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S.B. No. 1757

A BILL TO BE ENTITLED

AN ACT

relating to the operation of rock crushing facilities.

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

SECTION 1. Section 382.05101, Health and Safety Code, is amended to read as follows:

Sec. 382.05101. DE MINIMIS AIR CONTAMINANTS. The commission may develop by rule the criteria to establish a de minimis level of air contaminants for facilities or groups of facilities below which the following types of permits are not required:

- (1) a permit under Section 382.0518 or 382.0519;
- (2) a standard permit under Section 382.05195, 382.05198, ~~[or]~~ 382.051985, or 382.0651; or
- (3) a permit by rule under Section 382.05196.

SECTION 2. Section 382.0511(c), Health and Safety Code, is amended to read as follows:

(c) The commission may authorize changes in a federal source to proceed before the owner or operator obtains a federal operating permit or revisions to a federal operating permit if:

- (1) the changes are de minimis under Section 382.05101; or
- (2) the owner or operator:
 - (A) has obtained a preconstruction permit or permit amendment required by Section 382.0518; or

(B) is operating under:

(i) a standard permit under Section 382.05195, 382.05198, ~~[or]~~ 382.051985, or 382.0651;

(ii) a permit by rule under Section 382.05196; or

(iii) an exemption allowed under Section 382.057.

SECTION 3. Subchapter C, Chapter 382, Health and Safety Code, is amended by adding Sections 382.0651 and 382.0652 to read as follows:

Sec. 382.0651. STANDARD PERMIT FOR CERTAIN ROCK CRUSHING FACILITIES. (a) The commission shall issue a standard permit for a rock crushing facility that:

(1) is located at an aggregate production operation required to be registered under Section 28A.051, Water Code;

(2) processes not more than 1,500 tons of rock per hour; and

(3) meets the requirements of this section.

(b) The standard permit issued under this section must require that an owner or operator of a facility authorized to use the permit, in addition to any other applicable requirements of this chapter:

(1) install and operate for the first 12 consecutive months of operation under the standard permit equipment to monitor:

(A) water quality in sedimentation ponds at the aggregate production operation for the presence of contaminants regulated by the commission's multi-sector general permit for

mineral mining and processing facilities issued under Chapter 26,
Water Code;

(B) the seismicity of extraction activities,
including blasting along active extraction areas; and

(C) emissions of air contaminants, if the
facility is located within 440 yards of two or more other aggregate
production operations;

(2) maintain records of monitoring data from the
monitoring equipment required by Subdivision (1) until the first
anniversary of the date on which the data was collected;

(3) establish a plan for providing notice of
emergencies to owners and tenants of adjacent real property;

(4) implement best management practices for:

(A) conserving water; and

(B) minimizing visible dust from active
extraction areas at the aggregate production operation; and

(5) except as provided by Subsection (d), submit to
the commission a post-extraction land use plan that includes, if
applicable:

(A) provisions for permanent removal of
extraction equipment;

(B) provisions for revegetation, including the
use of appropriate local vegetation types that are adequate for
post-extraction uses of land, as determined by the owner or
operator;

(C) proposed land reuse options, such as
agricultural, natural, open space, or redevelopment uses or the

1 creation of a pond or lake; and

2 (D) if the extraction area contains a pit that is
3 deeper than 10 feet, provisions for benching at 10-foot intervals
4 or as consistent with the geology of the pit and face wall.

5 (c) The commission by rule shall adopt best management
6 practices for the purposes of Subsection (b)(4).

7 (d) If the land on which the facility to be permitted is
8 located is owned by a person other than the owner or operator of the
9 facility, the owner or operator of the facility may submit to the
10 commission an agreement made between the landowner and the facility
11 owner or operator for post-extraction land uses instead of the
12 post-extraction land use plan required under Subsection (b)(5).

13 (e) The commission shall inspect a facility for compliance
14 with this section during regular inspections under this chapter and
15 Chapter 28A, Water Code.

16 Sec. 382.0652. STANDARD PERMIT FOR CERTAIN ROCK CRUSHING
17 FACILITIES: NOTICE AND MEETING. (a) A person may not begin
18 construction of a new or modification of an existing rock crushing
19 facility under a standard permit issued under Section 382.0651
20 unless the commission authorizes the person to use the permit as
21 provided by this section. The notice and meeting requirements of
22 this section apply only to an application for authorization to use a
23 standard permit issued under Section 382.0651.

24 (b) An applicant for an authorization to use a standard
25 permit issued under Section 382.0651 must publish notice under this
26 section not later than the earlier of:

27 (1) the 30th day after the date the applicant receives

1 written notice from the executive director that the application is
2 technically complete; or

3 (2) the 75th day after the date the executive director
4 receives the application.

5 (c) The applicant must publish notice at least once in a
6 newspaper of general circulation in the municipality in which the
7 facility is located or proposed to be located or in the municipality
8 nearest to the location or proposed location of the facility. If
9 the elementary or middle school nearest to the location or proposed
10 location of the facility provides a bilingual education program as
11 required by Subchapter B, Chapter 29, Education Code, the applicant
12 must also publish the notice at least once in an additional
13 publication of general circulation in each municipality or county
14 in which the facility is located or proposed to be located that is
15 published in the language taught in the bilingual education
16 program. This requirement is waived if such a publication does not
17 exist or if the publisher refuses to publish the notice.

18 (d) The notice must include:

19 (1) a brief description of the location or proposed
20 location and nature of the facility;

21 (2) a description, including a telephone number, of
22 the manner in which the executive director may be contacted for
23 further information;

24 (3) a description, including a telephone number, of
25 the manner in which the applicant may be contacted for further
26 information;

27 (4) the location and hours of operation of the

1 commission's regional office at which a copy of the application is
2 available for review and copying; and

3 (5) a brief description of the public comment process,
4 including the time and location of the public meeting to be held
5 under Subsection (e) and the mailing address and deadline for
6 filing written comments.

7 (e) The applicant, in cooperation with the executive
8 director, must hold a public meeting in the county in which the
9 facility is located or proposed to be located not less than 30 days
10 and not more than 45 days after the first date notice is published
11 under Subsection (b).

12 (f) At the site of the facility or proposed facility, the
13 applicant shall place a sign declaring the filing of an application
14 for an authorization to use a standard permit issued under Section
15 382.0651 for a rock crushing facility at the site and stating the
16 manner in which the commission may be contacted for further
17 information. The commission shall adopt any rule necessary to
18 carry out this subsection.

19 (g) The public comment period for written comments begins on
20 the first date notice is published under Subsection (b) and must
21 remain open for 36 hours after the close of the public meeting.

22 (h) Not later than the 30th day before the date of the public
23 meeting, the commission shall notify the following entities of the
24 date, time, and place of the meeting:

25 (1) each municipality and county in which the facility
26 is located or proposed to be located;

27 (2) the Texas Department of Transportation;

1 (3) each groundwater conservation district with
2 jurisdiction over the area in which the facility is located or
3 proposed to be located; and

4 (4) each state representative and state senator
5 representing the area in which the facility is located or proposed
6 to be located.

7 (i) Section 382.056 of this code and Chapter 2001,
8 Government Code, do not apply to a public meeting held under this
9 section. A public meeting held under this section is not an
10 evidentiary proceeding. Any person may submit an oral or written
11 statement concerning the application at the public meeting. The
12 commission may set reasonable limits on the time allowed for oral
13 statements at the public meeting.

14 (j) Not later than the 35th day after the date the public
15 meeting is held, the executive director shall approve or deny the
16 application for authorization to use the standard permit. The
17 executive director shall base the decision on whether the
18 application meets the requirements of Section 382.0651. The
19 executive director shall consider all relevant and material
20 comments received during the public comment period and at the
21 public meeting in determining whether to approve the application.
22 If the executive director denies the application, the executive
23 director shall state the reasons for the denial and any
24 modifications to the application that are necessary for the
25 facility to qualify for the authorization.

26 (k) The executive director shall issue a written response to
27 any relevant and material public comments received related to the

1 issuance of an authorization to use the standard permit at the same
2 time as or as soon as practicable after the executive director
3 grants or denies the application. Issuance of the response after
4 the granting or denial of the application does not affect the
5 validity of the executive director's decision to grant or deny the
6 application. The executive director shall:

7 (1) mail the response to each person who filed a
8 comment; and

9 (2) make the response available to the public.

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