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To the members of the House Committee on Environmental Regulation.

Via hand delivery.

April 19, 2021

Re: HB 65 by Rep. J. Johnson - Supporting testimony of Public Citizen

Dear Chairman Landgraf and members of the committee:

Public Citizen appreciates the opportunity to testify in support of HB 65 by Representative Jarvis Johnson, relating to the requirements for notice of a standard permit for certain concrete plants.

This bill is intended to provide notice to all households within 880 yards of a permit application for a standard permit for a concrete batch plant.

Under current law, notice of permit applications is provide via publication in a paper of record in the nearest community. Permit notices are kept by the Texas Commission on Environmental Quality in regional offices and in a central file room in Austin. Air quality permit applications also provide notice by sign posting at the physical location of a proposed facility.

Current notice practices provide limited notices to neighbors of a proposed concrete batch plant. In practice, residents are often unaware of a proposed facility until after a permit has been issued and construction begins.

HB 65 would provide mailed notice to all households within 880 yards of a proposed facility.

This will increase local awareness of permit applications and facilitate public participation. In our experience, a more robust public participation process leads to a better relationship between the facility and its neighbors.

We support HB 65 because it will improve public participation by providing mailed notice of permit applications for concrete batch plants.

I appreciate the opportunity and welcome questions at ashelley@citizen.org, 512-477-1155.

Respectfully,

Adrian Shelley, Texas Office Director, Public Citizen

CC: Rep. Alex Dominguez, Rep. Jay Dean, Rep. Vikki Goodwin, Rep. Kyle J. Kacal, Rep. John Kuempel, Rep. Penny Morales Shaw, Rep. Geanie W. Morrison, Rep. Ron Reynolds

Location: User-specified point center at 29.621484, -95.358550

Ring (buffer): 0.5-miles radius

Description: Concrete Pros Ready Mix, 4005 Swingle Rd., Houston, TX 77047

| Summary of ACS Estimates | | 2014 - 2018 | |
|--------------------------------------|--|-------------|--------|
| Population | | | 2,972 |
| Population Density (per sq. mile) | | | 3,017 |
| People of Color Population | | | 2,909 |
| % People of Color Population | | | 98% |
| Households | | | 868 |
| Housing Units | | | 932 |
| Housing Units Built Before 1950 | | | 19 |
| Per Capita Income | | | 21,862 |
| Land Area (sq. miles) (Source: SF1) | | | 0.99 |
| % Land Area | | | 100% |
| Water Area (sq. miles) (Source: SF1) | | | 0.00 |
| % Water Area | | | 0% |

| | 2014 - 2018 ACS Estimates | Percent | MOE (±) |
|--|------------------------------|---------|---------|
| Population by Race | | | |
| Total | 2,972 | 100% | 1,013 |
| Population Reporting One Race | 2,956 | 99% | 2,428 |
| White | 386 | 13% | 855 |
| Black | 2,420 | 81% | 830 |
| American Indian | 6 | 0% | 60 |
| Asian | 63 | 2% | 138 |
| Pacific Islander | 0 | 0% | 13 |
| Some Other Race | 81 | 3% | 532 |
| Population Reporting Two or More Races | 16 | 1% | 47 |
| Total Hispanic Population | 433 | 15% | 844 |
| Total Non-Hispanic Population | 2,539 | | |
| White Alone | 63 | 2% | 201 |
| Black Alone | 2,410 | 81% | 830 |
| American Indian Alone | 0 | 0% | 13 |
| Non-Hispanic Asian Alone | 49 | 2% | 127 |
| Pacific Islander Alone | 0 | 0% | 13 |
| Other Race Alone | 0 | 0% | 13 |
| Two or More Races Alone | 16 | 1% | 47 |
| Population by Sex | | | |
| Male | 1,359 | 46% | 640 |
| Female | 1,613 | 54% | 555 |
| Population by Age | | | |
| Age 0-4 | 48 | 2% | 283 |
| Age 0-17 | 826 | 28% | 441 |
| Age 18+ | 2,146 | 72% | 529 |
| Age 65+ | 397 | 13% | 150 |

Data Note: Detail may not sum to totals due to rounding. Hispanic population can be of any race.

N/A means not available. **Source:** U.S. Census Bureau, American Community Survey (ACS) 2014 - 2018

Location: User-specified point center at 29.621484, -95.358550

Ring (buffer): 0.5-miles radius

Description: Concrete Pros Ready Mix, 4005 Swingle Rd., Houston, TX 77047

| | 2014 - 2018 ACS Estimates | Percent | MOE (±) |
|--|------------------------------|---------|---------|
| Population 25+ by Educational Attainment | | | |
| Total | 1,843 | 100% | 519 |
| Less than 9th Grade | 37 | 2% | 167 |
| 9th - 12th Grade, No Diploma | 109 | 6% | 156 |
| High School Graduate | 648 | 35% | 393 |
| Some College, No Degree | 596 | 32% | 285 |
| Associate Degree | 159 | 9% | 148 |
| Bachelor's Degree or more | 454 | 25% | 256 |
| Population Age 5+ Years by Ability to Speak English | | | |
| Total | 2,925 | 100% | 940 |
| Speak only English | 2,595 | 89% | 708 |
| Non-English at Home ¹⁺²⁺³⁺⁴ | 329 | 11% | 664 |
| ¹ Speak English "very well" | 246 | 8% | 514 |
| ² Speak English "well" | 78 | 3% | 183 |
| ³ Speak English "not well" | 5 | 0% | 120 |
| ⁴ Speak English "not at all" | 0 | 0% | 239 |
| ³⁺⁴ Speak English "less than well" | 5 | 0% | 267 |
| ²⁺³⁺⁴ Speak English "less than very well" | 83 | 3% | 324 |
| Linguistically Isolated Households* | | | |
| Total | 0 | 0% | 82 |
| Speak Spanish | 0 | 0% | 78 |
| Speak Other Indo-European Languages | 0 | 0% | 13 |
| Speak Asian-Pacific Island Languages | 0 | 0% | 22 |
| Speak Other Languages | 0 | 0% | 13 |
| Households by Household Income | | | |
| Household Income Base | 868 | 100% | 228 |
| < \$15,000 | 53 | 6% | 139 |
| \$15,000 - \$25,000 | 117 | 13% | 119 |
| \$25,000 - \$50,000 | 234 | 27% | 200 |
| \$50,000 - \$75,000 | 128 | 15% | 135 |
| \$75,000 + | 336 | 39% | 243 |
| Occupied Housing Units by Tenure | | | |
| Total | 868 | 100% | 228 |
| Owner Occupied | 723 | 83% | 201 |
| Renter Occupied | 145 | 17% | 152 |
| Employed Population Age 16+ Years | | | |
| Total | 2,227 | 100% | 748 |
| In Labor Force | 1,436 | 64% | 613 |
| Civilian Unemployed in Labor Force | 98 | 4% | 192 |
| Not In Labor Force | 792 | 36% | 302 |

Data Note: Detail may not sum to totals due to rounding. Hispanic population can be of anyrace.

N/A means not available. **Source:** U.S. Census Bureau, American Community Survey (ACS)

*Households in which no one 14 and over speaks English "very well" or speaks English only.

EJSCREEN ACS Summary Report



Location: User-specified point center at 29.621484, -95.358550

Ring (buffer): 0.5-miles radius

Description: Concrete Pros Ready Mix, 4005 Swingle Rd., Houston, TX 77047

| | 2014 - 2018 ACS Estimates | Percent | MOE (±) |
|---|------------------------------|---------|---------|
| Population by Language Spoken at Home* | | | |
| Total (persons age 5 and above) | 1,081 | 100% | 996 |
| English | 999 | 92% | 1,143 |
| Spanish | 73 | 7% | 613 |
| French | 0 | 0% | 19 |
| French Creole | N/A | N/A | N/A |
| Italian | N/A | N/A | N/A |
| Portuguese | N/A | N/A | N/A |
| German | 0 | 0% | 19 |
| Yiddish | N/A | N/A | N/A |
| Other West Germanic | N/A | N/A | N/A |
| Scandinavian | N/A | N/A | N/A |
| Greek | N/A | N/A | N/A |
| Russian | N/A | N/A | N/A |
| Polish | N/A | N/A | N/A |
| Serbo-Croatian | N/A | N/A | N/A |
| Other Slavic | N/A | N/A | N/A |
| Armenian | N/A | N/A | N/A |
| Persian | N/A | N/A | N/A |
| Gujarathi | N/A | N/A | N/A |
| Hindi | N/A | N/A | N/A |
| Urdu | N/A | N/A | N/A |
| Other Indic | N/A | N/A | N/A |
| Other Indo-European | 0 | 0% | 19 |
| Chinese | 0 | 0% | 19 |
| Japanese | N/A | N/A | N/A |
| Korean | 0 | 0% | 19 |
| Mon-Khmer, Cambodian | N/A | N/A | N/A |
| Hmong | N/A | N/A | N/A |
| Thai | N/A | N/A | N/A |
| Laotian | N/A | N/A | N/A |
| Vietnamese | 8 | 1% | 117 |
| Other Asian | 0 | 0% | 19 |
| Tagalog | 0 | 0% | 19 |
| Other Pacific Island | N/A | N/A | N/A |
| Navajo | N/A | N/A | N/A |
| Other Native American | N/A | N/A | N/A |
| Hungarian | N/A | N/A | N/A |
| Arabic | 0 | 0% | 19 |
| Hebrew | N/A | N/A | N/A |
| African | N/A | N/A | N/A |
| Other and non-specified | 1 | 0% | 21 |
| Total Non-English | 83 | 8% | 1,516 |

Data Note: Detail may not sum to totals due to rounding. Hispanic population can be of any race.

N/A means not available. **Source:** U.S. Census Bureau, American Community Survey (ACS) 2014 - 2018.

*Population by Language Spoken at Home is available at the census tract summary level and up.

EXAMPLE A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NOTICE OF PUBLIC MEETING

Proposed Air Quality Permit No. 131789

APPLICATION. Concrete Pros Ready Mix Inc., has applied to the Texas Commission on Environmental Quality (TCEQ) for the amendment of Permit No. 131789. This application would authorize modification of a Concrete Batch Plant located at 4005 Swingle Road, Houston, Harris County, Texas 77047. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=29.621944&lng=-95.358611&zoom=13&type=r>. The proposed facility will emit the following air contaminants: particulate matter including (but not limited to) aggregate, cement, road dust, and particulate matter with diameters of 10 microns or less and 2.5 microns or less.

The executive director has completed the administrative and technical reviews of the application and determined that the application meets all of the requirements of a standard permit authorized by 30 TAC § 116.611, which would establish the conditions under which the plant must operate. The executive director has made a preliminary decision to issue the registration because it meets all applicable rules.

PUBLIC COMMENT/PUBLIC MEETING. You may submit public comments to the Office of the Chief Clerk at the address below. The TCEQ will consider all public comments in developing a final decision on the application. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The comments and questions submitted orally during the Informal Discussion Period will not be considered before a decision is reached on the permit application, and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period on the permit application, members of the public may state their formal comments orally into the official record. At the conclusion of the comment period, all formal comments will be considered before a decision is reached on the permit application. A written response to all formal comments will be prepared by the executive director and will be sent to each person who submits a formal comment or who requested to be on the mailing list for this permit application and provides a mailing address. Only relevant and material issues raised during the Formal Comment Period can be considered if a contested case hearing is granted on this permit application.

The Public Meeting is to be held:

Thursday, April 15, 2021 at 7:00 PM

Members of the public who would like to ask questions or provide comments during the meeting may access the meeting via webcast by following this link: <https://www.gotomeeting.com/webinar/join-webinar> and entering Webinar ID 917-206-123. It is recommended that you join the webinar and register for the public meeting at least 15 minutes before the meeting begins. You will be given the option to use your computer audio or to use your phone for participating in the webinar.

Those without internet access may call (512) 239-1201 at least one day prior to the meeting for assistance in accessing the meeting and participating telephonically. Members of the public who wish to only listen to the meeting may call, toll free, (562) 247-8422 and enter access code 265-383-484.

Las personas que deseen escuchar o participar en la reunión en español pueden llamar al 844-368-7161 e ingresar el código de acceso 904535#. Para obtener más información o asistencia, comuníquese con Jaime Fernández al (512) 239-2566.

Additional information will be available on the agency calendar of events at the following link:

<https://www.tceq.texas.gov/agency/decisions/hearings/calendar.html>.

INFORMATION. Citizens are encouraged to submit written comments anytime during the public meeting or by mail before the close of the public comment period to the Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/>. If you need more

information about the permit application or the permitting process, please call the TCEQ Public Education Program, toll free, at 1-800-687-4040. General information can be found at our Web site at www.tceq.texas.gov. *Si desea información en Español, puede llamar al 1-800-687-4040.*

The application, executive director's preliminary decision, and standard permit will be available for viewing and copying at the TCEQ central office, the TCEQ Houston regional office, and the Bracewell Neighborhood Library, 9002 Kingspoint Drive, Houston, Harris County, Texas. If the public viewing place at the library is closed to the public, then the required documents can be viewed online at <https://tinyurl.com/y38eu5uu>. The facility's compliance file, if any exists, is available for public review at the TCEQ Houston Regional Office, 5425 Polk Street Suite H, Houston, Texas. Visit www.tceq.texas.gov/goto/cbp to review the standard permit. Further information may also be obtained from Concrete Pros Ready Mix Inc., 4005 Swingle Road, Houston, Texas 77047-3735 or by calling Mrs. Melissa Fitts, Vice President, Westward Environmental, Inc. at (830) 249-8284.

Persons with disabilities who need special accommodations at the meeting should call the Office of the Chief Clerk at 512-239-3300 or 1-800-RELAY-TX (TDD) at least five business days prior to the meeting.

Notice Issuance Date: March 12, 2021