

Overview of the Public Hearing Comments Regarding Public Notice Requirements of the Air Quality Standard Permit for Concrete Batch Plants

On February 26, 2016, a petition was submitted to the Texas Commission on Environmental Quality (TCEQ) requesting that amendments be made to the public notice requirements associated with the Air Quality Standard Permit for Concrete Batch Plants. On July 6, 2016, TCEQ commissioners approved publication of proposed rulemaking that amends portions of 30 Texas Administrative Code (TAC) Chapters 39 and 55 regarding public notice for certain concrete batch plants. The rule changes are also proposed as revisions to the State Implementation Plan (SIP).

Currently, persons registering for authorization under this standard permit are required to publish the Notice of Receipt of Application and Intent to Obtain Permit (NORI) which gives the general public a 15-day window to submit comments, request a public meeting, and request a contested case hearing. Once technical review of the permit application is complete, registrants must publish Notice of Application and Preliminary Decision (NAPD) which solicits comments for a 30-day period. During this 30-day period, contested hearing requests are also allowed; however, if a timely contested hearing request is not made in response to the NORI, contested hearing requests in response to the NAPD are not considered.

The proposed rule combines the NORI and NAPD requirements into a single 30-day period during which comments and requests for public meeting or public hearing can be submitted. This provides persons requesting contested hearings an additional 15 days to review registration details and submit the required information to the TCEQ. Owners and operators also benefit from the rule change as they will no longer be required to submit two separate notices in their local English and alternative language newspaper publications.

On August 10, 2016, a public hearing was held to allow for comments on the proposed amendments, but no comments were made at that time. The period for submitting written public comments to TCEQ via eComments ended on August 22, 2016. The anticipated adoption date is December 7, 2016.