

Concrete Batch Plants: Harris County Challenges Amended Air Quality Standard Permit Issued by Texas Commission on Environmental Quality



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02/29/2024

Harris County, Texas, and a number of other organizations filed a February 22nd Petition for Judicial Review (“Petition”) in the District Court of Travis County, Texas, against the Texas Commission on Environmental Quality (“TCEQ”).

The Petition seeks review and reversal of a January 24th TCEQ Order (“2024 Order”) issuing the Amended Air Quality Standard Permit (“2024 Amended CBP Standard Permit”) for Concrete Batch Plants (“CBPs”).

The other organizations executing the Petition include:

- Super Neighborhood 48 Trinity/Houston Gardens
- Dyersforest Heights Civic Club
- Progressive Fifth Ward Community Association

The Petition was filed by the Harris County Attorney.

A CBP Standard Permit is a statewide permit that CBP operators may obtain from TCEQ to authorize CBP construction and operation. In order to obtain a registration and operate under the permit, the applicant must demonstrate that its CBP meets all eligibility requirements or criteria for the CBP Standard Permit.

The Petition addresses the most recent amendments to the CBP Standard Permit.

The Petition’s allegations include its estimate that over 140 CBPs operate within Harris County’s borders. Many of these CBPs are alleged to operate in clusters within communities that have significant representation of racial and ethnic minorities, low-resource people, immigrants, and Limited English Proficient people.

Harris County’s concern is stated to be amplified by the fact that its Pollution Control Services Department began a “concrete batch plant initiative” to inspect and pursue enforcement against CBPs. Potential issues associated with emissions of particulate matter and crystalline silica that were alleged to have not been properly evaluated during adoption of and prior amendments to the CBP Standard Permit are stated to have been identified.

Harris County acknowledges that the 2024 Amended CBP Standard Permit added key operational requirements that will heighten protection from new CBPs registered under the 2024 Amended CBP Standard Permit. These requirements are stated to include:

- Significantly reduced throughput limit
- Increased setbacks for equipment and stockpiles in certain counties

However, Harris County objects to the grandfathering of previously registered CBPs from complying with the 2024 Amended CBP Standard Permit requirements (i.e., until their respective registration expires). CBP Standard Permits are issued for a term of 10 years.

The Petition seeks a reversal of the 2024 TCEQ Order arguing that it was invalid, arbitrary, and unreasonable for adopting the 2024 Amended CBP Standard Permit.

A copy of the Petition can be downloaded [here](#).