

By: Schwertner, et al.

S.B. No. 1399

A BILL TO BE ENTITLED

AN ACT

relating to the renewal and review of standard permits for certain concrete plants.

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

SECTION 1. Section 382.05195, Health and Safety Code, is amended by adding Subsection (e-1) and amending Subsection (k) to read as follows:

(e-1) This subsection applies only to a standard permit issued under this section that authorizes the operation of a permanent concrete plant that performs wet batching, dry batching, or central mixing, as defined by the commission. The commission shall at least once every six years conduct a protectiveness review of the permit regarding the operation of a permanent concrete plant described by this subsection, including by reviewing available background concentrations of air pollutants. If the commission amends the permit after a protectiveness review, the commission shall allow facilities authorized to emit air contaminants under the permit as it read before the amendment to continue to operate until a date provided by the commission under Subsection (f) that provides facility operators a reasonable amount of time to comply with the amended permit. Each authorization to use the permit is subject to review at least once every six years to determine whether the authority to operate the facility authorized by the permit should be renewed.

1 (k) An application for an authorization to use [~~the issuance~~
2 ~~of~~] a standard permit under this section for a concrete plant that
3 performs wet batching, dry batching, or central mixing, including a
4 permanent, temporary, or specialty concrete batch plant, as defined
5 by the commission, must include a plot plan that clearly shows:

6 (1) a distance scale;

7 (2) a north arrow;

8 (3) all property lines, emission points, buildings,
9 tanks, and process vessels and other process equipment in the area
10 in which the facility will be located;

11 (4) at least two benchmark locations in the area in
12 which the facility will be located; and

13 (5) if the permit requires a distance, setback, or
14 buffer from other property or structures as a condition of the
15 permit, whether the required distance or setback will be met.

16 SECTION 2. Section [382.05198](#), Health and Safety Code, is
17 amended by amending Subsection (c) and adding Subsection (d) to
18 read as follows:

19 (c) An application for an authorization to use [~~the issuance~~
20 ~~of~~] a standard permit under this section must include a plot plan
21 that meets the requirements of Section [382.05195](#)(k).

22 (d) The commission shall at least once every six years
23 conduct a protectiveness review of a standard permit issued under
24 this section, including by reviewing available background
25 concentrations of air pollutants. If the commission amends the
26 permit after a protectiveness review, the commission shall allow
27 facilities authorized to emit air contaminants under the permit as

1 it read before the amendment to continue to operate until a date
2 provided by the commission that provides facility operators a
3 reasonable amount of time to comply with the amended permit. Each
4 authorization to use a standard permit issued under this section is
5 subject to review at least once every six years to determine whether
6 the authority to operate the facility authorized by the permit
7 should be renewed.

8 SECTION 3. (a) Not later than March 1, 2024, the Texas
9 Commission on Environmental Quality shall adopt rules necessary to
10 implement the changes in law made by this Act.

11 (b) After the effective date of this Act, notwithstanding
12 the changes in law made by this Act, the Texas Commission on
13 Environmental Quality may allow the continuation of an
14 authorization to use a permit issued before the effective date of
15 this Act until the date the authorization would have been eligible
16 for renewal under the law in effect immediately before the
17 effective date of this Act, and the former law is continued in
18 effect for that purpose.

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