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STATE REPRESENTATIVE  
DISTRICT 140

November 12, 2025

Texas Commission on Environmental Quality  
Office of the Chief Clerk (MC-105)  
12100 Park 35 Circle, Building F, Room 5101  
Austin, Texas 78753

## **Re: Public Comment on Proposed Revisions to 30 TAC Chapter 116 and State Implementation Plan**

Dear Commissioners:

I am writing in strong support of the Texas Commission on Environmental Quality's proposed revisions to 30 TAC Chapter 116 and the corresponding State Implementation Plan to implement Senate Bill 2351 by Senator Carol Alvarado and myself (companion to my House Bill 1768) from the 89th Legislative Session.

This legislation was driven by the experiences of my constituents in House District 140, particularly those living near Keith-Wiess Park in North Houston. In May 2022, TCEQ granted a standard air quality permit to Avant Garde LLC, a proposed concrete batch plant located directly across from this major public park. Under existing TCEQ rules, the company was required to begin construction by November 2023, but later received an 18-month extension — pushing the construction deadline to May 16, 2025. During this time, TCEQ made several significant updates to its air quality standard permit for concrete batch plants as a part of its protectiveness review process to strengthen protections for public health and improve emissions controls.

However, despite these updates, Avant Garde was not required to meet the revised standards when granted its extension. This highlighted a gap in the state's permitting process. Under 30 TAC §116.120(b), TCEQ's executive director may grant two 18-month extensions to begin construction. Currently, through rulemaking, the commissioner may require a plant operator to update their plans to match the most current, health-protective standards, especially when no substantial investment has been made toward construction, but this option has not been consistently applied.

House Bill 1768 (SB 2351) addresses this gap by clarifying that when an operator requests an extension and TCEQ has since updated the applicable standard permit, TCEQ has clear authority to require compliance with the most recent permit conditions. The bill does not impose new mandates, but instead codifies an option already available to the agency, thereby providing a stronger statutory foundation for proactive oversight of concrete batch plant operations.

DISTRICT 140 • HARRIS (PART)

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## STATE REPRESENTATIVE DISTRICT 140

While this bill was written to preserve agency discretion due to separation of powers considerations, our legislative intent was to encourage TCEQ to make this requirement mandatory rather than permissive. We strongly believe that requiring permit holders who delay construction to comply with the most up-to-date standards would better protect the health, safety, and property of Texas communities. We respectfully urge TCEQ to incorporate this requirement into its rulemaking.

This legislation reflects a straightforward principle: when companies delay construction and the science evolves, Texans deserve the protection of the most up-to-date environmental safeguards. Communities should not be exposed to outdated pollution controls simply because of administrative timelines or procedural extensions.

I commend TCEQ for initiating this rulemaking to align Chapter 116 with the legislative intent of HB 1768/SB 2351. These proposed changes will help ensure that facilities seeking to operate under standard air quality permits — especially in densely populated or environmentally burdened communities like mine — are meeting the latest and best available emission standards.

Thank you for your attention to this important issue and for your continued work to protect public health and uphold the integrity of our state's air quality programs.

Respectfully submitted,

A handwritten signature in cursive script that reads "A.L. Walle".

State Representative Armando Walle  
House District 140  
Harris County, Texas