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To the members of the Senate Committee on Natural Resources & Economic Development.  
March 25, 2021 *Via hand delivery.*

**Re: SB 952 by Sen. Hinojosa - Supporting testimony of Public Citizen**

Dear Chairman Birdwell and members of the committee:

Public Citizen appreciates the opportunity to testify in support of SB 952, 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.<sup>1</sup> This bill would ensure that TCEQ and anyone else reviewing a permit application has enough information to determine whether siting requirements are met.

In the House, Representative Walle has introduced this legislation three times:

- HB 416 (87R) was heard in House Environmental Regulations on Monday March 22.
- HB 798 (86R) passed House Env. Regs 6-1 and passed the House 92-47-2 on May 10, 2019.
- CSHB 2086 (85R) passed House Env. Regs. 8-0.

We support SB 952 because it will improve permit application for concrete batch plants.

I appreciate the opportunity and welcome questions at [ashelley@citizen.org](mailto:ashelley@citizen.org), 512-477-1155.

Respectfully,  
Adrian Shelley, Texas Office Director, Public Citizen

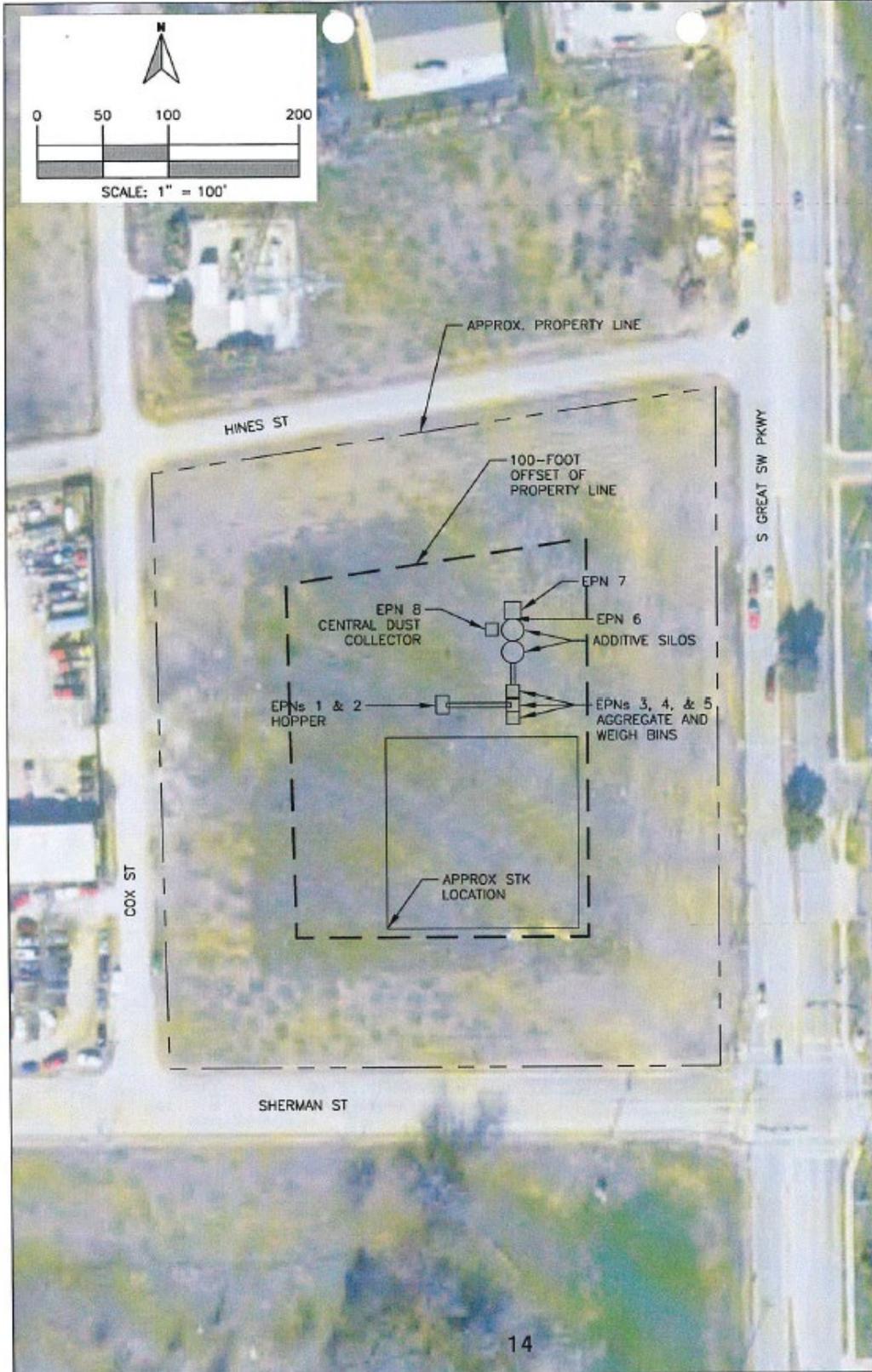
CC: Sen. Judith Zaffirini, Sen. Carol Alvarado, Sen. Kelly Hancock, Sen. Juan Hinojosa, Sen. Bryan Hughes, Sen. Lois W. Kolkhorst, Sen. Eddie Lucio, Jr., Sen. Kel Seliger

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



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 TBPB REG. NO.: 50112

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

REV.	DESCRIPTION	BY	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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