



CITY OF HOUSTON

Sylvester Turner

Mayor

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June 25, 2021

Laurie Gharis, Chief Clerk
Office of Chief Clerk
TCEQ, Mail Code MC-105
P.O. Box 13807
Austin, Texas 78711 – 3087

Dear Ms. Gharis,

Thank you for the opportunity to submit comments for the Proposed Amendment to Non-Rule Air Quality Standard Permit for Concrete Batch Plants (CBPs). The Texas Commission on Environmental Quality (TCEQ) is proposing to amend the air quality standard permit for CBPs. The Proposed Amendment to non-rule air quality standard permit for CBPs will add a previously included exemption from emissions and distance limitations in 30 Texas Administrative Code (TAC), Section 116.610(a)(1) that was inadvertently removed during a 2012 amendment to the standard permit. The TCEQ's rationale for the exemption for CBPs applying for a standard permit is that results from a 2012 study indicate crystalline silica emissions from these plants are not of concern. Without this exemption, TCEQ would need to consider crystalline silica emissions from CBPs before approving a standard permit.

The City of Houston opposes this Proposed Amendment to add back the exemption for the standard permit and is instead, in favor of consideration of crystalline silica emissions for CBPs in the permitting decision.

Environmentally hazardous facilities and infrastructure are more likely to be placed near communities of color or low-income communities, while higher-income communities with more white residents are more likely to have more trees and greater access to parks and open spaces. Environmental injustice is amplified as property values in white neighborhoods increase relative to those of polluted communities of color in a city famous for not having zoning.

The results: In Houston, there is a 24-year difference in life expectancy depending on what neighborhood you reside. COVID-19 has only reinforced the disproportionate health services and exacerbated negative impacts in the most vulnerable populations. One of the most harmful air pollutants negatively impacting human health is particulate matter 2.5 micrometers and smaller in diameter (PM_{2.5}).

Residents of Houston, where PM_{2.5} levels are well above the national average, are particularly at-risk. Increased frequency of asthma and heart attacks in some neighborhoods are indicative of more pervasive air quality issues beyond PM_{2.5}.

Concrete batch plants are a major source of PM_{2.5} emissions in Houston communities. Since 2014, Texas has led the nation in ready-mix concrete production, with around 1,700 permitted plants. These concrete batch plants dot the Houston map like confetti, often in “batches,” and are clustered in working class, minority neighborhoods that lack the political power to fight them.

- In south Houston, 18 concrete batch plants sit within a 4-mile radius.

Specifically, this exemption is targeted for 30 TAC 116.610(a)(1) which requires that CBPs must meet emissions limits for a list of air pollutants (not including the NAAQS and some other common gasses). The code requires analysis of these pollutants under 261 and 262. This analysis should have been completed for CBPs since 2012 since the CBPs were not exempt.

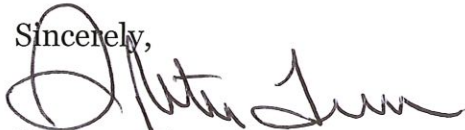
Unfortunately, CBPs generally have poor compliance with the Standard Permit Special Conditions and they can produce large amounts of fugitive dust emissions, including cement dust, road dust and aggregate dust, exposing residents to potential acute and chronic health effects from excess PM_{2.5} and PM₁₀ emissions.

Houston is the largest city in America that lacks zoning power. Additionally, the Texas Supreme Court struck down a 2007 law that would have required city approval for concrete batch plants. The aggregate result of these policies means that, in Houston, there are few tools to stop the growth of concrete batch plants in residential areas.

Overall, it is very difficult to stop the permitting or location of concrete batch plants in the region. In fact, TCEQ has never denied a concrete batch permit due to opposition by the community or local government. For this reason alone, the exemption should be denied.

Based on the CBPs documented poor compliance with the Standard Permit Special Conditions and the risk of potential acute and chronic health effects associated with PM_{2.5} and PM₁₀ emissions generated from the CBPs, TCEQ should not approve this Proposed Amendment to the Non-Rule Air Quality Standard Permit.

Sincerely,



Sylvester Turner
Mayor