

By: J. Johnson of Harris

H.B. No. 372

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a prohibition on the operation of concrete plants and
3 crushing facilities at certain locations.

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) the central baghouse must be located at least 880
25 [~~440~~] yards from any building used as a single or multifamily
26 residence, school, or place of worship at the time the application
27 to use the permit is filed with the commission if the plant is

1 located in an area that is not subject to municipal zoning
2 regulation.

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

5 (c) For purposes of this section, only those persons
6 actually residing in a permanent residence within 880 [~~440~~] yards
7 of the proposed plant may request a hearing under Section 382.056 as
8 a person who may be affected.

9 SECTION 3. Sections 382.065(a) and (b), Health and Safety
10 Code, are amended to read as follows:

11 (a) The commission by rule shall prohibit the operation of a
12 concrete crushing facility within 880 [~~440~~] yards of a building in
13 use as a single or multifamily residence, school, or place of
14 worship at the time the application for a permit to operate the
15 facility at a site near the residence, school, or place of worship
16 is filed with the commission. The measurement of distance for
17 purposes of this subsection shall be taken from the point on the
18 concrete crushing facility that is nearest to the residence,
19 school, or place of worship toward the point on the residence,
20 school, or place of worship that is nearest the concrete crushing
21 facility.

22 (b) Subsection (a) does not apply to a concrete crushing
23 facility:

24 (1) at a location for which commission authorization
25 for the operation of a concrete crushing facility was in effect on
26 September 1, 2001;

27 (2) at a location that satisfies the distance

1 requirements of Subsection (a) at the time the application for the
2 initial authorization for the operation of that facility at that
3 location is filed with the commission, provided that the
4 authorization is granted and maintained, regardless of whether a
5 single or multifamily residence, school, or place of worship is
6 subsequently built or put to use within 880 [~~440~~] yards of the
7 facility; or

8 (3) that:

9 (A) uses a concrete crusher:

10 (i) in the manufacture of products that
11 contain recycled materials; and

12 (ii) that is located in an enclosed
13 building; and

14 (B) is located:

15 (i) within 25 miles of an international
16 border; and

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

19 SECTION 4. The changes in law made by this Act apply only to
20 an application for a permit to operate a concrete plant or crushing
21 facility that is filed on or after the effective date of this Act.
22 An application for a permit filed before the effective date of this
23 Act is governed by the law in effect on the date of filing, and that
24 law is continued in effect for that purpose.

25 SECTION 5. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2023.