



309 East 11th St., Suite 2 • Austin, Texas 78701 • 512.477.1155 • www.citizen.org

To the members of the House Committee on Environmental Regulation.
Via hand delivery.

March 22, 2021

Re: HB 416 by Rep. Walle - Supporting testimony of Public Citizen

Dear Chairman Landgraf and members of the committee:

Public Citizen appreciates the opportunity to testify in support of HB 416, relating to plot plan requirements for an application for a standard permit for a concrete batch plant issued by the Texas Commission on Environmental Quality.

The bill requires applicants for a concrete batch plant permit to include a plot plan that clearly shows a distance scale; a north arrow; all property lines, emissions points, and other relevant structures; two benchmark locations in the area; and a showing that any applicable distance or setback requirements can be met. The plot plan requirement applies to both the standard permit at Health and Safety Code Sec. 382.05195 and the so-called “enhanced controls” permit at Sec. 382.05198. For an example of a plot plan for a concrete batch plant that meets these requirements, see the back of this page.

This bill is necessary because the Texas Commission on Environmental Quality (TCEQ) is typically unable to conduct site visits when issuing standard permits. There have even been cases in which TCEQ granted a standard permit for a facility that was unable to meet an applicable setback requirement on the land it owned.¹ This bill would ensure that TCEQ and anyone else reviewing a permit application has enough information to determine whether siting requirements are met.

Representative Walle has introduced this legislation three times:

- HB 798 (86R) passed this committee 6-1 and passed the House 92-47-2 on May 10, 2019.
- CSHB 2086 (85R) passed this committee 8-0.

We support HB 416 because it will improve permit application for concrete batch plants.

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

Respectfully,

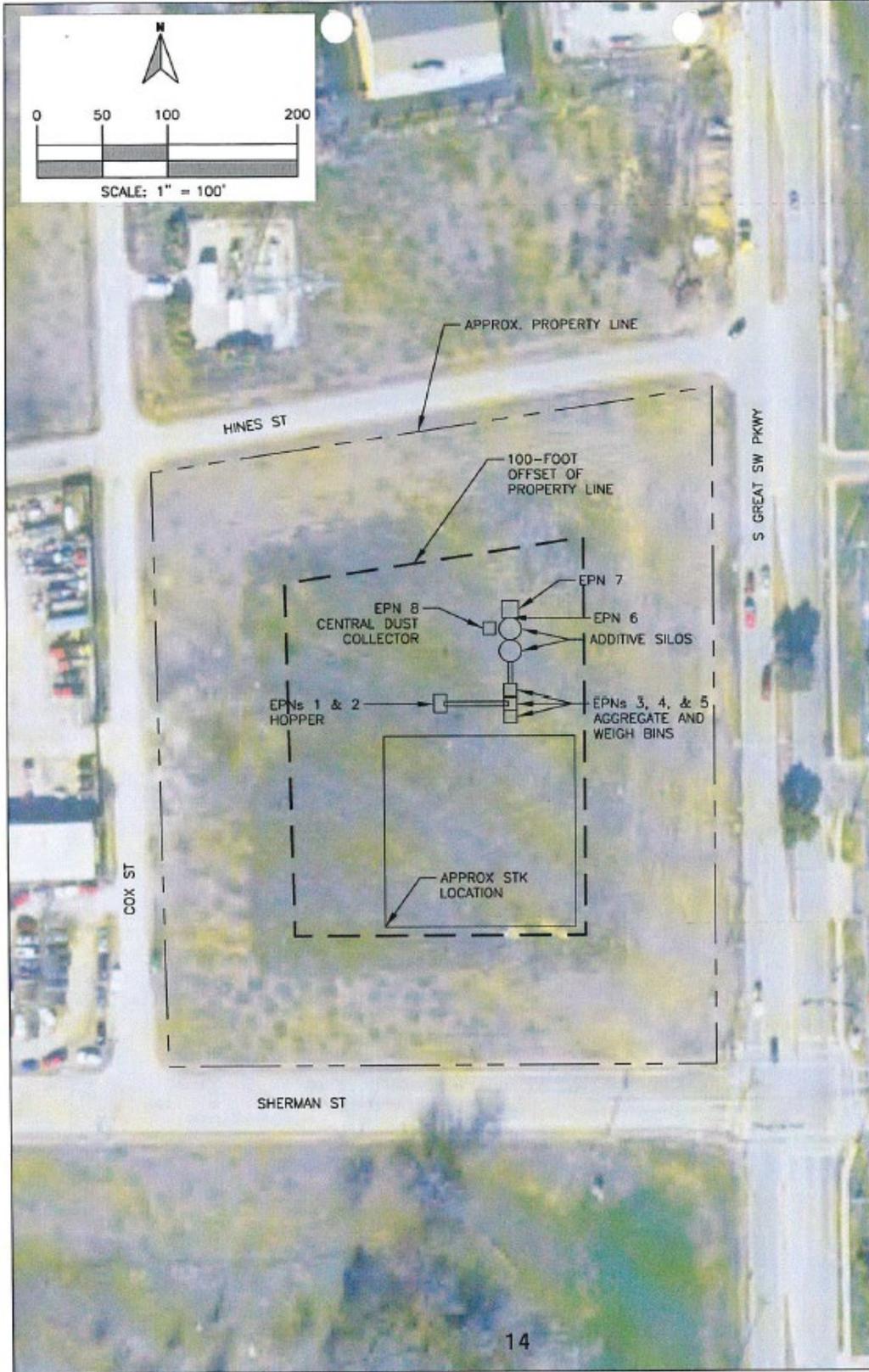
Adrian Shelley, Texas Office Director, Public Citizen

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

¹ See, e.g., Vogel, Chris, “Steamrolled,” *Houston Press* (Oct. 27, 2010) available at <https://www.houstonpress.com/news/steamrolled-6586796>.



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WESTWARD
 Environmental, Engineering, Natural Resources,
 P.O. Box 2205 Boerne, Texas 78006
 (830) 249-8284 Fax: (830) 249-0221
 TBPE REG. NO.: F-4524
 TBPG REG. NO.: 50112

PLOT PLAN	
SP - CBP EC	
HERITAGE ASPHALT COMPANY, LLC	
GRAND PRAIRIE, TARRANT COUNTY, TEXAS	
REV.	DATE

IMAGE:	15 ARLINGTON NE
ISSUE DATE:	07/21/2017
DRAWN BY:	KS
CHECKED BY:	MF
SCALE:	1" = 100'
JOB NO.:	10957-002

SHEET NO.:
1
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