

By: Leach

H.B. No. 3594

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the operation of concrete plants and crushing
3 facilities at certain locations near an airport.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section [382.05198](#)(a), Health and Safety Code, is
6 amended to read as follows:

7 (a) The commission shall issue a standard permit for a
8 permanent concrete plant that performs wet batching, dry batching,
9 or central mixing and that meets the following requirements:

10 (1) production records must be maintained on site
11 while the plant is in operation until the second anniversary of the
12 end of the period to which they relate;

13 (2) each cement or fly ash storage silo and weigh
14 hopper must be equipped with a fabric or cartridge filter or vented
15 to a fabric or cartridge filter system;

16 (3) each fabric or cartridge filter, fabric or
17 cartridge filter system, and suction shroud must be maintained and
18 operated properly with no tears or leaks;

19 (4) excluding the suction shroud filter system, each
20 filter system must be designed to meet a standard of at least 0.01
21 outlet grain loading as measured in grains per dry standard cubic
22 foot;

23 (5) each filter system and each mixer loading and
24 batch truck loading emissions control device must meet a

1 performance standard of no visible emissions exceeding 30 seconds
2 in a five-minute period as determined using United States
3 Environmental Protection Agency Test Method 22 as that method
4 existed on September 1, 2003;

5 (6) if a cement or fly ash silo is filled during
6 nondaylight hours, the silo filter system exhaust must be
7 sufficiently illuminated to enable a determination of compliance
8 with the performance standard described by Subdivision (5);

9 (7) the conveying system for the transfer of cement or
10 fly ash to and from each storage silo must be totally enclosed,
11 operate properly, and be maintained without any tears or leaks;

12 (8) except during cement or fly ash tanker connection
13 or disconnection, each conveying system for the transfer of cement
14 or fly ash must meet the performance standard described by
15 Subdivision (5);

16 (9) a warning device must be installed on each bulk
17 storage silo to alert the operator in sufficient time for the
18 operator to stop loading operations before the silo is filled to a
19 level that may adversely affect the pollution abatement equipment;

20 (10) if filling a silo results in failure of the
21 pollution abatement system or failure to meet the performance
22 standard described by Subdivision (5), the failure must be
23 documented and reported to the commission;

24 (11) each road, parking lot, or other area at the plant
25 site that is used by vehicles must be paved with a cohesive hard
26 surface that is properly maintained, cleaned, and watered so as to
27 minimize dust emissions;

1 (12) each stockpile must be sprinkled with water or
2 dust-suppressant chemicals or covered so as to minimize dust
3 emissions;

4 (13) material used in the batch that is spilled must be
5 immediately cleaned up and contained or dampened so as to minimize
6 dust emissions;

7 (14) production of concrete at the plant must not
8 exceed 300 cubic yards per hour;

9 (15) a suction shroud or other pickup device must be
10 installed at the batch drop point or, in the case of a central mix
11 plant, at the drum feed and vented to a fabric or cartridge filter
12 system with a minimum capacity of 5,000 cubic feet per minute of
13 air;

14 (16) the bag filter and capture system must be
15 properly designed to accommodate the increased flow from the
16 suction shroud and achieve a control efficiency of at least 99.5
17 percent;

18 (17) the suction shroud baghouse exhaust must be
19 located more than 100 feet from any property line;

20 (18) stationary equipment, stockpiles, and vehicles
21 used at the plant, except for incidental traffic and vehicles as
22 they enter and exit the site, must be located or operated more than
23 100 feet from any property line; and

24 (19) at the time the application to use the permit is
25 filed with the commission, the central baghouse must be located at
26 least 440 yards from:

27 (A) any building used as a single or multifamily

1 residence, school, or place of worship [~~at the time the application~~
2 ~~to use the permit is filed with the commission~~] if the plant is
3 located in an area that is not subject to municipal zoning
4 regulation; and

5 (B) a public or private airport, as defined by
6 Section 22.001, Transportation Code.

7 SECTION 2. Section 382.065, Health and Safety Code, is
8 amended by amending Subsections (a) and (b) and adding Subsection
9 (a-1) to read as follows:

10 (a) The commission by rule shall prohibit the operation of a
11 concrete crushing facility within 440 yards of the following types
12 of buildings or facilities:

13 (1) a building in use as a single or multifamily
14 residence, school, or place of worship at the time the application
15 for a permit to operate the facility at a site near the residence,
16 school, or place of worship is filed with the commission; and

17 (2) a public or private airport, as defined by Section
18 22.001, Transportation Code.

19 (a-1) The measurement of distance for purposes of
20 Subsection (a) [~~this subsection~~] shall be taken from the point on
21 the concrete crushing facility that is nearest to the residence,
22 school, [~~or~~] place of worship, or airport toward the point on the
23 residence, school, [~~or~~] place of worship, or airport that is
24 nearest the concrete crushing facility.

25 (b) Subsection (a) does not apply to a concrete crushing
26 facility:

27 (1) at a location for which commission authorization

1 for the operation of a concrete crushing facility was in effect on
2 September 1, 2001;

3 (2) at a location that satisfies the distance
4 requirements of Subsections (a) and (a-1) [~~Subsection (a)~~] at the
5 time the application for the initial authorization for the
6 operation of that facility at that location is filed with the
7 commission, provided that the authorization is granted and
8 maintained, regardless of whether a single or multifamily
9 residence, school, [~~or~~] place of worship, or airport is
10 subsequently built or put to use within 440 yards of the facility;
11 or

12 (3) that:

13 (A) uses a concrete crusher:

14 (i) in the manufacture of products that
15 contain recycled materials; and

16 (ii) that is located in an enclosed
17 building; and

18 (B) is located:

19 (i) within 25 miles of an international
20 border; and

21 (ii) in a municipality with a population of
22 not less than 6,100 but not more than 20,000.

23 SECTION 3. The changes in law made by this Act apply only to
24 a facility for which an initial application for a permit under
25 Chapter 382, Health and Safety Code, is filed on or after the
26 effective date of this Act.

27 SECTION 4. This Act takes effect September 1, 2021.