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OFFICE OF LEGAL SERVICES

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

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# ALAMO COUNTRY CLUB

## OWNERS ASSOCIATION



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

Nov. 21, 2024

Dear Ms. Ricco:

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

As President of the Alamo Country Club (ACC) a Home Owner Association of 520 senior-citizen owned homes located in Alamo, Texas, I am providing comments that represent the concerns of the 800 plus senior residents. Many of our senior residents have medical and respiratory conditions that could be aggravated by the location of a temporary concrete batch plant close to the ACC property.

In 2022, there was a proposal to build a permanent concrete batch plant in proximity of two schools and ACC. 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 batch plant close to the ACC property without public comments. Therefore, it is important that our 800 plus senior residents have their concerns be considered during this comment period.

While they understand the need to get public work projects done in an expeditious manner through a temporary permit process, they are concerned that adequate health and safety requirements are covered and not lost in the process. Of particular concern is the emission of PM 2.5, fine particles that are harmful to respiratory and cardiac health, especially to seniors.

Our community comments are provided below and follow the format in the proposed Air Quality Standard Permit for Temporary Public Work Projects.

### **(2) Definitions**

(D) We recommend that temporary concrete batch 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.

(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 batch 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

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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 batch plant, it should have similar requirements as found for a permanent batch plant of 12 feet high. We are concerned about the health effects 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 batch 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 batch plant and a temporary concrete batch 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 are 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.





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### **(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 batch 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 fewer 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 the minimum setback from property line to off-site receptor. We recommend having it as the property line 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 for our 800 plus senior resident to provide their comments and have their concerns considered.

Respectfully,

Steven Kendrick, President  
Alamo Country Club