

By: Landgraf

H.B. No. 2761

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of a standard permit for the emission of air contaminants from a facility providing material for a public work project.

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 382.069 to read as follows:

Sec. 382.069. STANDARD PERMIT FOR CERTAIN PUBLIC WORK PROJECTS. (a) In this section, "public work project" means a project to construct, alter, or repair a civil engineering project, including a road, street, bridge, underground utility, water supply project, water plant, wastewater plant, or airport runway or taxiway, under a contract entered into by a governmental entity under Chapter 2269, Government Code.

(b) The commission shall issue a standard permit, if the commission finds that the permit is enforceable, for a facility that:

(1) is dedicated solely to the provision of material for a public work project conducted under:

(A) a single contract; or

(B) one of multiple contracts for related project segments by the same contractor;

(2) is not covered by an individual permit;

(3) is located in or contiguous to the right-of-way of

1 a public work project;

2 (4) can adequately monitor compliance with the terms
3 of the standard permit; and

4 (5) will use control technology at least as effective
5 as that described in Section 382.0518(b).

6 (c) The commission shall publish notice of a standard permit
7 proposed under this section in the Texas Register and in one or more
8 statewide or regional newspapers designated by the commission that
9 will, in the commission's judgment, provide reasonable notice
10 throughout the state. The notice must include an invitation for
11 written comments by the public to the commission regarding the
12 proposed standard permit and must be published not later than the
13 30th day before the date the commission issues the standard permit.

14 (d) The commission may hold a public meeting to provide an
15 additional opportunity for public comment. The commission shall
16 give notice of a public meeting under this subsection as part of the
17 notice described in Subsection (c) not later than the 30th day
18 before the date of the meeting.

19 (e) The commission by rule shall establish procedures for
20 the amendment of a standard permit and for the issuance and
21 revocation of an authorization to use a standard permit. The
22 procedures must:

23 (1) provide that an applicant may obtain an
24 authorization to use the standard permit issued under this section
25 for a facility by submitting to the commission a written notice of
26 intent to use the permit;

27 (2) specify the deadline for submitting and the

1 information required to be included in a notice of intent under
2 Subdivision (1); and

3 (3) authorize an applicant to specify a date or period
4 of time after the commission receives the notice of intent under
5 Subdivision (1) on which the emission of air contaminants from the
6 facility may begin unless the executive director notifies the
7 applicant that the facility is not authorized to use the standard
8 permit.

9 (f) A facility authorized to use a standard permit issued
10 under this section shall comply with an amendment to the standard
11 permit beginning on the date the facility's authorization to use
12 the permit is renewed or the date the commission otherwise
13 provides. Before the date the facility is required to comply with
14 the amendment, the standard permit, as it read before the
15 amendment, applies to the facility.

16 (g) A standard permit issued under this section must:

17 (1) provide that an operator of a facility authorized
18 to use the standard permit may use the standard permit for the
19 duration of the public work project, unless the executive director
20 notifies the operator that the facility is not authorized to use the
21 standard permit;

22 (2) require an authorization to use a standard permit
23 issued under this section to terminate on the date the public work
24 project is completed;

25 (3) require an operator of a facility authorized to
26 use a standard permit issued under this section to notify the
27 commission of the operator's intent to cease operations by

1 submitting a written notice of termination to the commission; and
2 (4) specify the deadline for submitting and the
3 information to be included in a notice of termination under
4 Subdivision (3).

5 (h) Sections 382.0516 and 382.056 do not apply to an
6 application for an authorization to use a standard permit issued
7 under this section.

8 (i) The issuance or amendment of a standard permit or the
9 issuance, renewal, or revocation of an authorization to use a
10 standard permit is not subject to Chapter 2001, Government Code.

11 SECTION 2. This Act takes effect September 1, 2023.