

By: Thompson of Harris

H.B. No. 137

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of air quality permits for concrete plants located in certain areas.

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. MUNICIPAL OR COUNTY APPROVAL OF CERTAIN CONCRETE PLANTS. (a) This section applies only to a permit application for a concrete plant located or proposed to be located in:

(1) an incorporated area of a municipality that has not adopted zoning regulations and has a population of more than 2 million; or

(2) the unincorporated area of a county with a population of more than 4.5 million.

(b) For each permit application described by Subsection (a), the commission:

(1) shall send to the governing body of the municipality or county, as applicable, a copy of the application; and

(2) may not issue the permit applied for before the 31st day after the date the governing body receives the copy unless the commission receives notice that the governing body has approved the application.

1 (c) The commission may not issue a permit under Section
2 382.0518, 382.05195, 382.05196, or 382.05198 or another provision
3 of this chapter for a concrete plant described by Subsection (a) if
4 the commission receives, before the 31st day after the date the
5 governing body receives the copy of the application from the
6 commission, notice that the governing body has rejected the
7 application.

8 SECTION 2. Section 382.058(c), Health and Safety Code, is
9 amended to read as follows:

10 (c) For purposes of this section, the only ~~[those]~~ persons
11 who ~~[actually residing in a permanent residence within 440 yards of~~
12 ~~the proposed plant]~~ may request a hearing under Section 382.056 as a
13 person who may be affected are:

14 (1) the municipality or county in which the proposed
15 plant will be located; and

16 (2) persons actually residing in a permanent residence
17 within 440 yards of the proposed plant.

18 SECTION 3. The changes in law made by this Act apply only to
19 an application for a permit that is submitted to the Texas
20 Commission on Environmental Quality on or after the effective date
21 of this Act. An application for a permit that was submitted to the
22 Texas Commission on Environmental Quality before the effective date
23 of this Act is governed by the law in effect at the time the
24 application was filed, and the former law is continued in effect for
25 that purpose.

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