

By: Miles, Alvarado, Cook

S.B. No. 3046

A BILL TO BE ENTITLED

AN ACT

relating to air quality permits for certain concrete plants and crushing facilities.

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

SECTION 1. Section 382.004(c), Health and Safety Code, is amended to read as follows:

(c) A person may not begin construction under this section if the facility that is the subject of the permit amendment:

(1) is concrete batch plant located within 880 yards of a property that is used as a residence; or

(2) is a:

(A) concrete crushing facility; or

(B) concrete plant that performs wet batching, dry batching, or central mixing that is located within 2000 yards of a hospital.

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

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

(1) a concrete crushing facility; or

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

(a-1) The commission by rule shall prohibit the operation of

1 a concrete crushing facility within 440 yards of a building in use
2 as a single or multifamily residence, school, or place of worship at
3 the time the application for a permit to operate the facility at a
4 site near the residence, school, or place of worship is filed with
5 the commission.

6 (a-2) The commission by rule shall prohibit the operation of
7 a facility within 2000 yards of a building in use as a hospital.

8 (a-3) The measurement of distance for purposes of this
9 section is the shortest distance between ~~[subsection shall be taken~~
10 ~~from the point on]~~ the ~~[concrete crushing]~~ facility and a building
11 or area described by Subsections (a-1) and (a-2) ~~[that is nearest to~~
12 ~~the residence, school, or place of worship toward the point on the~~
13 ~~residence, school, or place of worship that is nearest the concrete~~
14 ~~crushing facility]~~.

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

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

20 (2) facility at a location that satisfies the distance
21 requirements of Subsection (a-1) ~~[(a)]~~ at the time the application
22 for the initial authorization for the operation of that facility at
23 that location is filed with the commission, provided that the
24 authorization is granted and maintained, regardless of whether a
25 building described by Subsections (a-1) and (a-2) ~~[single or~~
26 ~~multifamily residence, school, or place of worship]~~ is subsequently
27 built or put to use within 440 yards of the facility; or

(3) facility that:

(A) uses a concrete crusher:

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

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

(B) is located:

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

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

(c) Except as provided by Subsection (d), Subsections (a-1) and (a-2) ~~[(a)]~~ ~~[does]~~ do not apply to a concrete crushing facility that:

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

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

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

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

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

1 county.

2 SECTION 3. The changes in law made by this Act apply to an
3 application for a permit, permit amendment, or authorization to use
4 a permit filed with the Texas Commission on Environmental Quality
5 on or after the effective date of this Act and a permit subject to
6 pending litigation on the effective date of this act.

7 SECTION 4. This Act takes effect immediately.