

Concrete or Asphalt Batching Plants

City Plan Commission (CPC)
March 24, 2022

The logo of the City of Dallas, featuring a stylized white 'D' with a three-lobed leaf inside, set against a dark blue background with a fine white grid pattern.

City of Dallas

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Planning and Urban Design
City of Dallas

Presentation Overview



- Background/History
- Purpose
- Issues/ Operational or Business Concerns
- Staff recommendation
- Next Steps



Background/History



- On November 12, 2021, staff prepared a memo at the request of Councilmember Blackmon, Chair of the Environment & Sustainability Committee on strategies to effectively address batch plants.
- On January 28, 2022, staff prepared a memo on a phasing approach to address batching plant zoning regulations.
- On February 10, 2022, and March 3, 2022, staff presented recommendations to the Zoning Ordinance Advisory Committee (ZOAC) for Phase I of a two-phased approach.



Purpose

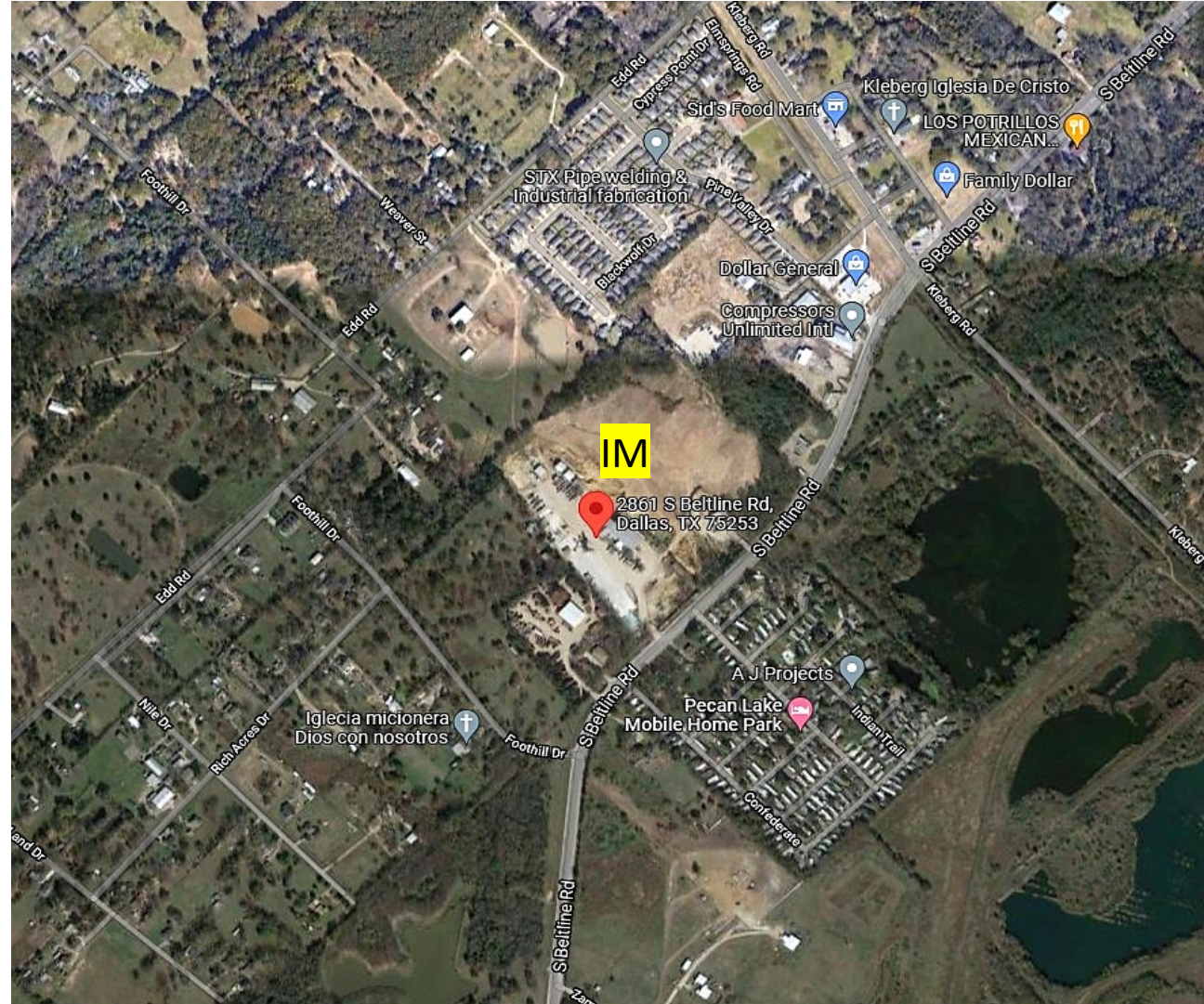


Planning & Urban Design staff initiated a zoning code amendment for concrete batch plants in support of the adopted Comprehensive Environmental & Climate Action Plan (CECAP) goal of ensuring new industries are an appropriate distance away from neighborhoods.

- ❖ Protect sensitive uses such as residences, parks, and schools.
- ❖ Improve public health and air quality.
- ❖ Provide appropriate locations for batching plant operations.



2861 S Beltline Rd



[2861 S Beltline Rd - Google Maps](#)

Operational Issues/Concerns (Temporary)



Sec. 51A-4.20 Industrial Uses

Temporary concrete or asphalt batching plant

- ❖ Definition: A temporary facility for mixing cement or asphalt.
- ❖ Permitted in All Districts, including Residential, some PD's by special authorization of building official (with additional provisions, such as screening and buffering).
- ❖ No public notification / public hearings required.



Operational Issues/Concerns (Permanent)



Sec. 51A-4.203 Industrial Uses

- ❖ Concrete or Asphalt Batching Plants are **not** listed as a “Potentially Incompatible Industrial Use” in Industrial Uses.
- ❖ Considered an industrial (outside) use and permitted in IM District with RAR required (No Public Hearing Process)



Proposed Actions



- ❖ Two-phased approach to address urgency of sensitive land use issues.
 - Phase I, short-term approach to immediately address the lack of public process for these industrial land uses by removing the administrative and by-right approval process allowed by Code and adding a Specific Use Permit (SUP) process that will require public hearings at City Plan Commission (CPC) and City Council.
 - Phase II, development of new regulations through a comprehensive review and public input, (4 to 6 months). Includes review of departmental coordination, legal considerations of implications on existing land uses, research of local and national cities regulations and best practices, input from the public, industry and professional organizations, and coordination with state and federal jurisdictions.



Proposed Actions



Phase I

Immediately add a public process for asphalt and concrete batch plants by:

- ❖ Removing administrative and by-right approval process for temporary concrete or asphalt batching plants and permanent concrete or asphalt batching plants allowed by Code.
- ❖ Adding Specific Use Permit (SUP) process that will require public hearings and City Plan Commission (CPC) and City Council approval.
- ❖ Adding, **Concrete batching** and **Asphalt batching** to the subsection with “potentially incompatible industrial uses” so that Concrete batching and Asphalt batching plants are permitted by SUP only in the IM district.



Staff Recommendation



- Move Phase 1 recommendation to require SUP for temporary concrete or asphalt batching plants to City Council for final action.
- Move Phase 1 recommendation to add asphalt and concrete batching to “potentially incompatible industrial uses” under Industrial uses to City Council for final action (so that SUP is required for permanent batch plants).
- Continue working on Phase II zoning ordinance for future consideration by ZOAC, CPC and City Council.



ZOAC Q & A



ZOAC raised the following concerns and asked staff to consider these items and to include as part of the Phase II recommendations:

1. Buffering and spacing of concrete or asphalt batching plants from sensitive land uses, such as residential, schools and parks. The Dallas Oil and Gas Drilling ordinance was also suggested as a resource.
 - Staff will review:
 1. Dallas Oil and Gas Drilling Ordinance
 2. Continue to review other cities regulations
 3. BMP's, health industry standards and seek public input to determine the appropriate buffer and spacing for Dallas and bring recommendations back to ZOAC as part of Phase II recommendations.
2. Consider requiring an environmental study to determine if the site is suitable for uses other than industrial after the concrete or asphalt batching plant operation ceases and is removed from the site.
 - Staff will review options appropriate for Dallas to consider for language that can be included as part of the conditions for the concrete or asphalt batching plants to ensure that the site is restored back to the original condition when the operation ceases.



ZOAC Q & A



ZOAC raised the following concerns and asked staff to consider these items and to include as part of the Phase II recommendations:

3. How would the Specific Use Permit (SUP) process impact those current temporary concrete or asphalt batching plants that are not finished work on the site by the 6-month temporary time frame and request an extension?
 - As stated in the meeting, the required SUP process as proposed for Phase I would apply at the time of the effective date of ordinance approval.
 - If approved by City Council for any new applications coming in on or after the effective date and would **not** be retroactive.
 - **The SUP process, including expirations and renewals would remain under the current SUP process.**

Current SUP Process:

1. Auto renewal eligible if applied between 3 and 6 months prior to expiration.
2. Auto renewal approval requires Director to send public notices to all owners within 200' of SUP
3. If the owners of 20 percent or more of the land within 200 feet of the area of SUP file a written protest against the automatic renewal, director shall forward the application to the city plan commission and city council for further action.



ZOAC Q & A



ZOAC raised the following concerns and asked staff to consider these items and to include as part of the Phase II recommendations:

3. How would the Specific Use Permit (SUP) process impact those current temporary concrete or asphalt batching plants that are not finished work on the site by the 6-month temporary time frame and request an extension?
 - Staff will review options and bring back recommendations for a specified limit on the number of renewals, perhaps conditioned on performance regarding pollution and operating best management practices, as part of Phase II.
4. Requirements for streets and other public infrastructure to be repaired or restored back to original condition from any damages.
 - Staff will review options, such as performance bonds and other best management practices and other ways to document prior condition of site before batch plant use and bring recommendations forward as part of Phase II.



Next Steps



- City Council (CC)
 - If recommended by CPC, staff anticipates forwarding to City Council for final action approval and effective date on May 11, 2022.
 - If Phase I is not approved, **applications for temporary concrete and asphalt batching plants and permanent batching plants in IM District will continue**, including sensitive locations **without public hearings/process.**





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(Future) Ph. II



Phase II

Zoning Code changes may include, but not be limited to:

- ❖ Definitions for categories of land uses
- ❖ Distances from residential, schools, daycares, parks, and other public spaces, and/or zoning districts other than industrial, or other incompatible uses (measurement from property line, zoning districts and/or structures tbd)
- ❖ Distances to other concrete batching plants and similar uses, and/or other limits to the number of applications on an annual basis.



(Future) Ph. II



Phase II

Zoning Code changes may include, but not be limited to:

- ❖ Time limits or revised time limits for temporary concrete or asphalt batching plants, including renewals.
- ❖ Performance standards or revised standards based on best management practices for stormwater run-off and noxious pollutants and emissions.
- ❖ Standardized signs posted on the property with pertinent information.



(Future) Ph. II



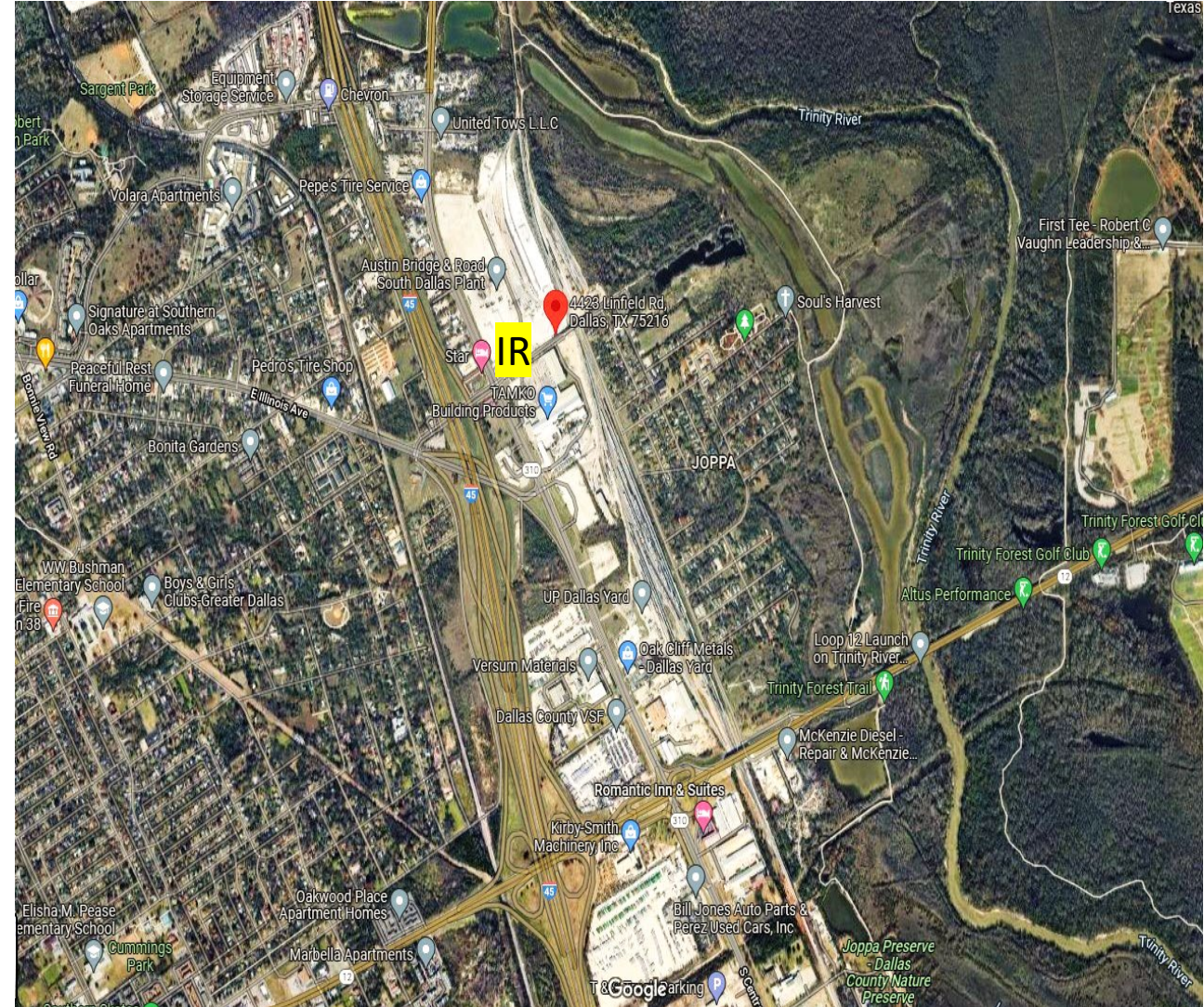
Phase II

Zoning Code changes may include, but not be limited to:

- ❖ Additional application information/Additional notification requirements
- ❖ Curb cuts and other roadway access
- ❖ Outdoor storage
- ❖ Site restoration to current conditions



4423 Linfield Rd



[4423 Linfield Rd - Google Maps](#)

Current and Proposed Approval Criteria



BO Approval Criteria

The building official may issue a temporary certificate of occupancy in any zoning district for a temporary batching plant to mix, compound, and batch concrete, asphalt, or both, for a public or private project.

- ❖ A temporary certificate of occupancy is required for this use.
- ❖ The certificate is valid for six months.
- ❖ The building official **shall deny** the certificate if he determines that on-site fencing, screening, or buffering elements do not provide adequate protection for adjacent property.
- ❖ If the project is not completed within six months, the building official may extend the certificate to complete the project.

SUP Approval Criteria

The city council shall **not** grant an SUP for a use except upon a finding that the use will:

- ❖ Complement or be compatible with the surrounding uses and community facilities;
- ❖ Contribute to, enhance, or promote the welfare of the area of request and adjacent properties;
- ❖ Not be detrimental to the public health, safety, or general welfare; and
- ❖ Conform in all other respects to all zoning regulations and standards
- ❖ The granting of an SUP has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.
- ❖ The city council may impose reasonable conditions upon the granting of an SUP consistent with the purposes stated in this chapter.
- ❖ The applicant shall post the SUP ordinance in a conspicuous place on the property, except where a use has no interior building space (for example, a private street or alley use).



Owner/Operator Responsibilities



A person to whom a temporary certificate of occupancy is issued shall:

- ❖ comply with city, state and federal laws at the batching plant site;
- ❖ clear the site of equipment, material and debris upon completion of the project;
- ❖ repair or replace any public improvement that is damaged during the operation of the temporary batching plant; and
- ❖ locate and operate the temporary plant in a manner which eliminates unnecessary dust, noise, and odor (as illustrated by, but not limited to covering trucks, hoppers, chutes, loading and unloading devices and mixing operations, and maintaining driveways and parking areas free of dust).
- ❖ A person shall only furnish concrete, asphalt, or both, to the specific project for which the temporary certificate of occupancy is issued.
- ❖ The placement of a temporary batching plant for a private project is restricted to the site of the project. The board may grant a special exception to this requirement when, in the opinion of the board, the special exception will not adversely affect neighboring properties.



Jurisdictional Approvals



Federal EPA granted authority
to State TCEQ to approve
Temporary Concrete or Asphalt
Batching Plants
(Clean Water Act)



Texas Commission on
Environmental Quality (TCEQ)
receives, reviews, authorizes
permits for Concrete and
Asphalt Batching Plants



City regulates Temporary
Concrete and Asphalt Batching
plants by Chapters 51 and 51A,
Dallas Development Code



TCEQ Air Permit (Standard Permits)



TCEQ Types of Permits:

2012 Standard Permit

Requirements:

- Comply w/ updated Emissions Standards
- Meet Engine Authorization
- Utilize up-to-date filters (air)
- Maintain record-keeping
- Review all comments and summaries from amended permit
- Complete Concrete Batch Plant Checklist

<https://www.tceq.texas.gov/assets/public/permitting/air/Forms/NewSourceReview/Checklists/10377.pdf>

Standard Permit with Enhanced Controls (Permanent Batch Plants)

Applies when “yes” answered for all of the following:

- Do you intend to permit your plant as a **permanent** facility?
- Does your plant manufacture no more than 300 cubic yards of concrete per hour?
- Do you intend to use a suction shroud at the central mix drum or truck drop point?
- Is the suction shroud vented to a central fabric filter baghouse with a flow rate of at least 5000 actual cubic feet per minute (acfm) and an outlet grain of at least 0.01 grains per dry standard cubic foot loading?
- Will the suction shroud baghouse exhaust, stationary equipment, and all stockpiles be at least 100 feet from any property line?
- Will the central baghouse exhaust be located at least 440 yards from the nearest residence (single or multi-family), school, or place of worship?

New Source Review Authorization

Applies when:

- you cannot qualify for one of the above standard permit authorizations, then you must apply for a new source review air quality permit



Background/History



Dallas

1. Application submitted to Permit Center – Intake
2. Manager – Special Attention Review
3. Building Official or Assistant BO review (check zoning, land-use, environmental standards (dust, odor) compliance)
4. Request screening, other locations (if feasible) and/or hours of operation.
5. If all zoning requirements are met (zoning, environmental, screening, buffering) application approved and permit issued.
6. Inspection of the site for all applicable regulations is required prior to certificate of occupancy.

TCEQ

Example:

TE Name	Start Date	Complete Date
FINAL PACKAGE TO SECTION MANAGER FOR REVIEW (DATE)	01/21/2022	
FINAL PACKAGE TO TEAM LEADER OR SUPERVISOR FOR REVIEW (DATE)	01/21/2022	
PUBLIC HEARING DENIED (DATE)	01/20/2022	
RTC FILED WITH OCC (DATE)	01/20/2022	
RTC TO LEGAL (DATE)	11/17/2021	
1ST NOTICE OCC COMPLETE (DATE)	10/22/2021	
RTC DRAFT PERIOD	10/19/2021	01/20/2022
PUBLIC HEARING REQUESTED (DATE)	10/18/2021	
PUBLIC MEETING HELD (DATE)	10/18/2021	
PUBLIC MEETING REQUESTED (DATE)	08/24/2021	
PUBLIC NOTICE COMMENT PERIOD (NSR 1ST NOTICE)	07/29/2021	10/18/2021
SP CBP PN FINALIZED AND SENT (DATE)	07/23/2021	
COMPLIANCE HISTORY REVIEW COMPLETED (DATE)	07/22/2021	
COMPANY APPROVED DRAFT PUBLIC NOTICE (DATE)	07/22/2021	
PUBLIC NOTICE DRAFT SENT TO COMPANY (DATE)	07/22/2021	
ENGINEER INITIAL REVIEW COMPLETED (DATE)	07/22/2021	
DEFICIENCY CYCLE	07/20/2021	07/21/2021
APIRT TRANSFERRED PROJECT TO TECHNICAL STAFF (DATE)	07/12/2021	
LEGISLATORS NOTIFIED OF APPLICATION RECEIVED (DATE)	07/12/2021	
PROJECT DECLARED ADMIN COMPLETE (DATE)	07/12/2021	
EXPEDITED PERMITTING	07/12/2021	01/21/2022
PROJECT RECEIVED BY TECHNICAL STAFF FROM APIRT (DATE)	07/09/2021	
APIRT RECEIVED PROJECT (DATE)	07/08/2021	



TCEQ (Air) Permit Standards



TCEQ Air Permit Types	STANDARD PERMIT	STANDARD PERMIT W/ ENHANCED CONTROLS (PERMANENT BP'S ONLY)
Required Limitations	❖ ≤ 300 cubic yards/hour	❖ ≤ 300 cubic yards/hour
	❖ ≤ 6000 cubic yards/day	❖ ≥ 100 ft from the baghouse stack to the property line
	❖ ≤ 1000 hp engine (total)	❖ > 100 ft. buffer to the property line must be maintained for stationary equipment, stockpiles, or vehicles used for the operation of the concrete batch plant
	❖ > 50 ft. buffer to the property line must be maintained for stationary equipment, stockpiles, or vehicles used for the operation of the concrete batch plant	❖ Each road, parking lot, or other vehicle areas must be paved with a cohesive hard surface
	❖ 100 ft. from the baghouse stack to the property line	❖ If area not subject to zoning, central baghouse to be located at least 440 yards from any building used as a residence, school, or place of worship
	❖ ≥ 550 ft. from any crushing or hot mix plant	
	❖ Temporary plants limited on site for no more than 180 days or completion of a single project	
	❖ Paved roads required for permanent plants	



TCEQ (Air) Permit Standards



TCEQ Air Permit Types	STANDARD PERMIT	STANDARD PERMIT W/ ENHANCED CONTROLS (PERMANENT BP'S ONLY)
Required Controls	<ul style="list-style-type: none"> ❖ Totally enclosed conveying system to and from silos ❖ Suction shroud efficient to 99.5% control of PM2.5 with $\geq 5,000$ acfm of air flow, and no visible emissions ❖ Emissions from all in-plant roads and traffic areas must be controlled at all times. ❖ If the buffer distance requirement cannot be met, the owner or operator must do all the following: <ul style="list-style-type: none"> •construct dust suppressing fencing or other barriers as a border around roads, other traffic areas, and work areas; •construct these borders to a height of at least 12 feet; and •contain stockpiles within a three-walled bunker that extends at least two feet above the top of the stockpile 	<ul style="list-style-type: none"> ❖ Totally enclosed conveying system to and from silos ❖ Suction shroud efficient to 99.5% control of PM2.5 with $\geq 5,000$ acfm of air flow, and no visible emissions ❖ Stockpiles must be watered or treated with dust-suppressant chemicals or covered ❖ Surfaces of each road, parking lot, or other vehicle areas must be properly maintained, cleaned, and watered



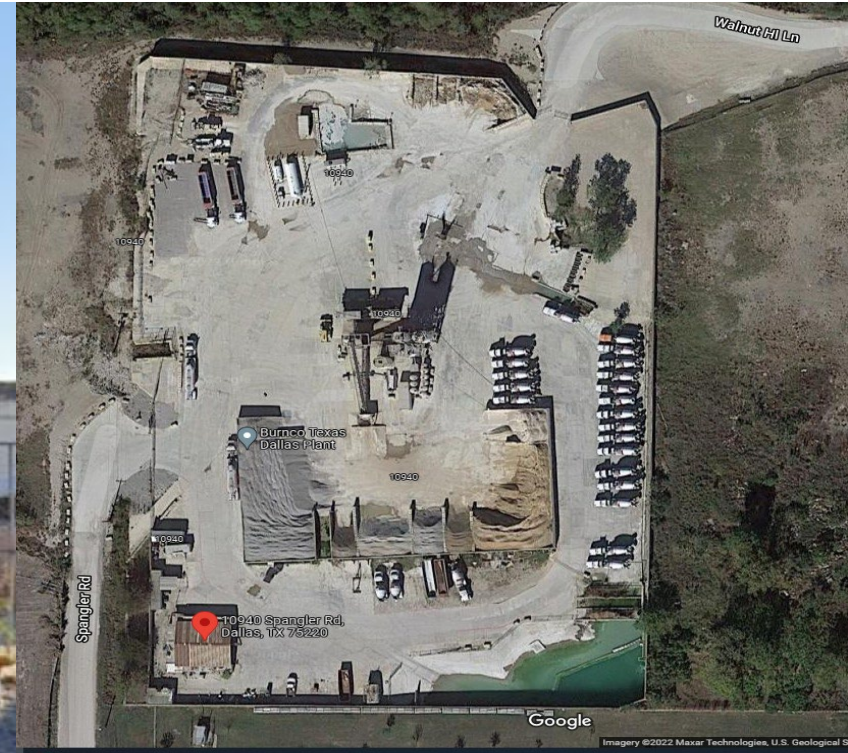
TCEQ (Air) Permit Standards



TCEQ Air Permit Types	STANDARD PERMIT	STANDARD PERMIT W/ ENHANCED CONTROLS (PERMANENT BP'S ONLY)
Compliance Demonstration	<ul style="list-style-type: none"> ❖ The standard permit requires all filter systems, mixer loading and batch truck loading emission control devices to meet a performance standard of no visible emissions exceeding 30 seconds in any six-minute period. ❖ Owners or operators are required to keep written records on site for a rolling 24-month period. Records must include, but are not limited to the following: <ul style="list-style-type: none"> • 30 TAC § 101.201, Emissions Event Reporting and Recordkeeping Requirements • 30 TAC § 101.211, Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements • production rate for each hour and day of operation that demonstrates compliance with subsection (8)(A), (9)(A), or (10)(A) of this standard permit, as applicable • all repairs and maintenance of abatement systems • Material Safety Data Sheets for all additives and other chemicals used at the site • road cleaning, application of road dust control, or road maintenance for dust control • stockpile dust suppression 	<ul style="list-style-type: none"> ❖ The standard permit requires all filter systems, mixer loading and batch truck loading emission control devices to meet a performance standard of no visible emissions exceeding 30 seconds in any five-minute period.



Concrete Batch Plant Example



[10940 Spangler Rd - Google Maps](https://www.google.com/maps/@32.87972688,-96.91377742,135.75991821a,0d,62.90186412y,41.72963913h,90.7883299t,0r/data=CooBGmASWgoIMHg4NjRIOWQ1MWE4NjAxYzE5OjB)

<https://earth.google.com/web/search/10940+Spangler+Road,+Dallas,+TX/@32.87972688,-96.91377742,135.75991821a,0d,62.90186412y,41.72963913h,90.7883299t,0r/data=CooBGmASWgoIMHg4NjRIOWQ1MWE4NjAxYzE5OjB>

Temporary Concrete Batching Plant - 10940 Spangler Rd., Dallas 75220 – Burnco Texas Dallas Plant
Zoned: IM

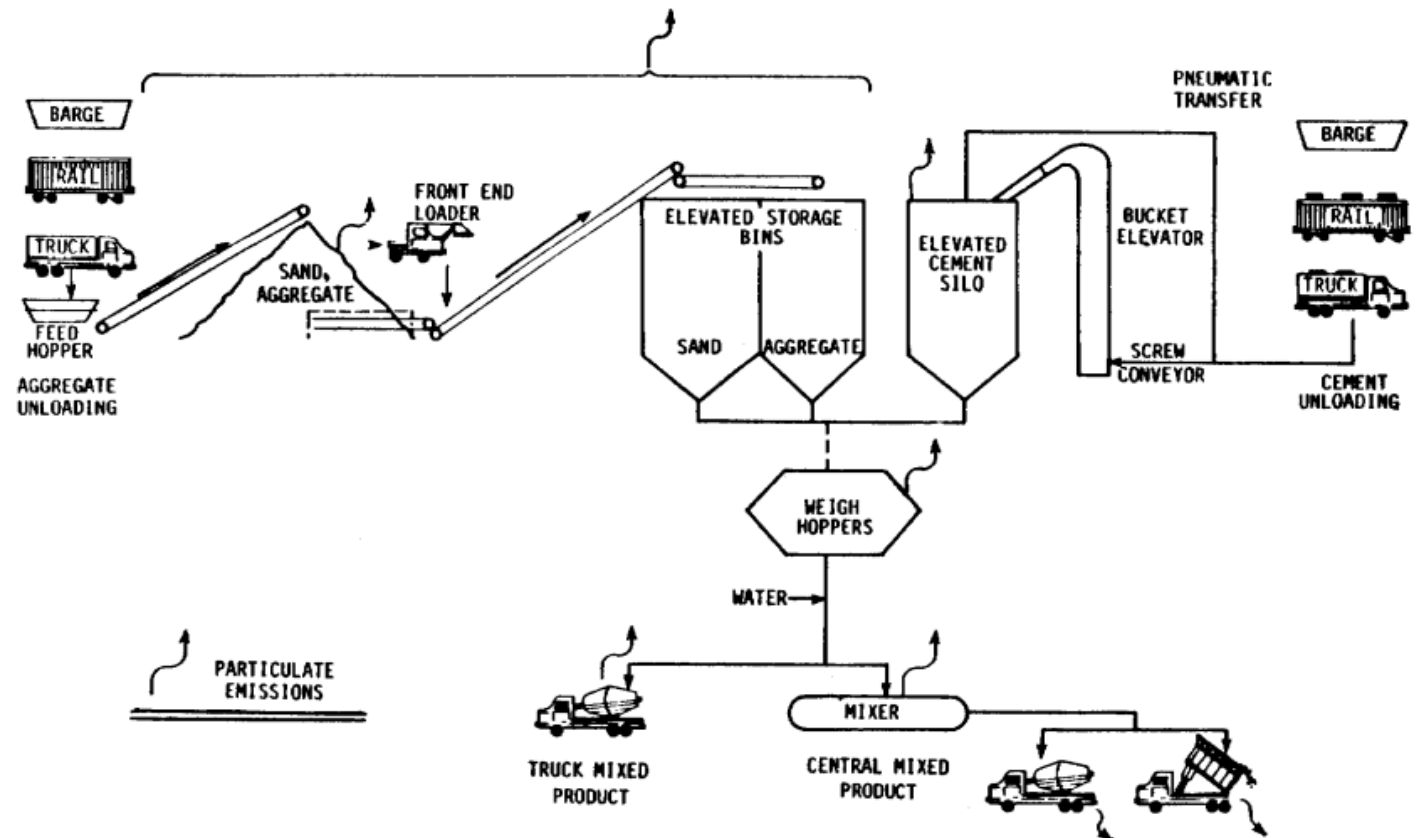


Batch Plant Process



EPA: "Concrete Batch Plant (CBP)" means a facility manufacturing concrete from any combination of cement, cement supplement, fine aggregate, coarse aggregate and water.
[Chapter 164: General Permit Regulation for Concrete Batch Plants \(epa.gov\)](https://www.epa.gov/164)

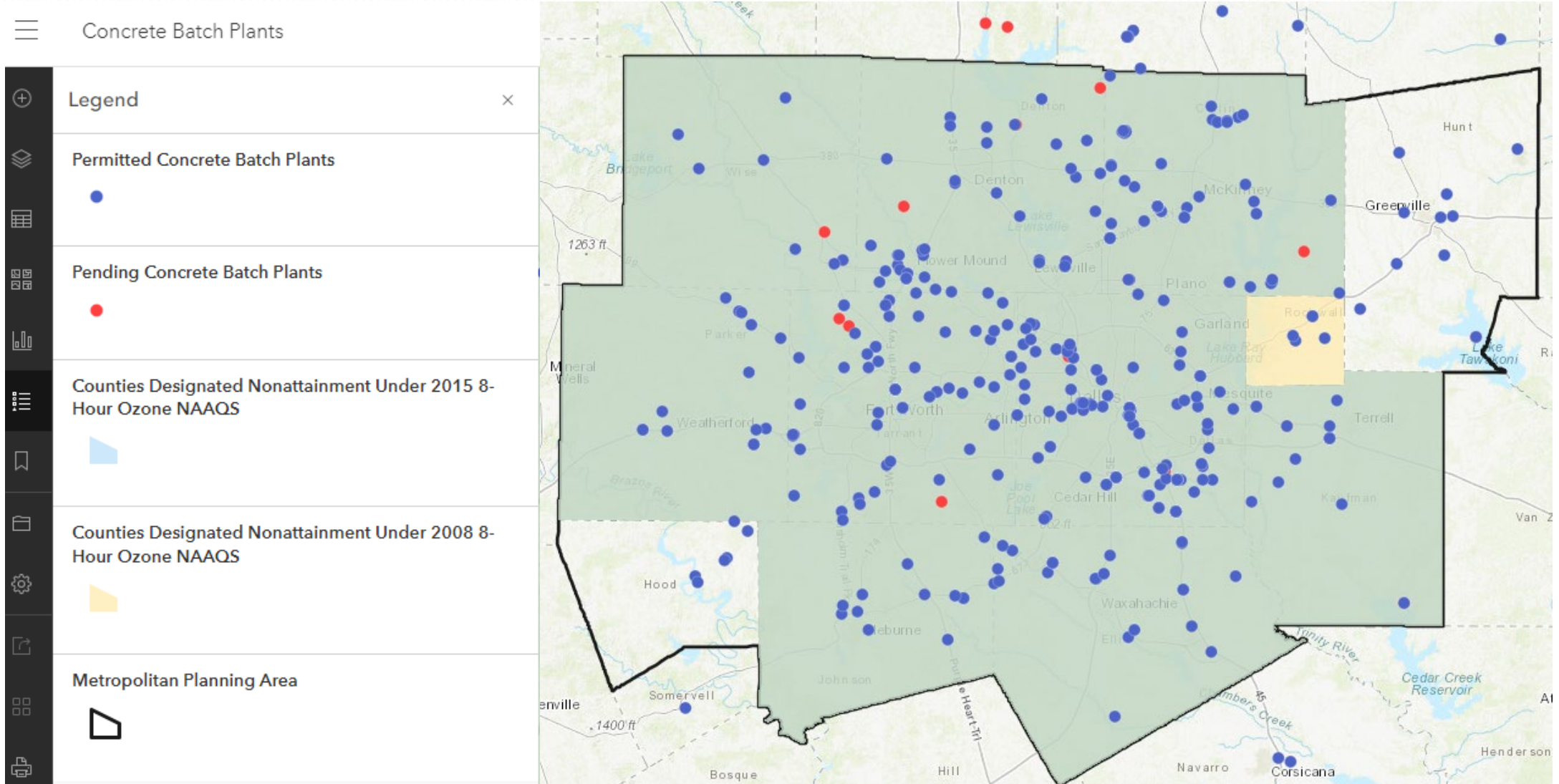
- ❖ Raw materials delivered to batching plant by rail, truck, or barge.
- ❖ Cement transferred to elevated storage silos pneumatically or bucket elevator.
- ❖ Sand and coarse aggregate transferred to elevated bins (front end loader, clam shell crane, belt conveyor, bucket elevator)
- ❖ Constituents fed by gravity or screw conveyor to weigh hoppers to combine the proper amounts.



Process and Figure 11.12-1 Typical Batch Plant:
[AP-42, CH 11.12: Concrete Batching \(epa.gov\)](https://www.epa.gov/164)



NCTCOG Batch Plant Map (Metrolplex)



[Concrete Batch Plants \(arcgis.com\)](https://arcgis.com)

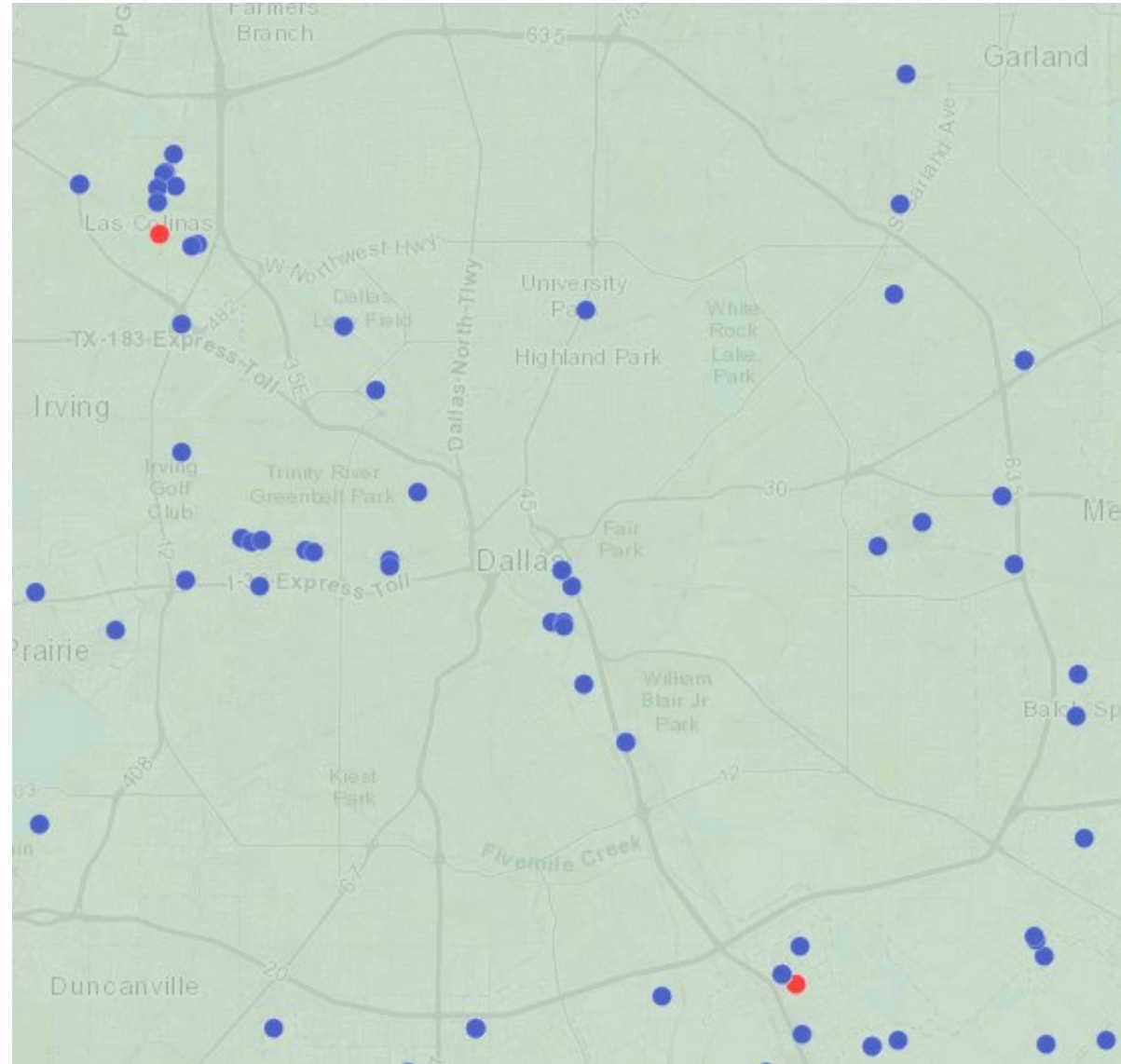


NCTCOG Batch Plant Map (Metropolitanplex)



Concrete Batch Plants

+	Legend	x
●	Permitted Concrete Batch Plants	
●	Pending Concrete Batch Plants	
■	Counties Designated Nonattainment Under 2015 8-Hour Ozone NAAQS	
■	Counties Designated Nonattainment Under 2008 8-Hour Ozone NAAQS	
□	Metropolitan Planning Area	



[Concrete Batch Plants \(arcgis.com\)](https://arcgis.com)

Number of Batch Plants (Approximate)



Total **Approx.** (Record) of Concrete or Asphalt Batching Plants for all years (1978-2021)
94 (includes temporary, permanent and approved by SUP)

Of this 94:

Permanent

20; 1 of which was cancelled

7 of which do not appear to be by SUP

18 of which appear to be operational

Majority of which are zoned IR and IM

Majority of which are zoned IR and IM

SUP

17; 2 of which are Asphalt batch plants

13 of which are permanent

16 of which appear to be operational

Majority of which are zoned IR and IM

Temporary

74

45 of which are in the last 10 yrs. (1 of which was cancelled)

6 of which are in residential districts {1 TH-3A, 1 MF-3A,

1 A(A), 2 R-7.5(A), 1 R-5(A)}

Majority of which are zoned PD, IR and IM

XX of which appear to be operational

14 (19%) of which are within **last 5 yrs.** (3 pending inspection
– 1 expired)

7 (9%) of which are within **last 3 yrs;** (2 no CO yet – pending
inspection)



Number of Batch Plants (Approximate)



Summary:

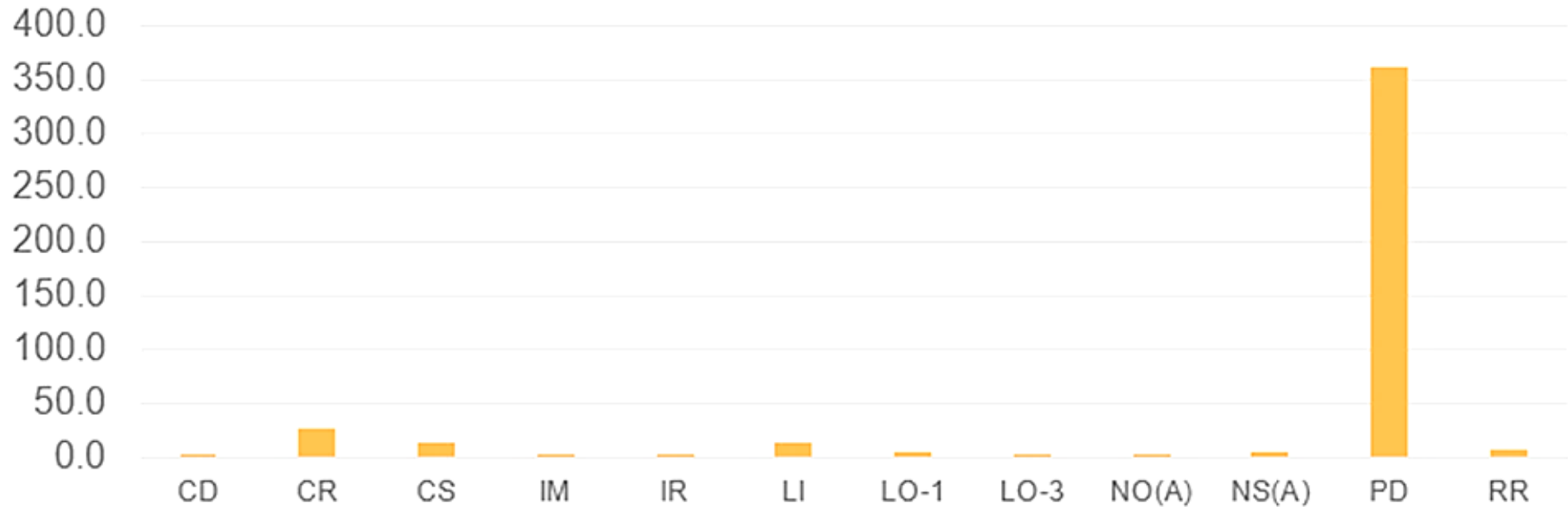
- **Approx. 94** applications for concrete or asphalt batch plants since 1978
- Approx. 45 applications for temporary batch plants within last **10 yrs.**
- Approx. 14 (19%) are within the last **5 yrs.**
- Approx. 7 (9%) are withing the last **3 yrs.**
- Approx. 18 permanent appear operational
- Approx. 17 are by SUP
- Approx. 3 are Asphalt batch plants and all appear operational
- Approx. XX batch plants (temporary and permanent) appear operational
- Majority of batch plants are PD, IR and IM



Residential Land Uses in Non-Resid. Districts



Residential landuses in non residential zoning districts (Acreage)



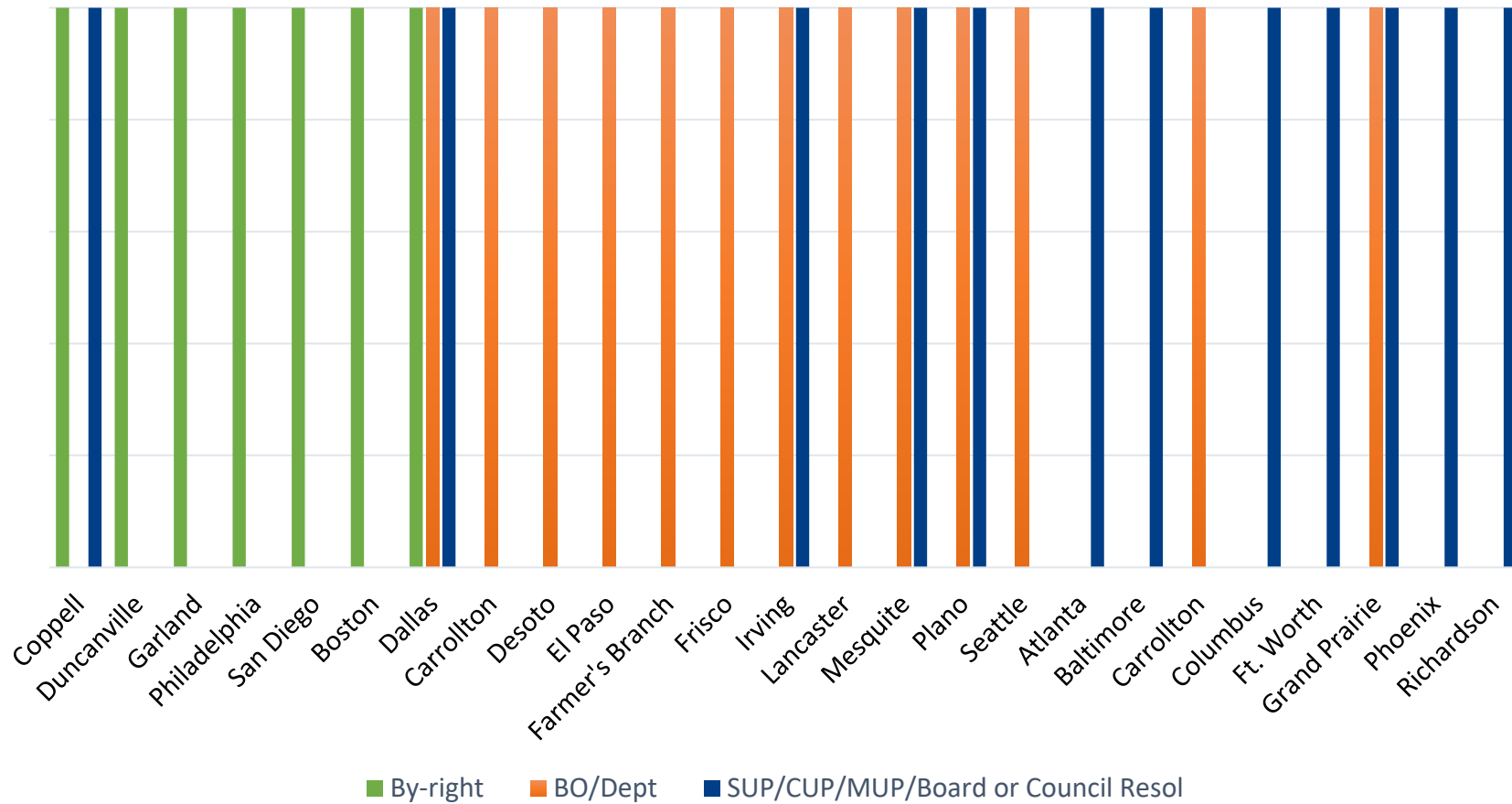
Data Table: Asma Shaikh, Planning and Urban Design



Other Cities Comparisons



Other Cities Temporary Batch Plant Comparisons



Background/History



By-Right (5 Other Cities)

Dallas – A(A) Agric. District

Coppell – (LI) Light Industrial District only

Duncanville – (I) Industrial District only

Garland – All districts, except (DT) Downtown District

Philadelphia – (I-3) Heavy Industrial District

San Diego – (IH-1), (IH-2) Industrial Heavy District

Building Official (BO) and/or other Dept. Approval (11)

Dallas – All districts, some PD's, 6 mos. with extension if project served is not complete

Boston –(I) Ind-Gen, (W)Waterfront-with Conditions

Carrollton–All districts, except special

Desoto–Not specified-6 mos.-1 ext.-BO

El Paso – All districts, except (NOS)Natural Open Space, and (URD) Urban Reserve Districts

Farmer's Branch–On-site only, All districts (</=60 days)

Frisco–All districts, except special

Irving–All districts (</= 180 days)–BO and Code Enforcement

Lancaster–All districts, except (TC) Town Center-w/conditions stated on Temporary Certificate

Mesquite -Industrial district- Temp Use Permit </= 1 yr.

Plano–All districts, except UMU (Urban Mixed-Use) for Concrete Batch Plants only–Engineer

Seattle -General Industrial-</=4 weeks Dir. decision

SUP, CUP, MUP, Board or Council Resolution (11)

Dallas – (IR) Ind. Research District-SUP

Atlanta–(I-2) Heavy Industrial 2–SUP

Baltimore–(I-MU-2), (I-2)General Industrial, (MI) Maritime Industrial-Board of Municipal & Zoning Appeals

Coppell–“A” (AG), SF-ED (Single-Family Estate)-SUP

Columbus–(M-1)(Manufacturing - SUP

Ft. Worth – (I), (J), (K) Industrial Districts, (AG) Agricultural; (ER), (E), (R), (F), (G), (H) Commercial,(C-F), (O-1), (O-2), (PD) Special-Conditional Use Permit/Conditions

Grand Prairie–All districts-SUP after 12 mos.

Irving–All districts (>180 days)-SUP

Mesquite–Industrial-CUP in Terra Overlay

Phoenix–(M-2)Industrial-SUP

Plano–All districts, except (UMU) Urban Mixed-Use–Asphalt Batch Plants-City Council Resolution

Richardson–Industrial districts-SUP



Other Cities District Comparisons



Other Cities Temporary Batch Plant Comparisons

