



April 19, 2021

Texas House Committee on Environmental Regulations
Room E1.026
P.O. Box 2910
Austin, Texas 78768

Honorable Members of the Environmental Regulation Committee,

My name is Corey Williams and I am the Policy and Research Director at Air Alliance Houston. I'm writing today in favor of HB 65.

During this session, this committee has repeatedly heard testimony about the concerns surrounding concrete batch plant operations. By now, this committee is undoubtedly aware of the diverse concerns faced by constituents that live near a concrete batch plant. These include:

- fine particulate air pollution that threatens the respiratory and cardiovascular health of nearby residents,
- nuisance dust that coats personal property,
- unsafe and degraded residential streets burdened by an increase in heavy truck traffic,
- sleepless nights from light and noise pollution,
- and the general lack of compliance oversight provided by the TCEQ.

This is a particularly urgent issue for the Houston area, as there are over 180 concrete batch plants currently operating in Harris County, and dozens more facilities apply for permits to operate within the county every year. In Harris County, these facilities are nearly always situated in working class communities of color – communities where land is relatively cheaper than in whiter and more affluent areas and residents are often assumed to lack the political and social capital to resist the encroachment of industry in their community.

Once permitted, these facilities are largely free from TCEQ compliance oversight. The agency does not plan regularly scheduled compliance audits of these facilities. Instead, the agency relies on the vigilance of nearby residents to report complaints that may – or may not – trigger compliance inspections of the operating conditions at an individual facility. In the absence of a state program of compliance oversight, the City of Houston's Bureau of Pollution Control and Prevention conducted a 2016 audit of facilities in the city limits and discovered 44 violations of the standard permit among the 39 facilities that were inspected. More recently, a 2020 Harris County Pollution Control program performed 134 inspections of concrete batch plants throughout the County and found 106 violations.

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[a: 2520 Caroline Street, Suite 100, Houston, TX 77004](mailto:info@airalliancehouston.org) | [p: 713.528.3779](tel:713.528.3779) | [w: airalliancehouston.org](http://www.airalliancehouston.org)

Concrete batch plants present a significant and persistent environmental justice issue in the Houston metro area that is largely disregarded by state environmental regulators. However, it is also important to note that our organization has heard from residents throughout the state – urban, suburban, and rural communities from every sociodemographic profile – that have also been burdened by concrete batch plant development. This is not just a Houston problem. It is a truly statewide issue.

In many cases, these permits seem to spring up overnight with very little warning to impacted communities. Currently, there are required measures in place that provide a only nominal modicum of public notice. These include:

- A legal notice buried in the back pages of a local newspaper;
- a small sign posted at the site's property;
- a document posted on TCEQ's website.

However, these notification methods too easily escape the attention of impacted residents during the course of their everyday lives. They require an undue burden on the part of affected residents who must actively search for the public notice without any awareness that it has been issued.

HB 65 seeks to shift the burden of the public notification process from residents of an impacted community to the permit applicant by directly mailing notices to homes within 880 yards of the proposed site. We believe this provides an opportunity for affected communities to have a greater likelihood of participation in the environmental-decision making process and to have a say in decisions that will affect their health, safety, and quality of life.

We base this belief on experience. Air Alliance Houston has engaged in early direct mailing campaigns to alert communities when concrete plants have applied for permits to operate in residential neighborhoods. In February of 2018, we sent out over 230 postcards to residents within a quarter mile of a proposed concrete batch plant in a neighborhood in Rep. Jarvis Johnson's district. The community became engaged early in the process and participated vigorously in a series of public meetings that spanned the course of nearly two years. The community sought help from Representative Johnson, State Senator Whitmire, Houston Mayor Sylvester Turner, and US Representative Sheila Jackson Lee. Eventually, Representative Johnson and his colleagues were able to secure an agreement from the permit applicant to relocate to a less problematic site.

We've seen similar outcomes in communities that have been afforded the opportunity to engage early in the public participation process. Once engaged, communities have been effective in negotiating improvements to the operating conditions of concrete batch plants and implementing measures that minimize their impact to surrounding residents. These agreements have included the negotiation and implementation of mitigative measures, such as improved pollution control technology, vegetative buffers, or agreements about operating hours. And, in addition to Rep. Johnson's fine work on behalf of his constituents, we're aware of at least two

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a: 2520 Caroline Street, Suite 100, Houston, TX 77004 | p: 713.528.3779 | w: airalliancehouston.org

cases where elected officials have been engaged by community members and have successfully negotiated the withdrawal of permit application and the relocation of a facility to a more appropriate site. Most recently, State Senator Bryan Hughes and State Rep. Cole Hefner were able to negotiate the relocation of a concrete batch plant in Wood County that community members were concerned would impact residents of the City of Mineola as well as a local nature preserve.

HB 65 is an important first step in improving community participation in the environmental-decision making process and improving environmental equity throughout the State of Texas. We are confident that incorporating public feedback in this process will result in a more informed public, improved sense of trust among the community in TCEQ as an institution, and an overall reduction in the conflicts associated with the operation of these facilities. We believe that community stakeholder engagement stands to benefit not only the affected communities but also individual facilities and the concrete industry as a whole.

Thank you for your consideration of this important and consequential bill,

A handwritten signature in black ink, appearing to read "Corey Williams", with a long horizontal flourish extending to the right.

Corey Williams
Policy and Research Director
Air Alliance Houston

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