

By: J. Johnson of Harris

H.B. No. 124

A BILL TO BE ENTITLED

AN ACT

relating to the permitting of certain concrete plants located in an area of a municipality not subject to zoning regulations.

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

SECTION 1. Subchapter C, Chapter 382, Health and Safety Code, is amended by adding Section 382.051991 to read as follows:

Sec. 382.051991. PERMIT FOR CERTAIN CONCRETE PLANTS NOT SUBJECT TO MUNICIPAL ZONING. (a) This section applies only to a permanent concrete plant that performs wet batching, dry batching, or central mixing.

(b) The commission may not issue or authorize the use of a permit under Section 382.0518, 382.05195, or 382.05196 for the operation of a permanent concrete plant located in an incorporated area of a municipality that is not subject to zoning regulations.

(c) The commission may authorize the use of a standard permit issued under Section 382.05198 for the operation of a permanent concrete plant described by Subsection (b).

(d) Notwithstanding Section 382.05199, an applicant for an authorization described by Subsection (c) must comply with Section 382.056 before the commission may authorize the use of the standard permit by the applicant.

SECTION 2. The heading to Section 382.05199, Health and Safety Code, is amended to read as follows:

Sec. 382.05199. STANDARD PERMIT FOR CERTAIN CONCRETE

1 ~~[BATCH]~~ PLANTS: NOTICE AND HEARING.

2 SECTION 3. Section 382.051991, Health and Safety Code, as
3 added by this Act, applies only to a permit or authorization the
4 application for which is filed with the Texas Commission on
5 Environmental Quality on or after the effective date of this Act. A
6 permit or authorization the application for which is filed before
7 the effective date of this Act is governed by the law in effect on
8 the date of filing, and that law is continued in effect for that
9 purpose.

10 SECTION 4. This Act takes effect September 1, 2023.