

Travis Mross

Please see uploaded comment letter on behalf of Zachry Construction Corporation. Thank you for the opportunity to comment.

June 14, 2023

Ms. Gwen Ricco
MC-205, Office of Legal Services
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

RE: Non-Rule Project Number 2022-033-OTH-NR

Dear Ms. Ricco:

Thank you for the opportunity to submit comments regarding the Texas Commission on Environmental Quality (TCEQ) proposed amendments to the Air Quality Standard Permit for Concrete Batch Plants.

Zachry Construction Corporation (ZCC) is a top 10 heavy and highway construction contractor in Texas. We perform work for the Texas Department of Transportation (TxDOT), and local governments under bid-build, design-build and public/private partnerships delivery methods. Zachry's experience includes highways, bridges, dams and airports ranging in size from \$5 million to more than \$1 billion in construction cost.

ZCC currently operates six concrete batch plants in Texas permitted under the Standard Permit for Concrete Batch Plants. ZCC supports TCEQ's effort to amend this Standard Permit. Overall, we feel the amendments are appropriate but respectfully offer the following comments for consideration.

- Section 8, Operational Requirements do not distinguish between dry and wet batch (central mix) concrete batch plants. In its effort to be conservative, such as only considering worst case air quality monitoring points for calculating background emissions, it seems the draft rule does not differentiate the two types of concrete batch plant processes, and instead addressed only dry batch plants which generate greater emissions. This resulted in an artificially low emission based hourly production cap of 200 cy/hr for central mix plants. Our temporary central mix plants are rated at 330 cy/yds hour and have approached the 300 cy/hr production cap in the current standard permit on several public works projects. We routinely operate our wet batch plants above the 200 cy/hr cap proposed in the amendments to meet construction schedules on TxDOT highway projects. Setting an artificially low production cap on central mix plants will result in reduced efficiencies and increased emissions resulting from extended project schedules causing increases in plant and all other construction related emissions, as well as emissions from prolonged traffic congestion. Capping central mix plants at 200 cy/hr as opposed to the 300 cy/hr in the current permit will also increase construction costs an estimated \$750,000 to \$2.25 million for TxDOT highway projects ranging in total construction cost from \$50 million to \$150 million. For large projects of \$500 million to \$1 billion, increased construction costs could run as high as \$15 million⁽¹⁾. These costs would include extended overhead, equipment standby and escalations.

Basing production caps for central mix plants on the worst case dry batch process scenarios will increase the time and cost required to build infrastructure as well as increase overall emissions

and burdens on the public. We request TCEQ acknowledge the different emission rates between wet batch and dry batch processes and establish individual production caps for dry batch and central mix plants.

- Section 8, Operational Requirements provides relief from setback distances and increases production caps to 300 cy/hr for dry batch plants if a three-sided shroud is added at the drop point. Shrouds on dry batch plants can reduce emissions because the materials loaded into the mixer truck are dry cement, sand/aggregate and water for on-board mixing into concrete. The mixing of concrete in a central mix plant happens in the plant and the material discharged at the drop point is premixed wet concrete. The discharge of wet concrete does not cause emissions. We encourage TCEQ to recognize this difference and exempt central mix plants from shroud requirements and consider retaining the current production cap of 300 cy/hr for central mix plants.
- Section 6 (E), Engines establishes an NOx emission rate for generators at the interim Tier IV Standard. ZCC agrees with this standard but has found that due to supply chain issues Tier IV generators sized to service a batch plant are in very short supply as are retrofit parts. Dealers are quoting 24- to 30-month delivery times for new generators. We request TCEQ consider phasing in this requirement.
- Section 2 (F), Definitions allows for one plant on TxDOT right-of-way (ROW) to serve other TxDOT projects that are in "close proximity". The term "close proximity" lacks specificity and needs clarification. ZCC was denied approval to serve two TxDOT projects that were within 1.5 miles of each other on separate parallel roadways but not on the same roadway system. ZCC requests TCEQ consider defining "close proximity" as within a 10 mile radius which is a reasonable travel distance for maintaining the integrity and workability of concrete. Also, for consistency with notice requirements in Section 2 (G), we request TCEQ consider changing the requirement for a plant to be "on TxDOT" ROW to "be in or contiguous to the ROW". These changes will enable TxDOT contractors to mobilize fewer plants to construct highway projects versus unnecessarily erecting multiple plants or purchasing concrete from potentially more distant sources increasing trucking and its associated emissions, congestion and roadway wear.

Thank you again for the opportunity to comment on this important permit that has tremendous impact on infrastructure construction in Texas. Please contact me at (210) 871-2700 if you would like to discuss these comments or require additional information.

Sincerely,



Travis Mross
Executive Vice President
Zachry Construction Corporation

⁽¹⁾ Based on Company specific data and assumptions.