Barbara & David Milne
316 Diana Drive
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Gwen Ricco
MC 205 Office of Legal Services
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

NON-Rule Project ~~2024-1357~~-OTH-NR

November 20, 2024

Gwen Ricco

MC 205 Office of Legal Services

Texas Commission on Environmental Quality

P.O. Box 13087

Austin, Texas 78711-3087

Dear Ms. Ricco:

Reference: Non- Rule Project No.2024-018-OTH-NR

We are both over 70 and have respiratory and cardiovascular health issues such as COPD, asthma and cardiac issues. We are very concerned about a temporary concrete batch plant permit being approved in our neighborhood without being able to provide public comments. Of particular concern is the emission of PM 2.5, fine particles that are harmful to respiratory and cardiac health, especially to seniors who already have existing conditions.

In 2022, there was a proposal to build a permanent concrete batch plant in proximity of two schools and Alamo Country Club. Because there was a public notice and response period, the affected communities were able to raise their health concerns and eventually the permit request was cancelled. When the Air Quality Standard Permit for Temporary Public Works Projects is final, the company can set up a temporary concrete patch plant close to the ACC property without public comments.

Our comments and concerns are provided below. We hope that the Air Quality Standard Permit for Temporary Public Work Project with be changed to reflect our concerns.

(2) Definitions

(D) We recommend that temporary concrete patch plants not be located within a 2 mile radius of single or multi-family residence, nursing homes, senior residents, schools, day-care, and hospitals. This would limit the exposure of emission of PM 2.5, fine particles that are detrimental to respiratory and cardiac health, especially for vulnerable individuals with health issues.

(F) We recommend defining what constitutes a facility being contiguous to a right-of-way. Is this adjacent to, or next to, or touching the right-of-way of the public work project? This would provide the company that applies for the permit what locations are acceptable as well as provide assurance to the public that the facility meets the requirements for a temporary concrete patch plant.

(J) We recommend defining how long a temporary concrete batch plant can occupy a designated site since it states that they can occupy a site for a single project. This would assure the public that the site will be gone within a set timeframe and meets the requirement of being temporary.

(M) We recommend that a definition be added for dust suppressing fencing or other equivalent barrier. It is important that fugitive dust from equipment and equipment stockpiles, in-plant roads and traffic areas be kept from leaving the plant. While this is a temporary concrete patch plant, it should have similar requirements as found for a permanent patch plant of 12 feet high. We are concerned about the health affects of having a temporary concrete batch plant near residents, schools, churches, etc.

(N) We recommend that a definition be added for in-plant road surface preparation for the temporary concrete patch plant. This is needed to keep dust down and for cleaning up the site once the plant is no longer needed.

(3) Administrative Requirements

(A) We recommend that guidance be provided to owners or operators about selecting sites for temporary concrete batch plants that have low concentration of population. This guidance would ensure that emissions including particulate matter (PM10 and PM 2.5) nitrogen oxides, sulfur dioxide, carbon monoxide and volatile organic compounds affect as few people as possible.

(F) We recommend changing this requirement to add that an air dispersion model is required if the temporary concrete plant is going to occupy the site for longer than 180 days. This would assure the public that the temporary concrete plant is operating in compliance with EPA and Texas requirements.

(G) We recommend adding that a temporary concrete plant permits cannot be renewed. If they can be renewed what is the process and what is the basis for a permit to be renewed.

(4) General Requirements

(E) Add (iv) paving them with hard surface that can be cleaned. We recommend adding this to keep dust down and allow for cleaning up the site once the plant is no longer needed.

(F) We recommend adding a requirement that stockpiles be limited to no more than a set size. Stockpile sizes are set in a permanent concrete patch plant and a temporary concrete patch plant should have similar requirements. Limiting the size of the stockpiles cuts down on dust emissions to nearby properties.

(5) Engines

(F) We strongly recommend that the statement that "there are no restrictions to engine operations if the engine will be on-site for less than 12 consecutive months" be deleted. It makes no sense that there be no restrictions on engine operations for a temporary concrete batch plant. The requirements should be more restricted since the public does not have an opportunity to provide comments before a permit is issued.

(7) Operational Requirements

(A) We strongly disagree with the requirement that a temporary concrete plant can have a limit which allows the site to be in operation for more than a 12-month rolling period. There should be a time limit on how long a temporary concrete patch plant can be eligible for a temporary permit versus a standard permit that allows for public comment.

(B) We strongly disagree that a facility can operate for 12 hours during any 24-hour period. Since these plants can be located near residential areas, schools, etc., it seems that they should be limited to less hours, set hours such as 8 a.m. to 5 p.m. and set days of the week such as Monday through Saturday. This would ensure that plants located near residential areas, schools, and heavily congested commuter roads provide for safe transportation for school buses and commuters.

(E) (i) and (ii) We strongly disagree with the change to allow the feet to be nearest off-site receptor instead of the property lines as defined in the Air Quality Standard Permit for Concrete Batch Plants dated January 24, 2024. The requirements should be as strict as possible to provide public confidence in the temporary concrete batch plant permit process. Allowing a facility to locate equipment close to their property line does not provide a buffer to those who live or work or go to school near a temporary concrete batch plant.

(9) New Section called Good Neighbor

We recommend that the owner or operator shall as a minimum notify home owners, business and schools within a 2 mile radius that they have been approved for a temporary concrete batch plant and the public works project. This can be accomplished by either a mailing or public announcement.

Thank you for the opportunity to comment on the Proposed Air Quality Standard Permit for Temporary Public Works Project. We look forward to seeing our concerns addressed in the final standards.

Sincerely,

David L. Milne

316 Diana Drive

Alamo, TX 78516

Barbara A. Milne