

## **BILL ANALYSIS**

Senate Research Center  
80R14475 SLO-F

C.S.S.B. 1351  
By: West, Royce  
Natural Resources  
4/16/2007  
Committee Report (Substituted)

### **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.

C.S.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 CERTAIN LOCAL OFFICIALS. (a) Creates this subsection from existing text. Requires the Texas Natural Resource Conservation Commission (TNRCC), on receiving an application for a construction permit, a special permit or amendment to a construction permit, or an operating permit for a facility that may emit air contaminants, to send notice of the application to the state senator and representative who represent the area in which the facility is or will be located.

(b) Requires TNRCC, in addition to the notice required by Subsection (a), 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, 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 extent that the offices or positions exist in the municipality, to the presiding officer and each member of the municipality's governing body; and the city manager or city administrator of the municipality.

SECTION 2. Provides that the notice provisions under Sections 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 3. Effective date: September 1, 2007.