

BILL ANALYSIS

C.S.S.B. 1351
By: West, Royce
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, state law requires notice of a proposed concrete batch plant and related permit within the corporate limits of a city or a county to be sent to the state legislators in whose district the facility will be located. With the massive growth that is occurring in Texas and the accompanying road and highway expansion construction, concrete batch plant on or near construction sites are becoming more numerous and problematic because of air and noise pollution. City and county government are not notified when a business applies to locate a concrete batch plant within their boundaries. They may not become aware until construction begins on the facility or until residents call to complain. The city is not made aware of the terms of the permit or what rights citizens have concerning the operations and duration of the facility.

Committee Substitute Senate Bill 1351 includes the county judge and the presiding officer of the municipality's governing body in the notice requirement for applications for concrete batch plants.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution or agency.

ANALYSIS

C.S.S.B. 1351 amends the Health and Safety Code to provide that for an application that relates to an existing or proposed concrete batch plant, on receiving an application for a construction permit, an amendment to a construction permit, an operating permit, or an authorization to use a standard permit, the Texas Commission on Environmental Quality (TCEQ) is required to send notice of the application:

- To the county judge of the county in which the facility is or will be located; and
- If the facility is or will be located in a municipality or the extraterritorial jurisdiction of a municipality, to the presiding officer of the municipality's governing body.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

If the facility is or will be located in a municipality or the extraterritorial jurisdiction of a municipality, the substitute removes the requirement that notice be sent to each member of the municipality's governing body and the city manager of the municipality.