



**CAROL ALVARADO**  
STATE SENATOR  
DISTRICT 6

November 24, 2025

Commissioner Brooke T. Paup, Chairwoman  
Commissioner Catarina R. Gonzales  
Commissioner Tonya Miller

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

**Re: Public Comment on Rule Project Number 2025-032-116-AI**

Dear Commissioners:

I write to express my appreciation for your commitment to public service and your efforts in implementing essential legislation that passed last session. I would like to thank the agency for their feedback and assistance during the legislative process. I am supportive of the proposed rules implementing Senate Bill 763 and would like to see an amendment to the proposed rules for the implementation of Senate Bill 2351.

As discussed during the Senate Committee on Natural Resources hearing on SB 763, prior law did not require the TCEQ to conduct periodic protectiveness reviews. These reviews are essential to determine whether emissions from proposed or existing facilities comply with state and federal air quality standards and adequately protect public health and the environment. Historically, TCEQ has conducted these reviews only on an "as-needed" basis or upon request. SB 763 now requires this protectiveness review of standard permits for concrete batch plants to occur every eight years. This legislation and the proposed implementation ensure a consistent, data-driven process to evaluate emissions and safeguard community health.

Like SB 763, SB 2351 is essential to the health and safety of the public, particularly for the Houston region. This legislation arose from an issue that directly affected my community. In May 2022, a concrete batch plant located across from a major public park in Aldine received a standard permit. Under the permit terms, the facility was required to begin construction by November 2023. However, TCEQ granted an 18-month extension, delaying the start of construction until May 2025. During that period, the agency made significant updates to the standard air permit for concrete batch plants. SB 2351 ensures compliance with updated permits

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to ensure a level of community protection applies consistently across the state when similar construction delays occur.

Under prior agency rules, TCEQ possessed broad discretion to require a permit holder seeking a construction extension to update their permit based on the best available control technology and the lowest achievable emission rate. However, that discretion stemmed solely from agency rule, not statute, and was rarely exercised. SB 2351 codifies this authority in state law and provides clear legislative direction by *authorizing* TCEQ to require a permit holder requesting an extension to comply with the most recent version or amendment of the standard air permit. With this discretionary authority, I urge the TCEQ to amend the proposed rules to state that the TCEQ **must** require facilities to meet new permit conditions if there are delays in construction.

Specifically, proposed rule §116.605(f) should read as follows:

(f) When standard permits issued under THSC, §§382.05195 and 382.05198 are amended, the commission **shall** require each facility operator authorized to begin new construction of permanent concrete batch plants that perform wet batching, dry batching or central mixing under the former standard permit to update the facility's plan for the new construction in accordance with the amended standard permit if the facility operator:

Requiring each facility to operate under updated standard permit requirements after a delay in construction is fully compliant with the legislature's intent as passed in SB 2351.

I express my sincere thanks to your agency for addressing this crucial legislation. I look forward to our continued collaboration on these important issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Carol Alvarado".

Carol Alvarado  
Texas State Senator, District 6

cc: Mary E. Smith, General Counsel  
Kelly Keel, Executive Director

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