, diabetes, headaches, heart disease, and migraines. Some commenters expressed concern about potential adverse health effects for children that live, play, or attend school near temporary concrete batch plants.

Response

The executive director conducted an extensive protectiveness review to ensure the protection of human health and the environment. The protectiveness review compared modeling-predicted concentrations associated with emissions authorized by the standard permit with applicable state and federal health-based standards and guidelines. These standards and guidelines include the National Ambient Air Quality Standards (NAAQS) and TCEQ Effects Screening Levels (ESLs). 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 NAAQS protect public health, including consideration of sensitive members of the population such as children, the elderly, and 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 six criteria pollutants: CO, lead (Pb), nitrogen dioxide (NO_2), ozone (O_3), SO_2, particulate matter less than or equal to 10 microns in aerodynamic diameter (PM_{10}), and PM less than or equal to 2.5 microns in aerodynamic diameter ($PM_{2.5}$). The standard permit is designed to ensure that authorized emissions will not cause or contribute to an exceedance of a NAAQS and are protective at and beyond an authorized facility's property line.

TCEQ's modeling to predict pollutant concentrations purposefully relied on conservative modeling techniques; meaning selections are made to yield higher predicted concentrations than would be expected to be observed. The following approaches were used in the modeling of temporary concrete batch plant facilities:

- Source co-location. All of the sources included in the modeling analysis were modeled together at the same location - this is called co-locating sources. Modeling all sources located together like this forces their plumes to overlap with each other, leading to a higher model prediction of pollutant concentrations. In reality, the individual sources are likely spread out in a different configuration and the likelihood of their plumes frequently overlapping is not that great.

- Receptor grid - meteorological data configuration. The modeling analysis used a polar receptor grid with 36 radials spaced every 10 degrees from true north. Each radial included a receptor every 100 feet out to 1000 feet from the center point. The wind directions in the meteorological data set were not randomized and were set at 10-degree intervals to coincide with the receptor radials. This would provide predictions along the plume centerline for every modeled hour, which provides a conservative result.

To address cumulative impacts, as applicable, background concentrations were determined and added to the model predicted concentrations. The background concentrations represent the highest design value concentrations from representative monitors in the state. Many of the monitoring sites in Texas are located in urban areas (related to higher populations and associated mobile source emissions) and/or industrialized areas (associated with greater amounts of emissions released into the atmosphere). With respect to the monitors located in urban areas, many of these monitors are located close to roads or highways and/or highly industrialized areas. This approach is reasonable to follow – for project sites located in urban or industrial areas, the approach would yield background concentrations that are representative for the project site location. For project sites located in more rural or less industrialized areas, the approach would yield conservative background concentrations for the project site location.

The protectiveness review considered the predicted concentrations and potential health effects of PM_{10}, $PM_{2.5}$, nickel (Ni) particulate, and silica (SiO_2). The emission-generating facilities or activities included in the protectiveness review are material handling operations, truck loading, stockpiles, and cement silos. The predicted concentrations for criteria pollutants were initially compared to de minimis levels. For criteria pollutants with predicted concentrations greater than de minimis levels (PM_{10} and 24-hour $PM_{2.5}$), background concentrations were added to the predicted concentrations for comparison with the NAAQS. The predicted concentrations of Ni and SiO_2 were less than their ESLs at all distances. TCEQ's protectiveness review demonstrated that predicted concentrations of the pollutants identified above would not exceed applicable NAAQS or TCEQ ESLs under the operating conditions and setback distances of the standard permit.

For comments that expressed concern about emissions of CO, SO_2, or NO_X, these pollutants are not emitted from equipment authorized by the final standard permit. These pollutants are primarily emitted by combustion sources such as engines, turbines, boilers, or flares. In response to other comments on the proposed standard permit, the commission has removed the provisions authorizing stationary engines from this standard permit. Any stationary engines used to support a temporary public works project will be required to obtain a separate air authorization, such as a permit by rule (PBR) or case-by-case NSR permit.

A qualitative analysis was performed for annual $PM_{2.5}$. A qualitative analysis for annual $PM_{2.5}$ is appropriate given the temporary nature of the public works projects, as well as the form of the annual $PM_{2.5}$ NAAQS. The form of the annual $PM_{2.5}$ NAAQS is based on a three-year average of the annual average concentrations. Note that a typical temporary concrete batch plant is a minor source and is estimated to emit less than 2 tons per year of $PM_{2.5}$. Not only are public works projects temporary, but operations are intermittent as well. Considerable preparation work is performed along the project segments of public works projects before concrete is even mixed and poured. These intermittent operations are common for the duration of public works projects.

Additionally, the combination of the proposed operational limit of 12 hours in any 24-hour period (or the alternative daily site production limit discussed below) and the decreased annual production limit of 350,000 yd^3/yr (instead of 650,000 yd^3/yr in the Standard Permit for Concrete Batch Plants) ensure the operations are intermittent and should not impact the annual $PM_{2.5}$ concentrations.

Additional information about the protectiveness review conducted for this standard permit is available in Section V of this document.

Comment 2

ACCOA and David and Barbara Milne recommended that temporary concrete batch plants be prohibited from locating within a two-mile radius of single or multi-family residences, nursing homes, senior residences, schools, child day care facilities, and hospitals. The commenters stated that this would limit the exposure of vulnerable individuals to detrimental $PM_{2.5}$ emissions.

Response

Based on the protectiveness review conducted by TCEQ, there is no health-based reason that would justify a requirement for a two-mile buffer distance between temporary concrete batch plants and residences, senior care facilities, childcare facilities, hospitals, or schools. The protectiveness review demonstrates that emissions (including $PM_{2.5}$) from a temporary concrete batch plant that complies with the conditions and setback distances of the standard permit are not expected to be harmful to human health.

Comment 3

Harris County stated that Harris County has struggled with NAAQS attainment since the early 1990s and is currently in severe nonattainment for the 2008 Ozone NAAQS, serious nonattainment for the 2015 Ozone NAAQS, and is at-risk of nonattainment for the $PM_{2.5}$ NAAQS. The commenter stated that, utilizing data from the North Wayside Monitor in Harris County, the average $PM_{2.5}$ reading for 2023 was 13.1 $\mu g/m^3$, putting Harris County on track to enter nonattainment for the 2012 Annual $PM_{2.5}$ NAAQS (12.0 $\mu g/m^3$). The commenter also noted that in 2024, EPA further lowered the Annual $PM_{2.5}$ NAAQS to 9.0 $\mu g/m^3$ and stated this will likely bring Harris County into nonattainment status.

Response

TCEQ evaluates air quality through a statewide ambient monitoring network. TCEQ monitors air quality extensively in areas such as Harris County that contain many emission sources and are highly populated. TCEQ addresses air quality nonattainment issues through the Texas State Implementation Plan (SIP), which is an enforceable plan developed at the state level that explains how the state will comply with air quality standards according to the federal Clean Air Act. Sources in nonattainment areas are subject to SIP control requirements and regulations designed to achieve and maintain the NAAQS, such as (but not limited to) TCEQ's regulations under Chapter 115, Control of Air Pollution from Volatile Organic Compounds and Chapter 117, Control of Air Pollution from Nitrogen Compounds. Emissions of particulate matter are regulated under Chapter 111, Control of Air Pollution from Visible Emissions and Particulate Matter, portions of which are an approved part of the Texas SIP. SIP requirements for a nonattainment area are determined by the nonattainment area's classification under a specific NAAQS, as set by EPA. SIP requirements become increasingly stringent with higher nonattainment classifications. A nonattainment area's classification may be periodically adjusted by EPA in response to changes in air quality monitoring data that affect the area's attainment status. Under the $PM_{2.5}$ NAAQS adopted in 2012 and retained in 2020, there are no $PM_{2.5}$ nonattainment areas in Texas at this time. EPA has not yet finalized nonattainment designations for the 2024 standard.

If EPA determines that portions of Texas are in nonattainment of the 2012 or 2024 standard, TCEQ may be required to develop additional SIP measures to address emissions of $PM_{2.5}$.

TCEQ's air permitting programs also address nonattainment and near-nonattainment conditions through a combination of measures. Standard permits and individual case-by-case permits undergo protectiveness reviews to ensure that the permitted sources do not cause or contribute to a localized exceedance of the NAAQS. These permits also require the implementation of best available control technology (BACT) to reduce emissions. Major sources and major projects are subject to more stringent requirements, including Prevention of Significant Deterioration (PSD) for attainment areas, and Nonattainment New Source Review (NNSR) for designated pollutants in nonattainment areas. Projects that trigger NNSR requirements must apply stringent controls that provide the lowest achievable emission rate (LAER). TCEQ's analysis for this standard permit does not indicate that temporary concrete batch plants authorized under this standard permit will significantly cause or contribute to any possible nonattainment conditions in Harris County. However, if EPA determines that portions of Texas are nonattainment for the 2012 or 2024 $PM_{2.5}$ NAAQS, emission reductions may be required through future SIP actions.

Comment 4

Harris County stated that the modeling for the proposed standard permit does not assess the impact of temporary concrete batch plants on the annual $PM_{2.5}$ NAAQS. The commenter disagreed with TCEQ's qualitative assessment that the 12-hour per day operational limit and yearly throughput limit ensure the operations are unlikely to impact the annual $PM_{2.5}$ concentrations. The commenter stated that Harris County will likely be designated as nonattainment for $PM_{2.5}$, and even small or intermittent contributions of $PM_{2.5}$ into the air in parts of Harris County could be detrimental to the health and safety of residents. The commenter noted that TCEQ's protectiveness review included an analysis of annual effects of several other pollutants and stated that TCEQ admitted that predicted concentrations of 24-hour $PM_{2.5}$ will be greater than de minimis. The commenter stated that annual $PM_{2.5}$ should be modeled and assessed in the standard permit's protectiveness review to ensure offsite impacts are minimal. The commenter stated that the annual modeling results should be made available for public comment before the permit is given final approval.

Response

As documented in the protectiveness review and discussed elsewhere in this response to comment, a qualitative analysis was performed for annual $PM_{2.5}$. A qualitative analysis for annual $PM_{2.5}$ is appropriate given the temporary nature of the public works projects, as well as the form of the annual $PM_{2.5}$ NAAQS. The form of the annual $PM_{2.5}$ NAAQS is based on a three-year average of the annual average concentrations. Not only are the public works projects temporary, but operations are intermittent as well. Considerable preparation work is performed along the project segments of public works projects before concrete is even mixed and poured. These intermittent operations are common for the duration of public works projects. Additionally, the 12-hour per day operational limit and yearly throughput limit ensure the operations are intermittent and unlikely to impact the annual $PM_{2.5}$ concentrations.

Modeling analyses were conducted for the annual averaging time of nickel particulates and silica. The annual modeling was conducted since the annual ESL thresholds for nickel particulates and silica are based on one year, and not a three-year period used for the annual NAAQS design value of $PM_{2.5}$.

Comment 5

The City of Fort Worth stated that TCEQ should tailor the environmental emission modeling data used in its protectiveness review to the specific region of the state where the proposed plant will be located. As EPA identified in its public comment for TCEQ's 2023 Amendments to the Air Quality Standard Permit for Concrete Batch Plants, TCEQ uses data from Victoria and Austin from 1983, 1984, 1986, 1987, and 1988 to perform its air dispersion modeling. The commenter stated that the permit should instead rely upon complete datasets from cities where TCEQ has service centers in each of TCEQ's service regions.

Response

The purpose of the air dispersion modeling analysis for the protectiveness review is to estimate reasonable worst-case pollutant concentrations using representative meteorological data, acceptable modeling techniques, and source data represented in the standard permit. An important component to meteorological data representativeness is whether or not the worst-case meteorological conditions have been sufficiently represented in the meteorological dataset. For the proposed standard permit, the facilities that are greatly contributing to the model predicted concentrations are characterized as low-level sources that are fugitive in nature. Low-level fugitive emissions will have worst-case concentrations during periods of low wind speeds and stable (limited vertical mixing) atmospheric conditions. These atmospheric conditions are common for many late night/early morning hours for not only the Austin-Victoria area, but the entire state of Texas. In addition, with the use of five years of hourly meteorological data in the modeling analysis, the worst-case meteorological conditions have been sufficiently represented in the dataset.

Using meteorological data collected thirty-five to forty years ago in the air dispersion modeling analysis does not affect the validity of the air quality analysis performed for the protectiveness review. While daily weather conditions can vary within a given year, the worst-case meteorological conditions that occur during a given year are typically the same as other years. With over 40,000 hourly samples contained within the five-year meteorological dataset used in the air dispersion modeling analysis, the worst-case meteorological conditions have been sufficiently represented in the dataset.

Not only are the older meteorological datasets readily available, more importantly, the meteorological datasets are complete datasets.

Comment 6

ACCOA and David and Barbara Milne stated that the standard permit should require air dispersion modeling for temporary concrete batch plants that will occupy the site for more than 180 days, to assure the public the plant is operating in compliance with EPA and Texas requirements.

Response

TCEQ does not require site-specific dispersion modeling for temporary concrete batch plants under this new standard permit for temporary public works projects, or for permanent concrete batch plants under the existing standard permit for concrete batch plants. To support the new standard permit for temporary concrete batch plants associated with public works, TCEQ conducted a protectiveness review to ensure emissions from facilities authorized by the standard permit are protective of human health and the environment. A protectiveness review is a demonstration using air dispersion modeling to evaluate the potential impacts of the proposed operation as represented in the standard permit.

The results of the air dispersion modeling, based on using the maximum production limits represented in the standard permit, were used to develop setback distances between facilities at the concrete batch plant and the nearest off-site receptor. The results of the protectiveness review demonstrate that the standard permit is protective of human health and the environment.

Comment 7

Harris County stated that the standard permit should include permanent concrete batch plants, other temporary concrete batch plants, pugmills and other soil stabilization plants in its 550-foot distance limitations to prevent cumulative impacts from nearby facilities. The commenter stated that this would spread concrete facilities out such that less pollution would be concentrated in any particular area. The commenter stated that without this requirement the standard permit will run afoul of the Texas Water Code, § 5.130, Consideration of Cumulative Risks.

Response

The commission has complied with statutory requirements regarding cumulative risks. To address cumulative impacts, as applicable, background concentrations were determined and added to the model predicted concentrations. The background concentrations represent the highest design value concentrations from representative monitors in the state. Many of the monitoring sites in Texas are located in urban areas (related to higher populations and associated mobile source emissions) and/or industrialized areas (associated with greater amounts of emissions released into the atmosphere). With respect to the monitors located in urban areas, many of these monitors are located close to roads or highways and/or highly industrialized areas. This approach is reasonable. For project sites located in urban or industrial areas, this approach would yield background concentrations that are representative for the project site location. For project sites located in more rural or less industrialized areas, this approach would yield conservative background concentrations for the project site location.

Comment 8

Harris County recommended that the required setback distance between stationary equipment and the nearest off-site receptor be increased from 50 feet as proposed to 100 feet, to match the 100-foot distance requirement in proposed paragraph (7)(E)(i). The commenter stated increasing the distance required by paragraph (7)(E)(ii) to 100 feet would reduce the negative effects of emissions from stockpiles and in-plant roads on the surrounding community.

Response

To support the proposed standard permit, TCEQ conducted a protectiveness review using air dispersion modeling to ensure emissions from facilities authorized by the standard permit are protective of human health and the environment. The results of the air dispersion modeling, based on using the maximum production limits represented in the standard permit, were used to establish the setback distances between facilities at the concrete batch plant and the nearest off-site receptor. The results of the protectiveness review demonstrate that the standard permit is protective of human health and the environment at the included setback distances and increasing the 50-foot distance specified in proposed paragraph (7)(E)(ii) is not necessary. Note that the requirements in proposed paragraphs (7)(E)(i) and (ii) have been renumbered to (6)(E)(i) and (ii) in the adopted standard permit.

For more information about the protectiveness review, please refer to Section V of this technical background document. No changes to the standard permit were made as a result of this comment.

Comment 9

Sheryl Treaster expressed concern that the persistent wind conditions in the Rio Grande Valley would cause increased dust blown into their community.

Response

The standard permit requires the use of best management practices to control fugitive dust emissions from roads and traffic areas, such as the use of watering, chemical treatment, covering, or paving. The standard permit also requires enclosed conveying systems for cement and fly ash. Point sources such as storage silos and weigh hoppers must be controlled with fabric or cartridge filter systems having at least 99.5% control efficiency for $PM_{2.5}$. Visible emissions are prohibited from leaving the plant property, except for brief periods. In combination with the setback distance requirements, these permit requirements are expected to protect neighboring residences or communities from excessive dust.

Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with terms of any permit or other environmental regulation by submitting a complaint using one of the methods described at the following link: www.tceq.texas.gov/compliance/complaints. TCEQ evaluates all complaints received. If a facility is suspected to be out of compliance with the terms and conditions of its permit, it will be subject to investigation and possible enforcement action.

Permit Applicability, Definitions, and Conditions

Comment 10

ZCC stated that restricting this permit's use to only public works projects increases the permitting burden to operators who serve public and private markets and serves as a disincentive to use this permit. ZCC requested that TCEQ allow a plant's Standard Permit for Concrete Batch Plant authorization or individual NSR permit to remain valid during a transitory use of this standard permit for temporary public works projects.

Response

THSC, §382.051985 only authorizes a standard permit for temporary concrete plants that perform wet batching, dry batching, or central mixing to support public works projects. The standard permit developed to meet this statutory requirement may not be used to support a project that is not related to the public works project. Therefore, this standard permit may not be used for private projects.

Regarding the potential disincentive to use this standard permit, permit holders of current authorizations under the Air Quality Standard Permit for Concrete Batch Plants and individual NSR permits will not be required to register for this standard permit in order to support public works projects. This standard permit is another authorization mechanism available for use by owners/operators who have facilities that meet the identified applicability criteria.

Comment 11

The City of Fort Worth noted that TCEQ did not define a "public works project" and stated that without a guiding definition, they are left to assume that all road construction projects are public works projects. The commenter noted that developers often perform road construction projects and later dedicate the roadways to the city, and it is unknown if this would qualify as a public works project under the proposed standard permit.

Response

In prior guidance (Air Permits Division memorandum titled “Clarification of Right-of-Way Public Works Projects,” March 27, 2018) TCEQ has interpreted a public works project as "any project or work which is designed for public use, protection, or enjoyment" and is funded by the public. The standard permit limits eligibility to temporary concrete batch plants which are located in or contiguous to the right of way of a public works project. Right of way (ROW) projects can be identified as projects with a form of transmission. Common examples of ROWs are road and highway projects, taxiway and runway projects at airports, water and wastewater pipeline projects, and electrical utility line projects. Roads initially built by private developers and later dedicated to a municipality can be considered public works projects since the municipality will eventually maintain those roads with public funds. This is not a complete list and other types of projects have to be evaluated on a case-by-case basis.

Comment 12

Harris County stated that the definition of a temporary concrete batch plant does not adequately limit the scope of a temporary concrete batch plant, and the language allowing operation for the duration of a “single project” would allow operation for an indefinite time period, possibly years. Harris County provided two examples of temporary concrete batch plants operating for more than 180 days under the current Standard Permit for Concrete Batch Plants. Harris County noted that the proposed recordkeeping requirement for owners or operators to keep records for a rolling 24-month period is an acknowledgment by TCEQ that some facilities will be in operation for more than 180 days.

Harris County stated if a single project has a duration longer than 180 days, it is not truly temporary and the permittee should be required to obtain a permit with a longer duration and sufficient controls to ensure protection of public health and safety. Harris County recommended that TCEQ include a defined end-date for the permit and recommended removing language that tied the duration of a permit to the length of a project. Harris County recommended a requirement limiting the operation of a temporary concrete batch plant to no more than 180 consecutive days. ACCOA and David and Barbara Milne also recommended that TCEQ define a time limit for how long a temporary concrete batch plant can occupy a designated site, to assure the public that the plant will be gone within a set timeframe and meets the requirement of being temporary.

ACCOA, Commenter Group A, Brian Harle, and Theresa Schwinghammer also expressed concerns that temporary concrete batch plants supporting public works projects could operate for a long period of time, possibly more than one year. These commenters recommended that projects lasting more than one year be ineligible for a temporary concrete batch plant permit and be subject to public comment and other requirements that apply for permanent concrete batch plants.

Response

TCEQ acknowledges that some temporary concrete batch plants supporting public works projects may operate for more than 180 consecutive days, or more than one year. The standard permit for temporary public works projects is intended to implement SB 1397 (88th Session) and corresponding THSC, §382.051985. Subsection (b) of THSC, §382.051985 stipulates that a plant permitted under the standard permit may occupy a designated site for not more than 180 consecutive days or to supply material for a single project, but not other unrelated projects. The statute refers to the length of a single project, but does not specify any limitation or upper bound on the length of a single project.

In order to maintain consistency with the statute, TCEQ has used the same criteria and phrasing for the definition of a temporary concrete batch plant under the standard permit. In addition, this definition is consistent with the longstanding definition of a temporary concrete batch plant under the existing Standard Permit for Concrete Batch Plants, so this definition of a temporary concrete batch plant (and the associated exemption from public notice) has not changed from how it has historically been applied.

Comment 13

The City of Fort Worth stated that certain terms used in the permit, such as "contiguous to the right-of-way" and "single project" are unclear and recommended that TCEQ provide definitions or examples. The commenter stated that failing to identify the meaning of these terms could lead to consequences the Legislature did not intend when it passed Senate Bill 1397. The commenter stated that without a separate definition for contiguous, it is unclear how far away from the right-of-way a project can be while remaining within the limits of the proposed permit.

The commenter also stated that "single project" could mean one project, or multiple sub-parts of one project. The commenter noted that the definition of "Site" uses the phrase "contiguous or adjacent properties," and suggested that if a separate definition for the term "contiguous" is not provided, that all references to "contiguous" be changed to read "contiguous or adjacent" to add clarity. The commenter also noted that currently, subsections (2)(F) and 8(A)(iii) only reference "contiguous" without a modifier.

ACCOA and David and Barbara Milne recommended that TCEQ define what constitutes a facility being contiguous to a right of way. These commenters asked if is this adjacent to, or next to, or touching the right of way of the public work project. The commenters stated that defining this term would provide more clarity to applicants and the public about what locations are acceptable.

Response

As used in the standard permit, "contiguous" has the common meaning of being in contact, touching along a boundary or at a point. This is consistent with federal guidance for permitting under the federal CAA, which describes contiguous as meaning that the parcels of land associated with the pollutant-emitting activities in question are in physical contact with one another.

A "single project" generally means work done under a single contract, or by the same contractor for related project segments. This is based on 30 TAC §116.20, Portable Facilities Definitions, which defines "project" as a public works contract or series of contracts for segments of work within close proximity to each other and "related project segment" which is defined as one contract with multiple project locations or one contractor with multiple contracts in which separate project limits are in close proximity to each other.

Comment 14

ACCOA, Commenter Group A, and David and Barbara Milne opposed the proposed definition of setback distance being determined by the distance to the nearest off-site receptor, instead of to the nearest property line. The commenters stated that this would allow a temporary concrete batch plant to have equipment right up to their property line and provide no buffer for a neighbor's property.

Response

The new Standard Permit for Temporary Public Works Projects is applicable for a concrete batch plant located temporarily in the right-of-way, or contiguous to the right-of-way, of a public works project. The public works projects are not only temporary but also may not have a well-defined boundary or property line.

As such, distances to the nearest off-site receptor were used in the analysis to ensure protection of public health and the environment.

Comment 15

ACCOA, Commenter Group A, David and Barbara Milne opposed that the proposed permit would allow a facility to operate for up to 12 hours during any 24-hour period. The commenters stated that, due to proximity to residential areas, schools, etc. these plants should be limited to fewer operating hours (such as 8 AM to 5 PM) and set days of the week (such as Monday through Saturday). The commenters stated that this would reduce impacts on residential areas and provide safer transportation for school buses and commuters.

Response

The condition limiting plant operation to 12 hours within any 24-hour period is intended to provide owners and operators of temporary concrete batch plants with a sufficient number of operating hours to allow efficient and flexible production while still maintaining protection of human health and the environment. If the allowable operating hours were to be reduced, or if the allowed operating days were fixed, it would extend timelines and increase project costs for public works projects. With respect to concerns about traffic safety, TCEQ does not have the authority to regulate traffic on public roads, and public safety, including access, speed limits, and public roadway issues. These concerns are typically the responsibility of local, county, or other state agencies, such as the Texas Department of Transportation (TXDoT) and Texas Department of Public Safety (DPS).

Comment 16

AGC of Texas and ZCC commented that limiting daily operations to 12 hours as proposed would reduce operational flexibility to address delays caused by unforeseen events such as inclement weather. AGC of Texas and ZCC stated this would increase the time required to complete projects and add risk for the operator, making the new standard permit an undesirable choice compared to the existing standard permit for concrete batch plants. AGC of Texas and ZCC recommended that TCEQ allow plants to operate 24 hours/day. ZCC also suggested that TCEQ could designate an annual limit for operating hours under the standard permit.

Response

In response to this comment, an alternative daily site production limit has been added to the standard permit. This alternative daily site production limit may be used in lieu of the proposed limitation on operating hours. The daily site production limit will be 2,400 yd^3 for truck mix plants and 3,600 yd^3 for central mix plants during any rolling 24-hour period. These daily site production limits are equal to the 12 hours per 24-hour period operating schedule multiplied by the hourly production limits for truck and central mix plants, so this alternative daily production limit does not increase the overall amount of production that is allowed in any 24-hour period or the quantity of emissions allowed in any 24-hour period. This alternative provides flexibility for owners or operators to operate the facilities any number of hours in a rolling 24-hour period as long as the hourly and daily site production limits are not exceeded. The protectiveness review included dispersion modeling for a maximum daily production rate of 2,400 yd^3 for truck mix operations. For the maximum daily production rate of 3,600 yd^3 for central mix operations, the protectiveness review is based on the worst-case hourly production limit, and under this option, the emissions will still be protective of public health and the environment.

Comment 17

AGC of Texas and ZCC commented that the proposed limitations on engines would be too restrictive. ZCC stated that the proposed restriction of 1,000 total horsepower (HP) for engines would be adequate to power a concrete batch plant, but inadequate to power a plant and a chiller. ZCC stated that chillers are required in Texas for pre-cooling the concrete to compensate for high ambient temperatures during parts of the year. ZCC requested that TCEQ increase the limit on total engine horsepower to 1,450 HP or allow use of PBR 30 TAC §106.512 in tandem with the new standard permit, to accommodate these power requirements. AGC of Texas stated that an engine of 1,300 HP or more is necessary to operate a double drum wet mix concrete batch plant used in concrete paving and requested that TCEQ allow a stationary compressor engine to be authorized separately under PBR 30 TAC §106.512 if the engine is going to remain onsite for more than a year.

AGC also stated that the standard permit should account for smaller engines that may have lower overall emissions, and that engine operations would be temporary and intermittent. AGC also stated that supply chain issues may limit availability of Tier 4 engines.

Response

In response to this comment, proposed section (5) of the standard permit relating to engines has been removed. Any internal combustion engine that remains at a location for more than 12 consecutive months, is not defined as a nonroad engine according to 40 CFR §89.2, Definitions, and is located with a concrete batch plant authorized by this standard permit will require separate authorization.

Comment 18

ACCOA and David and Barbara Milne recommended deleting the language in subsection (5)(F) stating "There are no restrictions on engine operations if the engine will be on-site for less than 12 consecutive months." The commenters stated that engine operations at a temporary batch plant should be more restrictive since there is no opportunity for the public to provide comments before the permit is issued.

Response

The statutes and implementing regulations for TCEQ's air permitting program only provide TCEQ with the authority to authorize stationary sources. Engines which remain at a location for less than 12 consecutive months are not considered stationary sources and are regulated under other programs, such as federal nonroad engine emission standards under 40 CFR Part 89. In addition, as noted in responses to other comments, TCEQ has removed engine requirements from the standard permit, so any engines used to support a temporary concrete batch plant will require a separate authorization from TCEQ.

Comment 19

Harris County stated that the proposed standard permit should include more robust best management practices to ensure emissions from in-plant roads and traffic areas are controlled. The commenter recommended additional rule language to require owners or operators to use at least three methods for controlling emissions from these areas. The additional language proposed by the commenter included options such as, but not limited to, use of rumble grates, use of vacuum trucks, use of a tire wash system, use of fencing or barriers at least 12 feet high, and/or a requirement to maintain stockpiles at 3-5% moisture level at all times.

Response

Under proposed subsection (4)(E), the standard permit requires the owner or operator to control emissions from in-plant roads and traffic areas at all times by watering them, treating them with dust-suppressant chemicals, or covering them with a material such as roofing shingles or tire chips. In response to other comments, TCEQ has also added the option of paving with a hard, cohesive surface as another method for controlling dust emissions from roads and traffic areas. Under subsection (4)(F), the standard permit requires the owner or operator to use water, dust-suppressant chemicals, or cover stockpiles to minimize dust emissions. These best management practices are consistent with requirements in other aggregate standard permits and NSR permits for similar industries. In addition, these methods have been shown to be effective in controlling dust emissions from in-plant roads, traffic areas, and stockpiles. The commission has not made the suggested change.

Comment 20

ACCOA and David and Barbara Milne recommended that a definition be added for dust suppressing fencing or other equivalent barrier.

Response

The standard permit does not refer to dust suppressing fencing or equivalent barriers, so there is no need to include a definition of these terms.

Comment 21

ACCOA, Commenter Group A, and David and Barbara Milne stated that the new standard permit should include dust suppressing requirements such as fencing or barriers at least 12 feet high, similar to the requirements for a permanent concrete batch plant.

Response

Under the existing Standard Permit for Concrete Batch Plants, the owner or operator of a permanent concrete batch plant is required to comply with the distance requirements for vehicles and roads specified in subsection (8)(H), or as an alternative, construct the 12-foot fencing and barriers described in subsection (8)(I).

Under the proposed Standard Permit for Temporary Public Works Projects, the owner or operator must comply with the distance requirements in subsection (7)(E). (Note: for adoption, these distance requirements are located under subsection (6)(E) as a result of other changes to the final standard permit.) Due to logistical considerations of these temporary plants being located in or contiguous to the right of way, construction of the 12-foot fencing is not feasible, practical, and could present safety concerns at most job sites. Therefore, the use of 12-foot fencing or equivalent barriers as an alternative to meeting the setback distance requirements was not included under the Standard Permit for Temporary Public Works Projects. The protectiveness review conducted for the Standard Permit for Temporary Public Works Projects demonstrates that offsite impacts are protective of human health without the fencing or barriers.

Subsection (4)(H) of the new standard permit prohibits visible fugitive emissions leaving the property for greater than a cumulative 30 seconds in any six-minute period. If members of the public observe excessive visible emissions leaving the plant property, they may submit a complaint to TCEQ using one of the methods described at the following link: www.tceq.texas.gov/compliance/complaints. TCEQ evaluates all complaints received.

Comment 22

Commenter Group A asked why the proposed standard permit does not require temporary plants to have roads and traffic areas covered by cohesive hard surfaces to protect the health of the community, similar to the requirements in the standard permit for permanent concrete batch plants. ACCOA and David and Barbara Milne recommended adding a new paragraph to subsection (4)(E) to list paving with a hard surface that can be cleaned as a control method.

ZCC stated that plant sites are often paved with compacted base to reduce dust, and suggested TCEQ add use of compacted base as a covering option in in paragraph (4)(E)(iii).

Response

Under proposed subsection (4)(E), owners or operators of temporary concrete batch plants must control dust emissions from in-plant roads and traffic areas by watering them, treating them with dust-suppressing chemicals, and/or covering them with an appropriate material. In many cases, it is not practical or resource-effective for a temporary batch plant operation to pave all plant roads with a cohesive surface. However, in response to these comments, the commission has revised subsection (4)(E) to add use of a cohesive, hard surface as a new option (iv) so it may be used in situations where the owner or operator determines it to be an appropriate method.

Comment 23

ACCOA and David and Barbara Milne recommended that a definition be added for in-plant road surface preparation. The commenters stated this is needed to keep dust down and for cleaning up the site once the plant is no longer needed.

Response

The commission is unsure what this comment is referring to. The proposed permit does not use the term “road surface preparation.” The general requirements of the standard permit require the owner or operator to control dust emissions from roads by watering, chemical treatment, or covering with an appropriate material. If the commenter intended for this comment to support paving of in-plant roads with a hard, cohesive surface, that comment is addressed separately in this response to comments.

Comment 24

ACCOA, Commenter Group A, and David and Barbara Milne stated that the standard permit should include a limit on stockpiles, similar to the existing standard permit for concrete batch plants (which limits total stockpile area to 1.5 acres).

Response

Due to the limited amount of area typically available for a temporary concrete batch plant site in a right of way project, a limit on the size of the stockpiles is unnecessary. However, to be conservative, the protectiveness review was conducted with emissions based on 1.5 acres of stockpiles, similar to the existing concrete batch plant standard permit. The results of the protectiveness review demonstrate that the standard permit is protective of human health and the environment.

Comment 25

Harris County stated that the standard permit should require visible emissions observations to be made daily rather than quarterly, and the associated recordkeeping requirement in proposed paragraph (3)(G)(ix) should be updated to reflect daily observations.

The commenter stated that daily observations are more protective, and that added protection is essential if the permit is to be promulgated without requiring dispersion modeling. The commenter stated that, if visible emissions are only required to be monitored quarterly, a facility that operates for only 180 days may only have to make two observations during the entire lifespan of the facility.

Response

The standard permit requires the owner or operator to perform an observation for visible emissions at least quarterly. If visible emissions are observed, an evaluation using 40 CFR Part 60, Appendix A, TM 22 (Test Method 22) is to be conducted to demonstrate that visible emissions leaving the property do not exceed a cumulative 30 seconds in duration in any six-minute period. If exceeded, corrective action is required. The observations are conducted quarterly as required for other similarly permitted industries. Although a facility that operates for only 180 days may only have to make two observations during the lifespan of the facility, TCEQ cannot impose more stringent requirements than other similar industries without a reasonable justification as to why the more stringent requirement is necessary.

Comment 26

Harris County stated that the standard permit should require that personnel qualified to perform EPA Test Method 22 are present at the facility during all hours of operation. The commenter stated that these certified individuals would be qualified to identify and determine the extent of particulate matter emissions any time there is an emissions event.

Response

Test Method 22 is a visual determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares. This method determines the amount of time, if any, that visible emissions occur during the observation period (i.e., the accumulated emission time). Unlike Method 9, Method 22 does not require that the actual opacity of emissions be determined. Since the Method 22 procedure requires only the determination of whether visible emissions occur and does not require the actual determination of opacity levels, observer certification according to the procedures of Method 9 is not required. Further information regarding Test Method 22 can be found at www.epa.gov/emc/method-22-visual-determination-fugitive-emissions. The observer training requirements for Method 22 are described in Section 2.3 of the method, so it is not necessary to repeat those requirements in the standard permit.

The standard permit requires that observations for visible emissions shall be conducted and recorded quarterly, for a minimum duration of six minutes. Note that these quarterly visible emissions observations are not required to be conducted via Test Methods 9 or 22. However, if visible emissions are observed during the quarterly general observation, then an additional visible emissions observation must be conducted in accordance with 40 CFR Part 60, Appendix A, Test Method 22. The commission is not adding the suggested requirements for Method 22 training and certification, as it is not specifically necessary for a Method 22 observation to be performed unless visible emissions are observed during the initial quarterly observation.

Comment 27

Harris County stated that TCEQ should further clarify and limit the ability of a permitted facility to relocate. The commenter also stated concern that the term “relocation” is not defined or limited. The commenter stated that some public works projects (such as planned work for the North Houston Highway Improvement Project) are anticipated to take a decade and will occur within an isolated area.

The commenter stated that the requirement that the relocated facility be within the same public works right-of-way or contiguous to it, is insufficient to ensure the protection of air quality. The commenter gave an example that, if a relocation occurs within close proximity, the 180-day limit could be circumvented, while the same area's air quality is impacted. For example, a temporary concrete batch plant working on multiple projects (and therefore subject to the 180-day limit) must be prevented from relocating 400 feet and then claiming its 180-day clock has restarted. To prevent this loophole, the commenter recommended that relocation only be permitted outside a pre-determined minimum distance.

Response

Under typical operating situations for larger scale or longer duration projects and given the substantial preparation work required for each location, a relocated plant would be expected to be located several thousand feet, if not several miles, from its previous location. This relocated distance would not be in the same area. Therefore, the requirement that a relocated facility to be within the same public works right-of-way is not expected to have adverse effects on air quality.

Establishment of a minimum pre-determined distance for which a relocation could occur would need to be based on a protectiveness review and not rely on an arbitrary distance. The results of the protectiveness review for this standard permit demonstrate that the standard permit is protective of human health and the environment.

In addition, the relocation requirements in proposed section (8) of the standard permit are consistent with the relocation requirements for temporary portable plants in other aggregate standard permits and NSR permits for similar industries. The commission has not made the suggested change. As a result of other changes to the standard permit, the relocation requirements in proposed Section (8) have been renumbered as Section (7).

Comment 28

AGC of Texas recommended that the approval process for relocations under proposed section (8) be streamlined as much as possible. AGC suggested a provision stating that a relocation is considered to be approved within five business days of submittal if no action is taken by the TCEQ executive director. AGC also suggested that TCEQ consider an automatic approval process similar to that used by many permits by rule.

Response

As a result of other changes to the standard permit, the relocation requirements in proposed section (8) have been renumbered as section (7). Subsection (7)(B) requires for relocations meeting subsection (7)(A), the owner or operator must submit information to the executive director at least 12 business days prior to locating at the site. This requirement is consistent with subsection (10)(B) of the current Standard Permit for Concrete Batch Plants as well as previous versions of that standard permit.

Regarding streamlining of the relocation approval process and automatic approval of relocations, TCEQ may explore possible methods or options to streamline the relocation approvals in the future. However, this evaluation will be done outside of this rule project since streamlining is beyond the scope of this action.

Comment 29

ACCOA and David and Barbara Milne recommended that TCEQ add a requirement or provision to establish that a registration for a temporary concrete batch plant cannot be renewed. The commenters asked if these registrations can be renewed, and if so, what is the process and what is the basis for a permit to be renewed.

Response

Paragraph (4)(L)(i) requires any claim under this standard permit to comply with 30 TAC §116.604, Duration and Renewal of Registrations to Use Standard Permits. This rule requires a standard permit registration to be renewed every 10 years. To renew a standard permit registration, the owner or operator must submit a renewal application to TCEQ which demonstrates that the operation of the concrete batch plant will comply with all applicable requirements of the standard permit. TCEQ would evaluate the renewal application for completeness and compliance with the standard permit conditions and issue a renewed registration. As allowed by 30 TAC §116.604(4), TCEQ may instead choose to renew registrations automatically, and, in such cases, provide written notice to registrants.

Nuisance Conditions and Other Adverse Impacts (Noise, Light, Traffic, etc.)

Comment 30

Alex Campbell and Linda Campbell expressed concern that truck traffic associated with facilities authorized by the standard permit may be a nuisance and/or damage roadways.

Response

TCEQ does not have jurisdiction to consider traffic, road safety, or road repair costs when developing air permits or air regulations. These concerns are typically the responsibility of local, county, or other state agencies, such as TXDoT and the Texas DPS. Concerns regarding roads should be addressed to the appropriate state or local officials.

Comment 31

Alex Campbell, Linda Campbell, Lucille Gervais, Patricia Whalen and Stanley Vee expressed concern that truck operations or plant operations would increase noise pollution.

Response

TCEQ does not have the authority to consider potential effects from plant location, aesthetics, zoning and land use issues, traffic, noise, or light, when determining whether to approve or deny registrations for this standard permit. Noise ordinances are normally enacted by cities or counties and enforced by local law enforcement authorities. Questions, concerns, or complaints about noise or light pollution, zoning, or land use should be directed to local governments with jurisdiction over these issues.

Comment 32

Alex Campbell and Linda Campbell expressed concern that concrete batch plants located close to residential areas would adversely impact property values. Lowell and Diana Wolf stated that temporary concrete batch plants could lead to the financial destruction of communities.

Response

TCEQ does not have the authority to consider or regulate property value effects as part of the air permitting program.

Public Notice and Comment

Comment 33

AGC of Texas noted that public works projects typically provide for stakeholder input and opportunities for the public to comment in the planning and development phase, so that material production and other construction or industrial activity is accounted for in the review and stakeholder process.

Response

The commission agrees that, in many cases, public work projects provide opportunities for the public to comment as part of the stakeholder and development process for the overall project. Although this standard permit does not provide for public notice or comment for a specific registration or site, it does not preclude the public or other interested parties from providing comments through other mechanisms or processes that may be available.

Comment 34

Harris County requested that TCEQ reconsider exempting this permit from public notice requirements and stated the standard permit should require facilities to notify the public of their location or relocation. Harris County stated that, if a facility is truly temporary, there would be an argument to provide an exemption from public notice, but since the standard permit potentially allows a longer duration, failing to require public notice is unreasonable. The commenter stated that at a minimum, residents must be notified of potential health risks associated with locating a permitted facility near their home. The commenter stated that notice should be required for at least those residents within one mile of the facility. The commenter stated that under the current language of the standard permit, residents won't have any advance warning that a concrete batch plant is being sited near them and will have no idea what their recourse is if the facility negatively impacts them.

Commenter Group A expressed concerns that the proposed standard permit takes away public notice and the public's right to comment before a specific temporary permit can be issued. Dennis Parker stated that people should be able to know what is coming to their communities and to voice their opinions on what happens in their neighborhood.

ACCOA and David and Barbara Milne stated that an applicant proposed to construct a permanent batch plant near Alamo Country Club (ACC) and two adjacent schools in 2022, but the permit request was canceled after the affected communities raised health concerns during the public comment period. ACCOA and David and Barbara Milne expressed concern that when this standard permit becomes final, an applicant would be able to construct a temporary concrete batch plant close to the ACC property without undergoing public notice or comment.

Response

The new standard permit for temporary public works projects does not significantly change the applicability or non-applicability of public notice to any concrete batch plants, whether temporary or permanent. Under existing Texas statutes and administrative rules, temporary concrete batch plants that support public works projects are already exempt from public notice and hearing requirements. In particular, THSC §382.058(b) and 30 TAC §39.402(a)(11) exempt a concrete batch plant located temporarily in the right-of-way, or contiguous to the right-of-way, of a public works project. The conditions in this standard permit that relate to public notice have been drafted to maintain consistency with these existing statutes and rules, and do not remove public notice requirements for any types of facilities that are not already exempt. Legislative action and rulemaking action beyond the scope of this standard permit would be necessary to implement public notice requirements for these types of facilities.

Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with terms of any permit or other environmental regulation by submitting a complaint using one of the methods described at the following link: www.tceq.texas.gov/compliance/complaints. TCEQ evaluates all complaints received. If a facility is suspected to be out of compliance with the terms and conditions of its permit, it will be subject to investigation and possible enforcement action.

Comment 35

ACCOA and David and Barbara Milne recommended a good neighbor requirement that the owner/operator notify (by mailing or public announcement) homeowners, business, and schools within a two-mile radius of a facility registering for the public works standard permit.

Response

There is no statute or regulation which provides TCEQ with the authority to require this type of notification for facilities that will be authorized under the new standard permit. Even if a voluntary or "good neighbor" notice was provided to residents and businesses, it is not clear what benefit would be provided, as there is no public comment process for a registration for a temporary concrete batch plant located in or contiguous to the right of way of a public works project.

Land Use and Zoning

Comment 36

Several commenters (Susan Beelman, Jenny Carpenter, Patrick Ellis, Brian Harle, Linda Lane, Diane Parker, Randy Rawlings, Carly Rychlec, Theresa Schwinghammer, Elizabeth Sheppard, Sheryl Treaster, Patricia Whalen and Stanley Vee) expressed general concerns or objections to construction or operation of concrete batch plants near residential communities, population centers, hospitals, or schools.

Response

For concerns about potential health effects, please refer to the previous response to Comment 1 discussing TCEQ's protectiveness review, which determined that temporary concrete batch plants meeting the conditions of this standard permit will not have adverse effects on human health, including the health of school-age children. More information about TCEQ's protectiveness review is also available in Section V of the technical background document.

With respect to more general concerns about the placement of temporary concrete batch plants, TCEQ does not have the authority to consider plant location, aesthetics, zoning, traffic, or land use issues. Questions, concerns, or complaints about zoning or land use should be directed to local governments with jurisdiction over these issues. The issuance of an air quality authorization does not override any local zoning requirements that may be in effect and does not authorize an applicant to operate outside of local zoning requirements.

Comment 37

ACCOA and David and Barbara Milne recommended that TCEQ provide guidance to owners or operators of temporary concrete batch plants for selecting sites that have a low concentration of population. The guidance would ensure that emissions from concrete batch plants (including PM_{10}, $PM_{2.5}$, NO_X, SO_2, CO, and VOC) affect as few people as possible.

Response

TCEQ does not have jurisdiction to consider or recommend plant location choices made by an applicant unless a statute or rule imposes specific distance limitations that are enforceable by TCEQ. TCEQ cannot deny authorization of a facility if a permit application contains a demonstration that all applicable statutes, rules, and regulations will be met. Owners or operators planning future sites for temporary concrete batch plants may avail themselves of various tools or datasets for mapping and researching population density that are available from public and private sources. Zoning and land use are beyond the authority of TCEQ for consideration when reviewing air quality permit applications and such issues should be directed to local officials. The issuance of an air quality authorization does not override any local zoning requirements that may be in effect and does not authorize an applicant to operate outside of local zoning requirements.

As demonstrated by the protectiveness review conducted by TCEQ, a temporary concrete batch plant meeting the conditions and setback distances of the standard permit will not adversely affect the health of persons residing or conducting activities in the vicinity of the plant.

Comment 38

Lowell and Diana Wolf stated that there is no limit to the number of temporary concrete batch plants that could be placed around a community but there is a limit for permanent concrete batch plants. The commenter stated that limit requirements must be established for temporary concrete batch plants.

Response

The meaning of this comment is unclear. TCEQ does not have the authority to place a limit or restriction on the number of concrete batch plants that may be constructed within a community.

Enforcement

Comment 39

Harris County stated that the primary pollutant emitted by concrete batch plants is $PM_{2.5}$. The commenter stated that TCEQ permits are designed to prevent facilities from causing or contributing to exceedances of NAAQS, but concrete batch plants have a difficult time maintaining compliance with TCEQ standard permit conditions. The commenter stated that, because of rampant noncompliance, concrete batch plants contribute to Harris County's nonattainment of the $PM_{2.5}$ NAAQS.

Response

TCEQ concurs that standard permits, including the new standard permit for temporary concrete batch plants associated with public works, are designed to prevent facilities from causing or contributing to exceedances of the NAAQS. TCEQ does not agree with the commenter's assertion that concrete batch plants, in general, are operating in rampant noncompliance. TCEQ's Regional Offices may perform announced or unannounced investigations of concrete batch plants. An investigation may include an inspection of the site including all equipment, control devices, monitors, and a review of all required recordkeeping. If an investigation identifies a violation, TCEQ takes appropriate enforcement action to ensure that the violation is corrected.

Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with terms of any permit or other environmental regulation by submitting a complaint using one of the methods described at the following link: www.tceq.texas.gov/compliance/complaints.

TCEQ evaluates all complaints received. If a facility is suspected to be out of compliance with the terms and conditions of its permit, it will be subject to investigation and possible enforcement action.

With respect to the $PM_{2.5}$ NAAQS, the form of the annual $PM_{2.5}$ NAAQS is based on a three-year average of the annual average concentrations. Not only are the public works projects temporary, but operations are intermittent as well. Considerable preparation work is performed along the project segments of public works projects before concrete is even mixed and poured. These intermittent operations are common for the duration of public works projects. Additionally, the 12-hour per day operational limit (or the alternative daily site production limit previously discussed) and yearly throughput limit ensure the operations are intermittent and unlikely to impact the annual $PM_{2.5}$ concentrations.

Modeling analyses were conducted for the annual averaging time of nickel particulates and silica. The annual modeling was conducted since the annual ESL thresholds for nickel particulates and silica are based on one year, and not a three-year period used for the annual NAAQS design value of $PM_{2.5}$.

Comment 40

Harris County stated that the standard permit should make it clear that pollution abatement equipment failure and visible emissions must be reported to TCEQ and local pollution control agencies. The commenter noted that subsection (3)(H) should be revised to explicitly require permit holders to notify local governments of emission events. The commenter stated that since they (Harris County) perform the majority of inspections at concrete batch plants within its jurisdiction, this change could have a significant positive effect on local air quality.

Response

Subsection (3)(H) requires owners or operators to document and report abatement equipment failure or visible emissions deviations in excess of paragraph (4)(B)(iii) in accordance with 30 TAC Chapter 101, General Air Quality Rules as appropriate.

For emission event reporting, 30 TAC §101.201(a)(1)(B) of the General Air Quality Rules requires the owner or operator to notify the commission office for the region in which the regulated entity is located, as well as all appropriate local air pollution control agencies with jurisdiction, if the emissions event is reportable. Therefore, in compliance with subsection (3)(H) of the standard permit, pollution abatement equipment failure or visible emissions deviations, if deemed reportable, are already required to be reported to the local air pollution control agencies with jurisdiction. No changes were made to the standard permit as a result of this comment.

Comment 41

Harris County stated that the standard permit should require the permittee to comply with illumination standards set by the Illuminating Engineering Society, in order to support proposed paragraph (4)(B)(iv). which requires "… 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 4(B)(iii) of this standard permit."

Response

The requirements in paragraph (4)(B)(iv) relating to illumination are consistent with the language used in other standard permits for similar facilities, and the commission has not found additional specifications or design standards for illumination to be necessary to evaluate compliance with the visible emission requirements. The commission has not made the suggested change.

Comment 42

Harris County recommended that proposed subsection (8)(B) be revised to require owners or operators seeking to relocate a concrete batch plant to also provide notification to local air pollution control agencies. The commenter stated that requiring notification to the local government would provide local regulators with the information they need to effectively enforce the law, and failing to notify local authorities will lead to delays in compliance inspections and enforcement.

Response

As a result of other changes to the standard permit, the relocation requirements in proposed section (8) have been renumbered as section (7). Subsection (7)(B) requires for relocations meeting subsection (7)(A), the owner or operator must submit the specified information to the executive director at least 12 business days prior to locating at the site. This requirement is consistent with subsection (10)(B) of the current Standard Permit for Concrete Batch Plants and 30 TAC §116.178, Relocations and Changes of Location of Portable Facilities. Therefore, notification of relocations to local air pollution control agencies is not required by any similar or related rules and is beyond the scope of this action. The commission has not made the suggested change.

General or Uncategorized Comments

Comment 43

AGC of Texas expressed general support for the issuance of the new standard permit for temporary public works projects. ZCC stated general appreciation and support for TCEQ's effort in drafting the new standard permit. AGC of Texas stated that TCEQ's Air Quality Analysis demonstrates that the new standard permit will protect human health and the environment, and that the new standard permit provides a clear and appropriate authorization mechanism for these unique and vitally important operations.

Response

The commission appreciates the support and agrees that the new standard permit for temporary public works projects is protective of human health and the environment and technically appropriate for important infrastructure projects.

Comment 44

ACCOA, Commenter Group A, Marilyn Bahney, Patrick Ellis, Bryan Harle, David and Barbara Milne, Wyatt Watson, Steve Savino, Diane Parker, Randy Rawlings, Dawn Savino, Elizabeth Sheppard, Sheryl Treaster, Patricia Whalen and Stanley Vee expressed concerns about a particular registration or concrete batch plant site in the vicinity of Alamo, Texas. These commenters noted that the batch plant is planned to be located near a senior community with many (hundreds of) residents, two schools, and many residential homes.

Response

It's not clear if the specific concrete batch plant these commenters are referring to will be registered under the new standard permit for temporary public works projects, the existing standard permit for concrete batch plants, or some other type of authorization (such as a case-by-case NSR permit). Any standard permit registrations for concrete batch plants (temporary or otherwise) filed prior to the effective date of the new standard permit for Temporary Public Works Projects would be processed according to existing rules and the existing Standard Permit for Concrete Batch Plants, not under the new standard permit for temporary public works projects.

For concerns about potential health effects caused by emissions from facilities registering under the new standard permit for temporary public works projects, please refer to the commission's response to Comment 1 and to Section V of the technical background document. For concerns about more general impacts to neighborhoods, please refer to the commission's responses in Section VIII of this response to comments concerning zoning, traffic, roads, noise, lighting, and other effects. Otherwise, complaints about a particular registration or concrete batch plant site are beyond the scope of this action, as it relates to the adoption of a new standard permit available for certain types of concrete batch plants that meet the specified criteria.

Comment 45

Commenter Group A expressed concern that some restrictions required for a permanent concrete batch plant were lessened or removed for temporary concrete batch plants. The commenters stated that almost all studies have found a positive association between cement plant exposure and respiratory disease symptoms as well as an excess risk of cancer in both children and adults.

Response

The characteristics of a temporary concrete batch plant used to support public works are different from those of a permanent concrete batch plant, in some significant ways. The new standard permit for temporary public works projects has a substantially lower production limit (350,000 yd^3/yr) compared to the annual production limit of 650,000 yd^3/yr in the existing standard permit for concrete batch plants. The new standard permit also only allows 12 hours of operation in any 24-hour period, or compliance with an equivalent (in terms of concrete production and emissions) daily site production limit. These limitations considerably reduce the potential emissions and impacts from a temporary concrete batch plant compared to a permanent batch plant. Some requirements for permanent concrete batch plants, such as the paving of plant roads and traffic areas, are not practical or economically reasonable for most temporary batch plants.

The commission has developed a set of conditions and limitations for the new standard permit that are technically appropriate for a temporary concrete batch plant while still protecting human health and the environment.

The commission would like to clarify that temporary concrete batch plants that may be authorized using the new standard permit are intrinsically different from cement manufacturing plants. Concrete batch plants do not manufacture cement, they mix already-produced cement with water and aggregate materials to prepare a mix that can be delivered to a site and poured. The material handling and mixing that takes place at a concrete batch plant does not produce the same profile of emissions as a cement manufacturing plant. Cement manufacturing involves the use of heaters and kilns that produce high temperature combustion emissions which are not present in a concrete batch plant. TCEQ does not offer a standard permit for cement manufacturing facilities.

Comment 46

Patsy Hudson, Helen Lindenmuth, and Barry Nolde stated that to ensure that public health interests are taken into consideration by the company and/or operator, it is essential that the application be subjected to the same review process as required for a permanent operating permit.

Response

The review process for a temporary concrete batch plant registering for the new standard permit is similar to the review process that is used for permanent batch plants registering for the Standard Permit for Concrete Batch Plants.

The owner or operator submits a registration that is reviewed by TCEQ staff to verify that the project meets the applicable conditions of the standard permit. This ensures that public health and air quality will be protected. However, in line with existing statutory requirements in THSC, Chapter 382 and existing rules in 30 TAC Chapter 39, temporary concrete batch plants in or contiguous to a public works project are not subject to the public notice and hearing requirements that apply to permanent concrete batch plants.

As discussed in other responses, there are differences in some technical conditions that a temporary concrete batch plant must meet in the new standard permit compared to the requirements for a permanent concrete batch plant in the standard permit for concrete batch plants. Some aspects of the new standard permit are more stringent, and some are less stringent. These differences are due to the different operating characteristics and operating duration of a temporary concrete batch plant compared to a permanent concrete batch plant. The protectiveness review conducted by TCEQ for the new standard permit demonstrates that a temporary concrete batch plant meeting the conditions of the new standard permit will not endanger human health or the environment.

IX. Statutory Authority

This standard permit is issued under Texas Water Code (TWC), §5.102, General Powers, which authorizes the commission to perform acts necessary and convenient to the exercise of its jurisdiction and powers as provided by the TWC and other laws; THSC, §382.011, General Powers and Duties, which authorizes the commission to control the quality of the state's air; THSC §382.023, Orders, which authorizes the commission to issue orders necessary to carry out the policy and purposes of the TCAA; THSC §382.051, Permitting Authority of the Commission; Rules, which authorizes the commission to issue permits; THSC §382.0513, Permit Conditions, which authorizes the commission to establish and enforce permit conditions consistent with Subchapter C of the TCAA; THSC §382.05195, Standard Permit, which authorizes the commission to issue and amend standard permits according to the procedures set out in that section; and THSC, §382.051985, which authorizes the commission to issue a standard permit for temporary concrete plants supporting public works projects.

Air Quality Standard Permit for Temporary Public Works Projects
Effective Date: June 18, 2025

(1) Applicability

(A) This air quality standard permit authorizes certain temporary concrete batch plants for public works that meet all of the conditions listed in this standard permit. Temporary concrete batch plants that are authorized under this standard permit shall also comply with section (7) for relocation requirements. If a temporary concrete batch plant operates under this standard permit, all changes must meet the requirements of Title 30 Texas Administrative Code (30 TAC) §116.615(2).

(B) A temporary concrete batch plant authorized under this standard permit must be located in or contiguous to the right-of-way of the public works project.

(C) This standard permit does not authorize emission increases of any air contaminant that is specifically prohibited by a condition or conditions in any permit authorization under 30 TAC Chapter 116, Control of Air Pollution by Permits for New Construction or Modification, for air emissions at the site.

(D) 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 other state or federal regulation.

(E) 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

Unless specifically defined in the Texas Clean Air Act or in the rules of the commission, the terms used by the commission have the meanings commonly ascribed to them in the field of air pollution control. In addition, the following words and terms in this standard permit shall have the following meaning.

(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) Central mix plant (also known as wet mix) – A concrete batch plant where sand, aggregate, cement supplement, and water are all combined and mixed in a central mix drum before being transferred to a transport truck.

(C) 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.

(D) Concrete batch plant – For this standard permit, the 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.

(E) Off-site receptor – Includes any off-site building which is in use as a single or multi-family residence, school, day-care, hospital, business, or place of worship at the time the temporary concrete batch plant is registered under this standard permit. A residence is a structure primarily used as a permanent dwelling. A business is a structure that is occupied for at least eight hours a day, five days a week. This term does not include structures occupied or used solely by the owner or operator of the temporary concrete batch plant. The site property extends to the outer boundaries of the designated public property roadway project, and associated right-of-way.

(F) Related project segments – For plants on a Texas Department of Transportation right-of-way, related project segments are one contract with multiple project locations or one contractor with multiple contracts in which separate project limits are in close proximity to each other. A plant that is sited on the right-of-way is usually within project limits. However, a plant located at an intersection or wider right-of-way outside project limits is acceptable if it can be easily associated with the project.

(G) Right-of-way of a public works project – Any public works project that is associated with a right-of-way. Examples of right-of-way public works projects are public highways and roads, water and sewer pipelines, electrical transmission lines, and other similar works. A facility must be in or contiguous to the right-of-way of the public works project to be exempt from the public notice requirements listed in THSC, §382.056, Notice of Intent to Obtain Permit or Permit Review; Hearing.

(H) 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), and/or cement/fly ash storage silos to the nearest off-site receptor.

(I) 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).

(J) Temporary concrete batch plant – For this 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.

(K) Traffic areas – For this standard permit, it is an area within the temporary 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.

(L) 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 poured.

(3) Administrative Requirements

(A) The owner or operator of any temporary 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) No owner or operator of a temporary concrete batch plant shall begin construction or operation without obtaining written approval from the executive director.

(C) The time period in 30 TAC §116.611(b) (45 days) does not apply to owners or operators registering plants under this standard permit.

(D) Owners or operators of temporary concrete batch plants seeking registration under this standard permit are exempt from public notice requirements and from the registration fee requirements of 30 TAC §116.614, Standard Permit Fees.

(E) 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.

(F) Owners or operators are not required to submit air dispersion modeling as a part of this standard permit registration.

(G) 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, daily, and annual operations that demonstrate compliance, as applicable;

(iv) all repairs and maintenance of abatement systems and other dust suppression controls;

(v) 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 (4)(E) of this standard permit;

(xi) demonstration of compliance with subsection (4)(K) of this standard permit; and

(xii) actual hours of operation.

(H) Owners or operators shall document and report abatement equipment failure or visible emissions deviations in excess of paragraph (4)(B)(iii) in accordance with 30 TAC Chapter 101, General Air Quality Rules as appropriate.

(4) 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.

(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 micrometers 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 (4)(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)(G) 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 Air Permits Division List of De Minimis Facilities or Sources;

(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.

(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 conducted 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 temporary concrete batch plant operating under this standard permit at least 550 feet from any crushing plant or hot mix asphalt plant at the time the application is submitted. The owner or operator shall measure from the closest point on the temporary concrete batch plant to the closest point of any other facility. If the owner or operator cannot meet this distance, then the owner or operator shall not operate the temporary concrete batch plant at the same time as the crushing plant or hot mix plant.

(J) Concrete additives shall not emit volatile organic compounds (VOCs).

(K) All sand and aggregate shall be washed prior to delivery to the site.

(L) Any registration under this standard permit shall comply with the following:

(i) 30 TAC §116.604, Duration and Renewal of Registrations to Use Standard Permits; and

(ii) 30 TAC §116.605(d)(1), Standard Permit Amendment and Revocation.

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

(5) 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.

(6) Operational Requirements

(A) The owner or operator shall limit site production to no more than 200 cubic yards in any one hour for truck mix plants and 300 cubic yards in any one hour for central mix plants. Total site production shall be limited to no more than 350,000 cubic yards in any rolling 12-month period.

(B) The facilities shall be limited to a maximum operating schedule of 12 hours (consecutive or non-consecutive) during any rolling 24-hour period. As an alternative to limiting the operating schedule, daily site production shall be limited to no more than 2,400 cubic yards for truck mix plants and 3,600 cubic yards for central mix plants during any rolling 24-hour period.

(C) 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.

(D) 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.

(E) The owner or operator shall maintain the following minimum setback distances:

(i) The suction shroud fabric/cartridge filter exhaust (truck mix plant), drum feed fabric/cartridge filter exhaust (central mix plant), and/or cement/fly ash storage silos shall be located at least 100 feet from the nearest off-site receptor.

(ii) Stationary equipment (excluding the suction shroud fabric/cartridge filter exhaust, and cement/fly ash storage silos), stockpiles and vehicles used for the operation of the temporary concrete batch plant on in-plant roads (except for incidental traffic and the entrance and exit to the site), shall be located at least 50 feet from the nearest off-site receptor.

(7) Relocation Requirements

(A) The TCEQ executive director may approve 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 public works standard permit version adopted at registration and also meets all of the following conditions:

(i) The temporary concrete batch plant is a registered portable facility;

(ii) The owner or operator provides the information listed under subsection (7)(B); and

(iii) The temporary concrete batch plant 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.

(B) For relocations meeting subsection (7)(A) of this standard permit, the owner or operator must submit to the executive director 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, 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 off-site receptors will be met at the new location;

(vi) representation of maximum hourly, daily, 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; and

(viii) the proposed date for start of construction and expected date for start of operation; and the expected time period at the proposed site.

Texas Commission on Environmental Quality
June 18, 2025

Plain Language Summary of Adopted Air Quality Standard Permit for Temporary Public Works Projects

Introduction

The Texas Commission on Environmental Quality (TCEQ or commission) is issuing a new non-rule air quality standard permit authorizing temporary concrete batch plants associated with public works projects. This standard permit is proposed under the specific authority of the Texas Clean Air Act (TCAA), Texas Health and Safety Code (THSC), §382.05195, §382.051985, and 30 Texas Administrative Code Chapter 116, Subchapter F, Standard Permits.

Summary

Senate Bill (SB) 1397, 88th Session, amended Chapter 382 of the THSC to require TCEQ to issue a standard permit for temporary concrete batch plants that support public works projects. Standard permits are a simplified method to authorize emissions from minor sources that are specific, well-known classes of facilities. A plant operating under the standard permit must be located in or beside the right-of-way of the public works project; may occupy a designated site for not more than 180 days in a row or the time needed to supply material for a single project; and may not support a project that is not related to the public works project. The new standard permit contains conditions to make sure that facilities authorized by the standard permit meet these statutory criteria. The standard permit also includes emission control requirements, best management practices, and recordkeeping requirements to make sure the new standard permit is protective of human health and the environment and that the permit can be enforced by the commission.

In response to comments, certain changes to the standard permit have been made since proposal. The standard permit has been revised to allow owners or operators of a temporary concrete batch plant to comply with a daily production limit as an alternative to restricting operations to 12 hours in any 24-hour period. TCEQ has also added the option of paving with a hard, cohesive surface as another method for controlling dust emissions from roads and traffic areas. Requirements associated with stationary engines have been removed from the standard permit. TCEQ has also removed the requirement for a registration fee to maintain consistency with the fee structure in the original standard permit for concrete batch plants.

Public Comment and Public Meeting Information

TCEQ offered a hybrid in-person and virtual public meeting on the proposed standard permit. The meeting was offered in Austin on Friday, December 6, 2024, at TCEQ's central office located at 12100 Park 35 Circle. No persons registered to speak at the public meeting. The comment period for the proposed standard permit opened on November 1, 2024, and closed on December 6, 2024. Numerous written comments were received. The commission’s response to comments and other information on the issued standard permit may be found in the standard permit Technical Background Document available at the following link:

www.tceq.texas.gov/permitting/air/newsourcereview/mechanical/tpw-sp

Comisión de Calidad Ambiental de Texas
18 de junio de 2025

Resumen en lenguaje sencillo sobre la adopción del Permiso Estándar de Calidad del Aire para Proyectos Temporales de Obras Públicas

Introducción

La Comisión de Calidad Ambiental de Texas (TCEQ o la comisión) emite un nuevo permiso estándar de calidad del aire no reglamentario para autorizar plantas mezcladoras de concreto temporales asociadas con proyectos de obras públicas. Este permiso estándar se propone bajo la autoridad específica de la Ley de Aire Limpio de Texas, las secciones 382.05195 y 382.051985 del Código de Salud y Seguridad de Texas, y el Capítulo 116, Subcapítulo F (Permisos Estándar) del Título 30 del Código Administrativo de Texas (TCAA, THSC y 30 TAC, por sus respectivas siglas en inglés).

Resumen

El Proyecto de Ley del Senado 1397 de la 88a Legislatura modificó el Capítulo 382 del THSC para requerir que la TCEQ emita un permiso estándar para plantas mezcladoras de concreto temporales que apoyan proyectos de obras públicas. Los permisos estándar son un método simplificado para autorizar las emisiones de fuentes menores que son clases específicas y bien conocidas de instalaciones. Una planta que opera bajo el permiso estándar debe estar ubicada en o al lado del derecho de paso del proyecto de obras públicas; puede ocupar un sitio designado por un periodo de no más de 180 días consecutivos o para proveer materiales para un solo proyecto; y no puede apoyar un proyecto que no esté relacionado con el proyecto de obras públicas. El nuevo permiso estándar contiene condiciones para garantizar que las instalaciones que autoriza cumplan con estos criterios legales. El permiso estándar también incluye requisitos para el control de emisiones, mejores prácticas de gestión, y requisitos para la conservación de registros para garantizar que el nuevo permiso estándar proteja la salud humana y el ambiente, y para que la comisión pueda hacer cumplir el permiso.

Como respuesta a los comentarios, se han realizado ciertos cambios al permiso estándar desde su propuesta. El permiso estándar ha sido revisado para permitir que los propietarios u operadores de una planta mezcladora de concreto temporal cumplan con un límite de producción diario como una alternativa a restringir operaciones a 12 horas en cualquier periodo de 24 horas. La TCEQ también ha incluido la opción de pavimentar con una superficie dura y cohesiva como otro método para controlar las emisiones de polvo de calles y áreas de tráfico. Los requisitos asociados con motores estacionarios se han eliminado del permiso estándar. Asimismo, la TCEQ eliminó el requisito de una cuota de registro para mantener la coherencia con la estructura de cuotas en el permiso estándar para plantas mezcladoras de concreto original.

Información sobre comentarios y reunión públicos

La TCEQ ofreció una reunión pública en formato híbrido (tanto presencial como virtual) sobre el permiso estándar propuesto en Austin el 6 de diciembre de 2024 en las oficinas centrales de la comisión ubicadas en 12100 Park 35 Circle. Ninguna persona se inscribió para hablar en la reunión pública. El periodo de comentarios para el permiso

estándar propuesto inició el 1 de noviembre de 2024 y concluyó el 6 de diciembre de 2024. Se recibieron numerosos comentarios. Es posible encontrar la respuesta de la comisión a estos comentarios e información adicional sobre el permiso estándar emitido en el Documento de Antecedentes Técnicos del permiso estándar disponible a través del siguiente enlace:

www.tceq.texas.gov/permitting/air/newsourcereview/mechanical/tpw-sp