Texas Commission on Environmental Quality
February 3, 2023

Plain Language Summary of Proposed Rule Amendment to Chapter 116 - Control of Air Pollution by Permits for New Construction or Modification

Introduction

The proposed rulemaking (Project No. 2022-034-116-AI) would amend 30 Texas Administrative Code Chapter 116 – Control of Air Pollution by Permits for New Construction or Modification, Subchapter C, Division 6.

Under 30 TAC Chapter 116, the Texas Commission on Environmental Quality (TCEQ) establishes requirements for permitting certain types of facilities in Texas. This proposed amendment would ensure that owners or operators of concrete batch plants authorized under TCEQ's Air Quality Standard Permit for Concrete Batch Plants comply with public notice and hearing requirements if they propose to move a registered concrete batch plant to a new location at an existing site.

Summary of Proposed Rule

The proposed rulemaking would amend §116.615 by adding language requiring that the owner or operator of concrete batch plants authorized under TCEQ's Air Quality Standard Permit for Concrete Batch Plants comply with certain public notice and hearing requirements if they propose to move the registered concrete batch plant to a new location on the site. The owner or operator shall submit a new or amended registration and fee and comply with the public notice requirements, including the opportunity to request a contested case hearing, unless the new location is greater than 440 yards from any property line.

Public Comment and Hearing Information

The commission will hold a hybrid in-person and virtual public hearing on this proposal. The hearing will be offered in Austin on Thursday, April 6, 2023, at 10:00 a.m. in Building E, Room 201S, at the commission's central office located at 12100 Park 35 Circle. Individuals who plan to attend the hearing virtually and want to provide oral comments must register by Monday, April 3, 2023. To register, please email Rules@tceq.texas.gov and provide the following information: your name, your affiliation, your email address, your phone number, and whether you plan to provide oral comments during the hearing. Instructions for participating in the hearing will be sent on Wednesday, April 5, 2023.

Members of the public who do not wish to provide oral comments but would like to view the hearing virtually may do so at no cost at:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_N2I1ODU0ZDAtNzJmNC00NzQ0LWFjMmEtMmNiNTQwMGQyMWUx%40thread.v2/0?context=%7b%22Tid%22%3a%22871a83a4-a1ce-4b7a-8156-3bcd93a08fba%22%2c%22Oid%22%3a%22e74a40ea-69d4-469d-a8ef-06f2c9ac2a80%22%2c%22IsBroadcastMeeting%22%3atrue%7d

The hearing will be offered to receive public comments on the Chapter 116 rulemaking proposal (Project No. 2022-034-116-AI). The hearing will be conducted in English. Language interpretation services may be requested. For accommodation needs, contact Sandy Wong, Office of Legal Services at (512) 239-1802 or 1-800-RELAY-TX (TDD) as far in advance as possible.

The comment period for this proposed action opens on March 10, 2023 and closes on April 10, 2023. Submit written comments through the TCEQ Public Comments system at *https://tceq.commentinput.com/comment/search*. Comments must reference Rule Project Number **2022-034-116-AI**.

Copies of the proposed rule can be found on the TCEQ's website at *https://www.tceq.texas.gov/rules/propose_adopt.html*.

For more information about the proposals or to get help with submitting written comments, contact David Munzenmaier, Rule Project Manager, (512) 239-6092 or david.munzenmaier@tceq.texas.gov