



CITY OF HOUSTON

Houston Health Department

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Gwen Ricco
Office of Legal Services, MC 205
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PO Box 13087
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RE: Comments from the City of Houston Regarding Proposed Revisions
to 30 Texas Administrative Code (TAC) Chapter 116 and Corresponding Revisions to The State
Implementation Plan

Ms. Ricco:

Thank you for the opportunity to submit comments after the recent notice published for public hearing and comments related to the proposed revisions to 30 Texas Administrative Code (TAC) Chapter 116, Control of Air Pollution by Permits for New Construction or Modification, §116.605, and corresponding revisions to the state implementation plan (SIP) under the requirements of Texas Health and Safety Code, §382.017; Texas Government Code, Chapter 2001, Subchapter B; and 40 Code of Federal Regulations §51.102 of the United States Environmental Protection Agency (EPA) concerning SIPs.

The City of Houston Health Department (HHD) regularly responds to environmental complaints related to concrete plants and reviews new permits and amendments of these facilities for comments to the Texas Commission on Environmental Quality (TCEQ). Concrete plants may be sources for air pollutants, storm water contaminants, and neighborhood nuisances. In areas with existing environmental stressors, these facilities can have a dramatic impact on public health. HHD respectfully submits this letter of support for Senate Bill 763 and Senate Bill 2351.

With no zoning, concrete batch plants in Houston legally emit fine particulate matter in neighborhoods next to homes, schools, churches and parks in our city. Concrete Batch Plants produce air pollution, specifically particulate matter emissions including particulate matter 2.5 microns and smaller, referred to as fine particulate matter, that can be inhaled deep into the lungs. Inhalation of

fine particulate matter poses serious human health risks including asthma attacks, cardiac arrest, stroke and premature death.

There are more than 89 concrete batch plants in the city limits of various operational statuses. Since 2016 the City's Bureau of Pollution Control and Prevention has conducted over 60 investigations of concrete batch plants within the City's limits and found 60 violations of TCEQ Standard Air Permit and City Ordinances. Violations included insufficient dust controls, nuisance conditions, inadequate buffer distances (i.e. for locating of stockpiles) among others.

The federal reference monitors in the Houston area show the mean concentration for 2024 as 11.3 ug/m^3 . These concentrations exceed the EPA's National Ambient Air Quality Standards national yearly standard of 9 ug/m^3 for PM_{2.5}. The city will be in nonattainment for PM_{2.5}, which is unhealthy for Houstonians and accompanied by additional federal requirements which will be costly.

Research indicates PM_{2.5} pollution has been shown to be a trigger for asthma attack, stroke, and cardiac arrest. The adverse health outcomes associated with PM_{2.5} exposure are only going to be exacerbated—this is already evidenced by the area around the concrete batch plant needing more ambulances for asthma attacks and cardiac arrests.

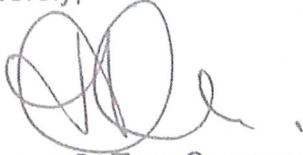
TCEQ is proposing changes to the standard permit rules for concrete batch plants under 30 TAC §116.605. These changes are based on two new state laws (Senate Bill 763 and Senate Bill 2351), which require TCEQ to update its timelines for conducting protectiveness reviews and issuing and reviewing standard permits for certain types of permanent concrete batch plants.

Senate Bill 763 enhances the Texas Commission on Environmental Quality's (TCEQ) oversight of permanent concrete batch plants by requiring regular permit reviews of standard permits for these plants at least every eight years (and individual permits at least every six years, considering background air pollution) to ensure they remain protective of public health and the environment. If a review reveals that existing permits aren't adequately protective, TCEQ may amend the permits, potentially leading to stricter emission limits or operational requirements for the plants. This measure ensures a proactive and data-driven approach to regulation, which hopefully helps to reduce air pollution in neighboring communities and directly support local air quality goals.

Senate Bill 2351 closes a potential loophole by ensuring that new construction plans for concrete batch plants reflect the latest environmental standards. It will require a facility to update its construction plans to meet new permit conditions if TCEQ amends the standard permit before construction has begun. This ensures that all new or significantly modified permanent concrete batch plants adhere to the most current and protective permit requirements, preventing new facilities from being built based on outdated, less stringent rules.

The City of Houston Health Department (HHD) fully supports these bills as they work together to provide better, more current protection for our city by ensuring permanent concrete batch plants are subjected to regular environmental reviews and required to comply with the newest air quality standards.

Sincerely,

A handwritten signature in black ink, appearing to read 'Theresa Q. Tran Carapucci', with a stylized, cursive script.

Theresa Q. Tran Carapucci, MD, MBA FACEP
Director