

December 4, 2024

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 No. 2024-018-OTH-NR

Dear Ms. Ricco:

Thank you for the opportunity to submit comments regarding the Texas Commission on Environmental Quality's (TCEQ) draft Air Quality Standard Permit for Temporary Public Works Projects.

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 appreciates and supports TCEQ's effort in drafting this Standard Permit. We respectfully offer the following comments for consideration.

Operational Requirements (B), limits daily operations to a 12 hour period. Unplanned delays cause by weather and other unforeseen events commonly impact public works project schedules. Working two shifts per day over short periods is a common mitigative measure to offset delay. Limiting operating hours to 12 hours (one shift) removes this measure resulting in increased time to complete projects and added risk to the operator for delay costs and liquidated damages. These risks make this permit undesirable compared to the Standard Permit. We request TCEQ allow plants to operate 24 hours/day or designate an hourly annual limit under this permit.

Engines (5)(A), caps generator horsepower at 1,000 hp. While a 1,000 hp generator will power a concrete batch plant, it is inadequate to power a plant and a chiller. Use of chillers are required in TX for pre-cooling the concrete to compensate for high ambient temperatures between May and October so the concrete can be delivered to the pour within temperature limits. We request TCEQ increase the generator horsepower cap to 1,450 horsepower or allow the use of PBR 512, Stationary Engines and Turbines in tandem with the Public Works Permit to accommodate these power requirements.

General Requirements (E)(3), control of emissions from in-plant roads and traffic areas. Plant sites are often paved with compacted base which reduces dust. We request TCEQ consider adding compacted base to the covering options listed in sub-section (iii).

Finally, operators of portable concrete batch plants typically serve a variety of public and private projects. Restricting this permit's use to public works projects increases the permitting burden to operators who serve public and private markets and serves as a disincentive to use this permit. To eliminate this disincentive, we request TCEQ allow a plant's Standard for Concrete Batch Plant authorization or Individual NSR Permit to remain valid during a transitory use of this Public Works Permit.

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