

By: Wilson

H.B. No. 1018

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of a certification program for public work contracting purposes for operators of certain facilities that emit air contaminants.

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. BEST PRACTICES OPERATOR CERTIFICATION FOR AGGREGATE PRODUCTION OPERATIONS AND CONCRETE BATCH PLANTS. (a) The commission by rule shall establish a certification program for operators of facilities that have been issued a permit or an authorization to use a permit under this chapter for:

(1) the production of aggregates, as defined by Section 28A.001, Water Code; or

(2) the operation of a concrete plant that performs wet batching, dry batching, or central mixing.

(b) The commission shall adopt best management practices for operators of facilities described by Subsection (a), including practices for air quality monitoring, water use, and blasting at facilities.

(c) If the commission inspects a facility when determining whether to grant or renew a permit or authorization to use a permit for the facility under this chapter, the commission shall inspect practices at the facility at that time for compliance with the best

1 management practices adopted under this section. The commission
2 shall:

3 (1) certify the operator of the facility under this
4 section as a best practices operator if the commission determines
5 that the operator has complied with the best management practices
6 in the operation of the facility; or

7 (2) notify the operator of the facility that the
8 facility cannot be certified at that time if the commission
9 determines that the operator has not complied with the best
10 management practices in the operation of the facility.

11 (d) If the commission determines that an operator certified
12 under this section is not complying with the best management
13 practices in the operation of a facility that was the basis of the
14 certification, the commission shall:

15 (1) notify the operator; and

16 (2) revoke the certification if the operator does not
17 comply with the best management practices at the facility before
18 the 90th day after the date of the notification.

19 (e) At the request of the operator of the facility, the
20 commission shall reinspect a facility for potential:

21 (1) certification after an initial inspection if the
22 commission finds at the initial inspection that the operator is not
23 eligible for certification; or

24 (2) recertification after the revocation of the
25 certification under Subsection (d).

26 (f) The commission may not impose a penalty under this
27 chapter or Chapter 7, Water Code, for a violation of a best

1 management practice adopted under this section.

2 SECTION 2. Subchapter B, Chapter 2269, Government Code, is
3 amended by adding Section 2269.061 to read as follows:

4 Sec. 2269.061. REQUIRED STATEMENT FOR BIDS AND PROPOSALS
5 INVOLVING AGGREGATE PRODUCTION OPERATIONS AND CONCRETE BATCH
6 PLANTS. (a) This section applies only to a public work contract
7 requiring goods or services of an operator of a facility that has
8 been issued a permit or an authorization to use a permit under
9 Chapter 382, Health and Safety Code, for:

10 (1) the production of aggregates, as defined by
11 Section 28A.001, Water Code; or

12 (2) the operation of a concrete plant that performs
13 wet batching, dry batching, or central mixing.

14 (b) A person who submits a bid or proposal under this
15 chapter for a public work contract to which this section applies
16 shall include in the bid or proposal a statement that any operator
17 of a facility described by Subsection (a) supplying goods or
18 services under the contract will hold a certification under Section
19 382.069, Health and Safety Code.

20 SECTION 3. Section 2269.061, Government Code, as added by
21 this Act, applies only to a contract for which a governmental entity
22 first advertises or otherwise solicits bids or proposals on or
23 after September 1, 2028.

24 SECTION 4. This Act takes effect September 1, 2025.