

By: Miles

S.B. No. 1554

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the location qualifications for a standard permit for
3 certain concrete plants and a prohibition on the operation of
4 concrete plants and crushing facilities at certain locations.

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

6 SECTION 1. Section [382.05198](#)(a), Health and Safety Code, is
7 amended to read as follows:

8 (a) The commission shall issue a standard permit for a
9 permanent concrete plant that performs wet batching, dry batching,
10 or central mixing and that meets the following requirements:

11 (1) production records must be maintained on site
12 while the plant is in operation until the second anniversary of the
13 end of the period to which they relate;

14 (2) each cement or fly ash storage silo and weigh
15 hopper must be equipped with a fabric or cartridge filter or vented
16 to a fabric or cartridge filter system;

17 (3) each fabric or cartridge filter, fabric or
18 cartridge filter system, and suction shroud must be maintained and
19 operated properly with no tears or leaks;

20 (4) excluding the suction shroud filter system, each
21 filter system must be designed to meet a standard of at least 0.01
22 outlet grain loading as measured in grains per dry standard cubic
23 foot;

24 (5) each filter system and each mixer loading and

1 batch truck loading emissions control device must meet a
2 performance standard of no visible emissions exceeding 30 seconds
3 in a five-minute period as determined using United States
4 Environmental Protection Agency Test Method 22 as that method
5 existed on September 1, 2003;

6 (6) if a cement or fly ash silo is filled during
7 nondaylight hours, the silo filter system exhaust must be
8 sufficiently illuminated to enable a determination of compliance
9 with the performance standard described by Subdivision (5);

10 (7) the conveying system for the transfer of cement or
11 fly ash to and from each storage silo must be totally enclosed,
12 operate properly, and be maintained without any tears or leaks;

13 (8) except during cement or fly ash tanker connection
14 or disconnection, each conveying system for the transfer of cement
15 or fly ash must meet the performance standard described by
16 Subdivision (5);

17 (9) a warning device must be installed on each bulk
18 storage silo to alert the operator in sufficient time for the
19 operator to stop loading operations before the silo is filled to a
20 level that may adversely affect the pollution abatement equipment;

21 (10) if filling a silo results in failure of the
22 pollution abatement system or failure to meet the performance
23 standard described by Subdivision (5), the failure must be
24 documented and reported to the commission;

25 (11) each road, parking lot, or other area at the plant
26 site that is used by vehicles must be paved with a cohesive hard
27 surface that is properly maintained, cleaned, and watered so as to

1 minimize dust emissions;

2 (12) each stockpile must be sprinkled with water or
3 dust-suppressant chemicals or covered so as to minimize dust
4 emissions;

5 (13) material used in the batch that is spilled must be
6 immediately cleaned up and contained or dampened so as to minimize
7 dust emissions;

8 (14) production of concrete at the plant must not
9 exceed 300 cubic yards per hour;

10 (15) a suction shroud or other pickup device must be
11 installed at the batch drop point or, in the case of a central mix
12 plant, at the drum feed and vented to a fabric or cartridge filter
13 system with a minimum capacity of 5,000 cubic feet per minute of
14 air;

15 (16) the bag filter and capture system must be
16 properly designed to accommodate the increased flow from the
17 suction shroud and achieve a control efficiency of at least 99.5
18 percent;

19 (17) the suction shroud baghouse exhaust must be
20 located more than 100 feet from any property line; and

21 (18) stationary equipment, stockpiles, and vehicles
22 used at the plant, except for incidental traffic and vehicles as
23 they enter and exit the site, must be located or operated more than
24 100 feet from any property line[~~, and~~

25 [~~(19) the central baghouse must be located at least 440~~
26 ~~yards from any building used as a single or multifamily residence,~~
27 ~~school, or place of worship at the time the application to use the~~

1 ~~permit is filed with the commission if the plant is located in an~~
2 ~~area that is not subject to municipal zoning regulation].~~

3 SECTION 2. Section 382.065, Health and Safety Code, is
4 amended to read as follows:

5 Sec. 382.065. CERTAIN LOCATIONS FOR OPERATING CERTAIN
6 CONCRETE FACILITIES [~~CRUSHING FACILITY~~] PROHIBITED. (a) This
7 section applies only to a facility that is:

- 8 (1) a concrete crushing facility; or
9 (2) a concrete plant that performs wet batching, dry
10 batching, or central mixing.

11 (a-1) The commission by rule shall prohibit the operation of
12 a [~~concrete crushing~~] facility within 440 yards of the following
13 types of buildings or facilities:

14 (1) a building in use as a single or multifamily
15 residence, school, or place of worship;

16 (2) a place of business where employees of the
17 business perform outdoor work near the facility; or

18 (3) a park or other outdoor recreational area,
19 including a playing field [~~at the time the application for a permit~~
20 ~~to operate the facility at a site near the residence, school, or~~
21 ~~place of worship is filed with the commission].~~

22 (a-2) The measurement of distance for purposes of this
23 section is the shortest distance between [~~subsection shall be taken~~
24 ~~from the point on] the [~~concrete crushing~~] facility and a building,
25 place of business, or outdoor recreational area described by
26 Subsection (a-1) [~~that is nearest to the residence, school, or~~
27 ~~place of worship toward the point on the residence, school, or place~~~~

1 ~~of worship that is nearest the concrete crushing facility]~~.

2 (b) A rule adopted under this section [~~Subsection (a)~~] does
3 not apply to a [~~concrete crushing~~] facility:

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

7 (2) at a location that satisfies the distance
8 requirements of Subsection (a-1) [~~(a)~~] at the time the application
9 for the initial authorization for the operation of that facility at
10 that location is filed with the commission, provided that the
11 authorization is granted and maintained, regardless of whether a
12 building, place of business, or outdoor recreational facility
13 described by Subsection (a-1) [~~single or multifamily residence,~~
14 ~~school, or place of worship~~] is subsequently built or put to use
15 within 440 yards of the facility; or

16 (3) that:

17 (A) uses a concrete crusher:

18 (i) in the manufacture of products that
19 contain recycled materials; and

20 (ii) that is located in an enclosed
21 building; and

22 (B) is located:

23 (i) within 25 miles of an international
24 border; and

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

27 (c) Except as provided by Subsection (d), Subsection (a-1)

1 [~~(a)~~] does not apply to a concrete crushing facility that:

2 (1) is engaged in crushing concrete and other
3 materials produced by the demolition of a structure at the location
4 of the structure and the concrete and other materials are being
5 crushed primarily for use at that location;

6 (2) operates at that location for not more than 180
7 days;

8 (3) the commission determines will cause no adverse
9 environmental or health effects by operating at that location; and

10 (4) complies with conditions stated in commission
11 rules, including operating conditions.

12 (d) Notwithstanding Subsection (c), Subsection (a-1) [~~(a)~~]
13 applies to a [~~concrete crushing~~] facility in a county with a
14 population of 3.3 million or more or in a county adjacent to such a
15 county.

16 SECTION 3. The changes in law made by this Act apply only to
17 the operation of a facility the permit or authorization to use a
18 permit for which is issued by the Texas Commission on Environmental
19 Quality on or after the effective date of this Act. A facility the
20 permit or authorization to use a permit for which was issued before
21 the effective date of this Act is governed by the law in effect
22 immediately before the effective date of this Act, and the former
23 law is continued in effect for that purpose.

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