



SALLIE ALCORN
Houston City Council Member
At-Large, Position 5

February 1, 2024

Texas Commission on Environmental Quality
Office of the Chief Clerk, MC-105
P.O. Box 13087
Austin, TX 78711

RE: Motion to Overturn Executive Director's Decision to Grant Standard Air Quality Permit 173296 to Texas Coastal Materials LLC

To the Honorable Members of the Texas Commission on Environmental Quality:

I, Sallie Alcorn, representing the City of Houston, At-Large Position 5, file this Motion to Overturn in the above-referenced matter and respectfully show the following:

On January 11, 2024, the Executive Director of the Texas Commission on Environmental Quality (TCEQ) granted Texas Coastal Materials LLC's (Applicant) Application for a Standard Air Permit (Permit). The Executive Director issued the permit over the objection of a diverse coalition of health care providers, neighborhood interests, political leaders, city-wide religious entities, non-profits devoted to community welfare, and regular citizens who will be affected by this operation. In total, TCEQ received over 630 comments against the proposed permit. The Executive Director issued the permit over the objection of all these stakeholders because their office implied that the application checked all the boxes of the standard permit for which it applied.

I believe that this permit should not have been granted because: (1) Lyndon Baines Johnson Hospital (LBJ Hospital) contains a school and place of worship and is within 440 yards of the permitted concrete crusher; and (2) this permit is not protective of human health.

1. LBJ Hospital does contain a school and a place of worship and is within 440 yards of the Hospital.

Texas Health and Safety Code §382.065 prohibits the operation of a concrete crushing facility within 440 yards of a building in use as a single or multifamily residence, school, or place of worship at the time the application for a permit is filed with the commission. The statute further states that you must measure the distance between the edges of the school/place of worship and the concrete crusher closest to each other.

LBJ Hospital is home to the Multi-Faith Hospital Chapel. This chapel serves as the spiritual center for prayer and quiet reflection for people of all faiths. Further, it hosts Catholic Mass during the week. The Hospital is also a site of the UT McGovern Medical School and the Harris Health System School of Diagnostic Imaging.

Texas Coastal Materials has not explicitly proven that the nearest point on its concrete crushing facility will be further than 440 yards from the nearest edge of LBJ Hospital. In its application to TCEQ, the Applicant placed a photoshopped box of its approximate placement of the facility overlaid on a map of the property as it exists right now. The City of Houston Pollution Control has the facility measuring 1000 ft (333 yds) from LBJ Hospital.

II. This permit is not protective of human health.

The development of the TCEQ Standard Air Permit for concrete crushing facilities required a review to ensure the permit requirements would be protective of human health. Granting this permit would not be protective of human health.

The residents that use this hospital are not just seeking medical care for injuries to their extremities. They are seeking care for all types of injuries and maladies. This can include injuries caused to the lungs by the very type of particulate matter that this rock crusher would create.

Dr. Tien C. Ko, the Chief of Surgery at LBJ Hospital and Associate Dean for Harris Health Programs with UTHealth stated in his comments that the hospital sees 18,000 inpatient admissions and 80,000 emergency visits annually. Dr. Ko further stated that construction, in or near hospitals, and related dust, have been conclusively associated with increases in invasive mold infections in immunocompromised patients, such as leukemia and lymphoma patients. LBJ Hospital routinely treats patients in this highly vulnerable population and these infections have an incredibly high mortality, even with treatment. By granting this permit, the State would be allowing a company to actively work against the healing mission of an already established medical facility.

For the reasons outlined above, I, as representative of the City of Houston, At-Large Position 5, respectfully request that the Commission grant my Motion to Overturn and deny the application.

Warm regards,



Council Member Sallie Alcorn