



TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

# **A CONCRETE GUIDE ON CBP INVESTIGATIONS**

**FROM AN AIR INVESTIGATOR'S PERSPECTIVE**

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TCEQ DALLAS-FORT WORTH REGION – AIR SECTION  
TRADE FAIR 2025  
JUNE 4, 2025**

# AGENDA

Types of Investigations

What to Expect & Preparation

Common Issues & Violations

Helpful Reminders

Questions?

# CONCRETE BATCH PLANTS: HOT TOPIC?

DFW Public Meetings for CBPs, FY24

- 9 Public Meetings
- 455 Public Comments
- As of 2024, 939 active CBP permits in DFW Region

• Development:



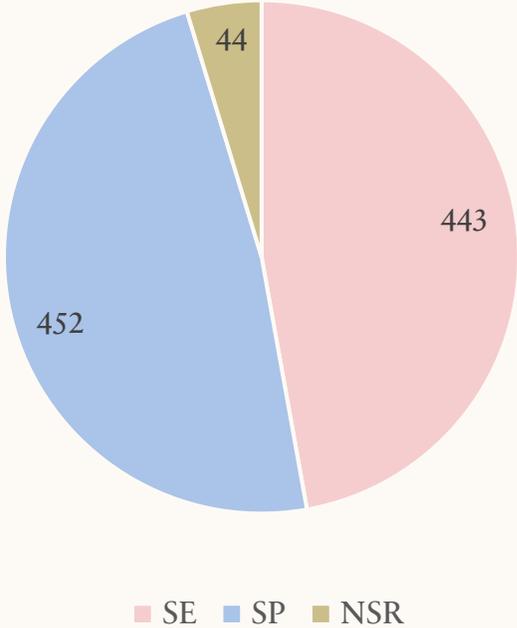
• Public Interest:



# POLL: HOW ARE YOU AUTHORIZED?

- Standard Exemption (SE)
- Standard Permit (SP)
- New Source Review (NSR)

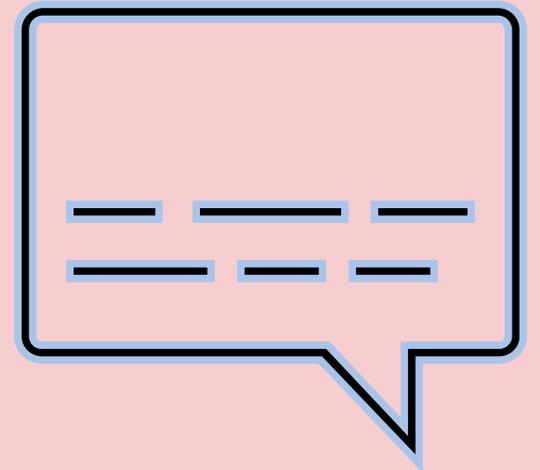
DFW Region CBP Permits



# COMPLAINTS INVOLVING CBP, DFW REGION, FY24

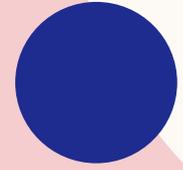
In FY24, 33 complaint investigations conducted for CBPs

- 23 related to dust
- 7 related to non-compliance with permit conditions
- 3 related to unauthorized construction/operation





# **TYPES OF INVESTIGATIONS**

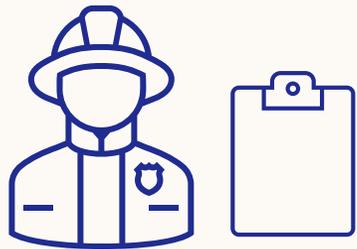


# TYPES OF INVESTIGATIONS

- Site Inspections
  - Permit Site Inspection (PMSI)
- Compliance Investigations
  - Minor New Source Review (MNSR)
  - Non-Major Non-Checklisted (NMNC)
- Complaint Investigations

# PREPARATION AND EXPECTATIONS

How TCEQ Air Investigators prepare and what is expected from the regulated entity



# INVESTIGATOR PREP

- Reviewing the application and becoming familiar with the process and layout of the facility
- Schedule the inspection with the regulated entity in advance

**PMSI**

**PERMIT SITE  
INSPECTION**

# EXPECTATIONS OF REGULATED ENTITY

- Ensure the application packet is complete and contains accurate information
- Do not begin construction or operation before receiving authorization
  - Some types of construction activities are allowed prior to authorization
    - Ex: planning, ordering of equipment and materials, site clearing, grading, and on-site temporary storage of equipment and materials
  - Some types of construction activities are NOT allowed prior to authorization
    - Ex: Pouring foundations where the plant will be located, connecting to power/water, etc.
- Ensure all plot plans & site maps are accurate and complete

**PMSI**

**PERMIT SITE  
INSPECTION**



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**Questions or Comments:**  
[oce@tceq.texas.gov](mailto:oce@tceq.texas.gov)

## Investigation Checklists

**These checklists were developed to assist TCEQ staff in preparing for and conducting investigations related to specific rules, regulations, and permits.**

The checklists are only intended as a guide to prompt investigators to consider the requirements in a consistent manner. Additional requirements can be reviewed and may lead to violations not mentioned on the checklist. These checklists are not a substitute for, nor are they intended to be a substitute for, permit terms or rules applicable to owners or operators. Checklists do not contain all of the applicable regulatory requirements as permit terms and rules often impose additional regulatory requirements.

- [Investigative Checklists for Air](#)
- [Investigative Checklists for Waste](#)
- [Investigative Checklists for Water Quality and Availability](#)

**Texas Commission on Environmental Quality**

**CHECKLIST WORKSHEET**

**AIR PERMIT SITE REVIEW**

**Regulating Entity Name**

**Date :**

**Additional I D:**

**Investigator Name:**

Item Number 1	<b>Description</b> Is the Application Packet complete?		
	<b>Answer</b>	<b>Citations</b>	<b>Notes</b>
Item Number 2	<b>Description</b> What is the Nuisance/Odor Potential? (Low, Moderate or High)		
	<b>Answer</b>	<b>Citations</b>	<b>Notes</b>
Item Number 3	<b>Description</b> What is the Hazard Potential? (Low, Moderate or High)		
	<b>Answer</b>	<b>Citations</b>	<b>Notes</b>
Item Number 4	<b>Description</b> Describe the surrounding land use:		
	<b>Answer</b>	<b>Citations</b>	<b>Notes</b>
Item Number 5	<b>Description</b> Is there a school within 3000 feet? If yes, include school name and distance from unit.		
	<b>Answer</b>	<b>Citations</b>	<b>Notes</b>
Item Number 6	<b>Description</b> What is the distance to the nearest off-property receptor?		
	<b>Answer</b>	<b>Citations</b>	<b>Notes</b>
Item Number 7	<b>Description</b> What is the type of the nearest off-property receptor? (School, Residence or Other)		
	<b>Answer</b>	<b>Citations</b>	<b>Notes</b>
Item Number 8	<b>Description</b> Describe the area around the nearest off-property receptor:		
	<b>Answer</b>	<b>Citations</b>	<b>Notes</b>
Item Number 9	<b>Description</b> What is the distance from the unit to the nearest property line?		
	<b>Answer</b>	<b>Citations</b>	<b>Notes</b>
Item Number 10	<b>Description</b> Based on the available information, can the Regulated Entity potentially meet all applicable requirements for the proposed activity at this site?		
	<b>Answer</b>	<b>Citations</b>	<b>Notes</b>
Item Number 11	<b>Description</b> Are there any general comments or discussion regarding this Site Review?		
	<b>Answer</b>	<b>Citations</b>	<b>Notes</b>

# INVESTIGATOR PREP

- Reviewing the most recent version of the permit and becoming familiar with the process and layout of the facility, and conditions of the permit
- Prepare a document requesting records per the requirements in permit
- Schedule the inspection with the regulated entity in advance
- Prepare a site observations checklist to view on-site per the requirements in permit

**MNSR/  
NMNC**

**MINOR NEW  
SOURCE  
REVIEW /  
NON MAJOR  
NON  
CHECKLISTED**

# EXPECTATIONS OF REGULATED ENTITY

- Be familiar with the requirements of the permit
- Operate facility as represented in permit application
- Provide requested records by the date of the inspection
- Maintain all required records per permit conditions
- Maintain copies of necessary records on-site i.e. copies of authorizations, notifications
- Prepare to conduct a walkthrough of the facility with investigator for on-site compliance observations

**MNSR/  
NMNC**

**MINOR NEW  
SOURCE  
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## TCEQ MNSR Investigation Records Request – Facility Name

The following records should be made available for review for the period of XX/XX/XXXX through the date of the inspection. Some records may serve to satisfy more than one requirement.

### Standard Permit for Concrete Batch Plants Registration No. XXXXXX

1. Provide record of start-up notification;
2. Provide records for any maintenance of emission capture and abatement equipment;
3. Provide records of any upsets or emission events per 30 TAC 101.201;
4. Provide records of scheduled Maintenance, Startup, and Shutdown (MSS) per 30 TAC 101.211;
5. Provide records of production rates for each hour and day of operation that demonstrates compliance with subsection 9(A);
6. Provide records of all Material Safety Data Sheets (MSDS) for all additives and chemicals used at the site;
7. Provide records of any road cleaning, application of road dust control, or road maintenance for dust control;
8. Provide records of stockpile dust suppression;
9. Provide records of silo warning device or shut-off system tests;
10. Provide records of quarterly visible emission observations;
11. Provide a copy of most recent plot plan and site map of the site.

# TCEQ MNSR Investigation – On-Site Checklist

- Copy of permit at the site
- Cement/flyash storage silos, weigh hoppers, and auxiliary storage tanks are vented to a fabric/cartridge filter or to a central fabric/cartridge filter system
- Collection systems are in good working order and are operating them with no tears or leaks
- Illumination of silo filter exhaust systems for non-daylight hours
- Totally enclosed conveying systems to and from storage silos and auxiliary storage tanks and are in operation with no leaks or tears
- Automatic shut-off device on the silos and are free of particulate build-up
- Control of emissions from in-plant roads and stockpiles
- In-plant roads are paved with a cohesive hard surface
- No visible emissions leaving the property
- For truck mix plants, drop point is sheltered by an intact 3-sided curtain or other dust control technology that extends below the mixer truck-receiving funnel
- Baghouse at least 100 ft away from property boundary
- Stationary equipment, stockpiles, or vehicles are within 50 feet of the property boundary
- If stockpiles are not located within 50 ft of the property boundary, then stockpiles should construct three walled bunked around the stockpiles that extends at least two feet above the top of the stockpile
- Suction shroud at batch point drop

# INVESTIGATOR PREP

- Review information from the complaint form to determine the nature of the complaint. i.e. dust, non-compliance, etc.
- Reviewing the most recent version of the permit and becoming familiar with the process and layout of the facility, and conditions of the permit
- Depending on the nature of the complaint, prepare a document requesting records per the requirements in permit
- Prepare a site observations checklist to view on-site per the requirements in permit
- Conduct an unannounced investigation at the facility

**CMPL**

**COMPLAINT**

# EXPECTATION OF REGULATED ENTITY

- Be familiar with the requirements of the permit
- Operate facility as represented in permit application
- Provide requested records in a timely manner
- Maintain all required records per permit conditions
- Maintain copies of necessary records on-site i.e. copies of authorizations, notifications
- Prepare to conduct a walkthrough of the facility with investigator for on-site compliance observations per the nature of the complaint

**CMPL**

**COMPLAINT**

# **COMMON ISSUES & VIOLATIONS**

Resulting from investigations  
at CBP's



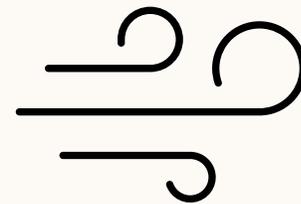
# ISSUE: DUST



- Compliance with permit
- Nuisance, 30 TAC §101.4
- Traffic hazard, 30 TAC §101.5
- Opacity, 30 TAC Chapter 111
  - 30 TAC §111.111(a)(7) and (8)
    - 30% over 6 min for Structures and Other Sources

# NUISANCE

- 30 TAC §101.4
- No person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property.



# TRAFFIC HAZARD

- 30 TAC §101.5
- No person shall discharge from any source whatsoever such quantities of air contaminants, uncombined water, or other materials which cause or have a tendency to cause a traffic hazard or an interference with normal road use.



# OPACITY

- 30 TAC §111.111(a), Visible Emissions
- Visible emissions. No person may cause, suffer, allow, or permit visible emissions from any source, except as follows.
- 30 TAC §111.111(a)(7), Structures
- Visible emissions shall not be permitted to exceed an opacity of 30% for any six-minute period from any building, enclosed facility, or other structure.
- 30 TAC §111.111(a)(8), Other Sources
- Visible emissions shall not be permitted to exceed an opacity of 30% for any six-minute period from all other sources not specified in this section.

# WHERE DO INVESTIGATORS OBSERVE FUGITIVE DUST MOST FREQUENTLY?

- Stockpile Unloading
- Truck Loadout/Drop-point
- In-Plant Road Vehicle Traffic
- Trackout
- Emissions Events

# STOCKPILE UNLOADING



# TRUCK LOADOUT/DROP POINT



# PLANT ROAD VEHICLE TRAFFIC



# TRACKOUT



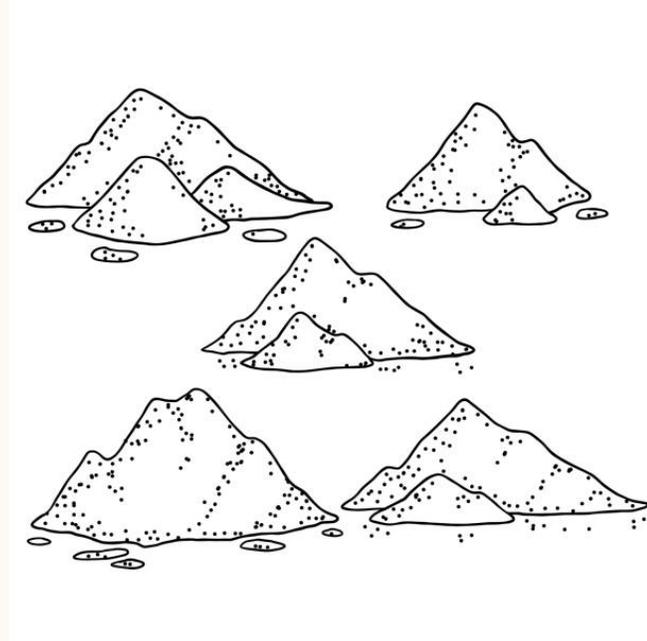
# EMISSIONS EVENTS

- Upset/malfunction causing unauthorized release of emissions events.
- § 30 TAC 101.201, Emission Event Reporting and Recordkeeping Requirements
  - Determine if event is reportable
  - Notify the region office, and all appropriate local air pollution control agencies
  - Create a final record of all reportable and non-reportable emissions events



# ISSUE: PERMIT NON-COMPLIANCE

- Maintaining records
  - 30 TAC §116.615(8): Standard Permit General Conditions
- Stockpiles
  - 30 TAC §116.615(10) & (11): Standard Permit General Conditions
- Paving for permanent plants
  - 30 TAC §116.615(10): Standard Permit General Conditions



# NON-COMPLIANCE: MAINTAINING RECORDS EXAMPLES

- Standard Permit (3)(J): Administrative Requirements
  - Road cleaning, application of dust control, or road maintenance for dust control
  - Stockpile dust suppression
  - Monthly silo warning device or shut-off system tests
  - Quarterly visible emission observations
- Standard Permit (5)(L): General Requirements (NEW)
  - All sand and aggregate shall be washed prior to delivery to the site

## Common Issues:

- Not keeping track of records or incorrectly maintaining records
- Not maintaining required records at all
- Ensuring compliance with new permit regulations

# NON-COMPLIANCE: STOCKPILE EXAMPLES

- Standard Permit (5)(F): General Requirements
  - Owners or operators shall use water, dust suppressant chemicals, or cover stockpiles as necessary to minimize dust emissions.
  - Stockpiles limited to a total of no more than 1.5 acres (NEW)
- Standard Permit (8)(H) & (J): Operational Requirements for Permanent and Temporary Concrete Plants
  - Stockpiles shall not be located closer than 50 feet less than the setback distance from any property line
  - In lieu of setback distance, stockpiles shall be contained within a three-walled bunker that extends at least two feet above the top of the stockpile

## Common Issues:

- No dust suppression on stockpiles
- Setback distance isn't met & no bunkers are constructed
- Stockpiles extend above the bunker walls (!!)**

# NON-COMPLIANCE: PAVING EXAMPLES

- Standard Permit 8(K): Operational Requirements for Permanent and Temporary Concrete Plants
  - For **permanent** plants, owner or operator shall pave all entry and exit roads and main traffic routes associated with the operation of the concrete batch plant (including batch truck and material delivery truck roads) with a **cohesive hard surface** that shall be cleaned and maintained.
  - Acceptable paving options: Concrete, asphalt, etc.
  - Non-acceptable paving options: Loose gravel/dirt, broken/pot-holed concrete.

## Common Issues:

- Not paving at all
- Not paving using a cohesive hard surface

# ISSUE: CONSTRUCTION/OPERATION WITHOUT AUTHORIZATION

- Addition of new equipment or “facilities”
- Changes to the representations in permit application
  - 30 TAC §116.615(2)(A): Standard Permit General Conditions



# TCEQ RESOURCES FOR FACILITIES

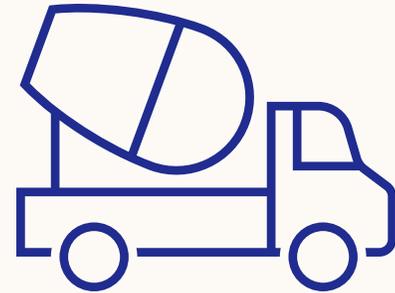
- Small Business & Local Government Assistance (SBLGA)
  - Free & confidential assistance for small businesses (<100 employees)
- Air Permits Division (APD)
  - Technical permit questions
- TCEQ Main Webpage
  - Compliance resources
- Standard Permits for Concrete Batch Plants
- Texas Administrative Code (30 TAC)
- Local TCEQ Regional Office

The TCEQ  
Has Inspected  
Your Business  
*What does this mean to you?*



# FINAL TIPS & TAKEAWAYS

- Be familiar with the requirements of the facility's permit
- Maintain records as required and be able to provide them at the request of agency jurisdiction
- Be aware of increasing public interest in CBPs
  - High amount of dust complaints
- Utilize agency provided resources to ensure compliance
- Keep APD registration list accurate and ensure old or unused permits are voided via STEERS
  - Responsibility of the RE to void permits



**THANK  
YOU**



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