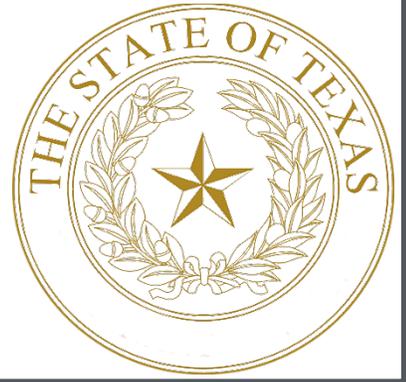


State of Texas
House of Representatives
Jarvis Johnson
District 139



**FOR IMMEDIATE
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Update on Soto Ready Mix, Inc. Air Permit # 151715

Austin, TX- Since January of 2018, myself, along with support of advocates and the community have been working to stop the operating permit for the proposed batch plant on 3411 De Soto Street, Houston TX 77091.

My position has not changed, I am still opposed to this facility and the potential harm it may cause to the community. If the permit is approved, I will continue to work together with the community in continuing the fight to prevent its establishment.

What have we done so far?

- *February 6, 2018:* Letter sent to Texas Commission on Environmental Quality (TCEQ) requesting public meeting for Air Permit # 149713
- *March 9, 2018:* Public Meeting held where affected constituent's and community members shared their formal comments, including myself and Mayor Sylvester Turner.
- *April 11, 2018:* TCEQ denied Permit # 149713 due to non-compliance on a permit standard that required operational equipment be a minimum of a certain distance from neighboring properties. TCEQ had discovered that Soto Ready Mix, INC., did not own a portion of the property included in the application.
- *May 8th, 2018:* De Soto Ready Mix, INC., re-submitted an application with TCEQ to operate a concrete batch plant on 3411 De Soto Street. New Air permit # 151715.
- *June 12, 2018:* Public Meeting request granted by TCEQ.
- *October 22, 2018:* Public Meeting held where affected constituent's and community members shared their formal comments, including myself and State Senator John Whitmire.

Where we are now?

TCEQ is currently reviewing all formal comments given at the public meeting in October. This process known as response to comment or "RTC" has been ongoing since the October hearing. All formal comments given by community members are reviewed by TCEQ attorneys, and formal responses are mailed out.

NO decision has been made regarding Air Permit # 151715, TCEQ is still reviewing formal comments.

Once the RTC is filed, the Office of the Chief Clerk (OCC) will schedule all timely hearing requests and any requests for reconsideration to be considered at a scheduled commission public meeting (Agenda). If a request for contested case hearing is granted, the commission will specify the number and scope of factual issues to be referred to the State Office of Administrative Hearings (SOAH) and specify the maximum duration of the hearing. If the commission does not grant any hearing requests, at that point the permit may be issued.

There are still quite a few steps before the permit is ready to be considered for issuance.

Legislation Filed by Representative Johnson

Representative Johnson has filed HB 3404, which would require all proposed concrete batch plants inside Houston City limits to apply for an "Enhanced Control" Air Permit. This permit is much different than the standard air permit like Soto Ready Mix, INC. applied for.

Enhanced permits are designed to mitigate dust and noise production created by batch plants. Specifically, they require operators to pave all roads and parking lots on their premises, utilize water sprinklers or other dust suppressant sprayers, add an extra 100-foot buffer between all equipment and the plant's property line, and require at least 440 yards between the plant's main output point and any home, school or church. Moreover, HB 3404 would reinstate proceedings for contested case hearings in the enhanced controls permitting process.

If this legislation was in affect when De Soto Ready Mix, INC. applied for their permit, it would have been denied due to the proximity of homes to the property.

Community Effort

The community has shown tremendous strength and tenacity in this long effort to stop Soto Ready Mix, INC. For Concrete Batch Plants regulation to change in Houston, it will take not only the leadership of State Representatives and Senators, but also from local government, who issues various building permits for such facilities.

As a State Representative, I am a strong advocate for local control. In passing laws, I work to ensure cities have the right to pass ordinances that allow them to govern their communities. As a legislator, it is not my intention to legislate local issues from Austin. The bill I authored, HB 3404, regulates the state agency, TCEQ, which plays one part in allowing concrete batch plants to move into residential neighborhoods. I am asking the community continue to help me push the City of Houston to impose stronger regulations and permitting of the concrete batch plants that have dire impacts on our communities.

If you have any questions, please contact my Chief of Staff, Katelyn Caldwell at Katelyn.caldwell@house.texas.gov or (512) 463-0554.