

## **BILL ANALYSIS**

Senate Research Center  
80R6791 SLO-F

S.B. 1351  
By: West, Royce  
Natural Resources  
4/2/2007  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, notice of a proposed concrete batch plant and related permit is only sent to the state legislators in whose district the facility will be located. The growth and expansion of Texas cities necessitates construction additional roadways and highways, which means more concrete batch plants being built on or near construction sites. The air and noise pollution of a concrete batch plant significantly impacts neighborhoods. Residents are not notified that a concrete batch is to be located within their community until it is too late.

As proposed, S.B. 1351 requires the Texas Commission on Environmental Quality, on receiving an application for a construction permit, a special permit, or an operating permit for a facility that may emit air contaminants, or to store, process, or dispose of solid waste or hazardous waste to send notice of the application to the presiding officer of the municipality's governing body and the city manager or city administrator of the municipality, if the facility is or will be located in a municipality or the extraterritorial jurisdiction of a municipality.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

[While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality (TCEQ), as the successor agency to TNRCC.]

SECTION 1. Amends Section 361.0641, Health and Safety Code, as follows:

Sec. 361.0641. New heading: NOTICE TO STATE SENATOR, STATE REPRESENTATIVE, AND MUNICIPAL OFFICIALS. Requires the Texas Natural Resource Conservation Commission (TNRCC), on receiving an application for, or notice of intent to file an application for, a permit to construct, operate, or maintain a facility to store, process, or dispose of solid waste or hazardous waste to send notice of the application or the notice intent to the presiding officer of the municipality's governing body and the city manager or city administrator of the municipality, if the facility is or will be located in a municipality or the extraterritorial jurisdiction of a municipality.

SECTION 2. Amends Section 382.0516, Health and Safety Code, as follows:

Sec. 382.0516. New heading: NOTICE OF STATE SENATOR, STATE REPRESENTATIVE, AND MUNICIPAL OFFICIALS. Requires TNRCC, on receiving an application for a construction permit, a special permit, or an operating permit for a facility that may emit air contaminants, to send notice of the application to the presiding officer of the municipality's governing body and the city manager or city administrator of the municipality, if the facility is or will be located in a municipality or the extraterritorial jurisdiction of a municipality.

SECTION 3. Provides that the notice provisions under Sections 361.0641 and 382.0516, Health and Safety Code, as amended by this Act, apply only to an application for a permit that is

submitted to the Texas Commission on Environmental Quality on or after the effective date of this Act.

SECTION 4. Effective date: September 1, 2007.