

**HOUSE OF REPRESENTATIVES
COMPILATION OF PUBLIC COMMENTS**

Submitted to the Committee on Environmental Regulation
For HB 406

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Hearing Date: May 4, 2023 10:30 AM - or upon final adjourn./recess or bill referral if permission granted

Michael Spano

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When a concrete plant goes into an area, the surrounding community is affected. In one case, a CBP was placed about 1/2 mile from a very large 55+ retirement community. And very soon, a new development will be placed a crossed the road. We need CBP but they need to be in places and located in zones designated for such businesses. People would have rather seen a retail store or some other local business there. Now, there is a CBP there which can affect the economic development of that area. Thank you

Christina Schwerdtfeger

Self - Retired
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Various proposed bills (HB 94, HB 406, HB 926, HB 4785) have expanded the description of affected parties who are allowed to contest the permitting, construction or expansion of concrete batch plants. None of these proposed bills includes "older adults" as an explicitly defined category within the list of affected parties. USEPA and many other entities have shown that older adults have greater susceptibility to and health impacts from air pollutants due to age and pre-existing health conditions. <https://www.epa.gov/air-research/research-health-effects-air-pollution#:~:text=Research%20has%20shown%20that%20some,existing%20heart%20and%20lung%20disease.>

In Texas, there are many non-medical facilities or communities that consist primarily of older adults: assisted living facilities, independent living facilities, memory care facilities, and retirement communities. These facilities and communities are not currently included in the proposed bills as an affected party. I live in Sun City in Georgetown, TX which is a senior community that currently has 8,500 homes. A new concrete batch plant was built in 2022 across the street from our community. Over 1100 residents signed a petition to protest the construction of this new concrete batch plant, but we were unsuccessful because we were not explicitly identified in the regulation as an "affected party".

Lastly, I agree with HB 406 to increase the distance from 440 to 880 yds for affected parties. The Texas Legislature also should explicitly define that this distance should be measured from the fenceline and not the process equipment location. This was a finding in the Sunset Commission's Report on TCEQ.