

By: Walle

H.B. No. 759

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a motion to overturn an executive director decision on
3 an authorization to use a standard permit for certain concrete
4 plants.

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

6 SECTION 1. The heading to Section 382.05199, Health and
7 Safety Code, is amended to read as follows:

8 Sec. 382.05199. STANDARD PERMIT FOR CERTAIN CONCRETE BATCH
9 PLANTS: PROCEDURAL PROVISIONS [~~NOTICE AND HEARING~~].

10 SECTION 2. Section 382.05199, Health and Safety Code, is
11 amended by adding Subsection (j) to read as follows:

12 (j) A person may file with the commission a motion to
13 overturn as described by commission rule to challenge an executive
14 director's final decision on an authorization to use a standard
15 permit under Section 382.05198.

16 SECTION 3. The heading to Section 382.058, Health and
17 Safety Code, is amended to read as follows:

18 Sec. 382.058. CERTAIN PROCEDURAL PROVISIONS FOR [~~NOTICE OF~~
19 ~~AND HEARING ON~~] CONSTRUCTION OF CONCRETE PLANT UNDER PERMIT BY
20 RULE, STANDARD PERMIT, OR EXEMPTION.

21 SECTION 4. Section 382.058, Health and Safety Code, is
22 amended by adding Subsection (e) to read as follows:

23 (e) A person may file with the commission a motion to
24 overturn as described by commission rule to challenge an executive

1 director's final decision on an authorization to use a standard
2 permit issued under Section 382.05195 for a concrete plant that
3 performs wet batching, dry batching, or central mixing.

4 SECTION 5. The Texas Commission on Environmental Quality
5 shall adopt rules to implement the changes in law made by this Act
6 not later than December 31, 2023.

7 SECTION 6. The changes in law made by this Act apply only to
8 an application for an authorization to use a standard permit that is
9 submitted to the Texas Commission on Environmental Quality on or
10 after December 31, 2023. An application that was submitted to the
11 Texas Commission on Environmental Quality before that date is
12 governed by the law in effect at the time the application was
13 submitted, and the former law is continued in effect for that
14 purpose.

15 SECTION 7. This Act takes effect September 1, 2023.