

By: Hilderbran

H.B. No. 3833

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the procedure for obtaining an air contaminant
3 emissions permit from the Texas Commission on Environmental Quality
4 for a rock crusher.

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

6 SECTION 1. Subchapter C, Chapter 382, Health and Safety
7 Code, is amended by adding Section 382.067 to read as follows:

8 Sec. 382.067. STREAMLINED PROCESS FOR PERMITS FOR CERTAIN
9 ROCK CRUSHERS. (a) The commission by rule shall implement
10 reasonably streamlined processes for issuing permits required to
11 construct a rock crusher that meets the requirements provided by
12 this section.

13 (b) The processes adopted under this section must provide
14 for the commission to take final action on an application for a
15 permit not later than the 60th day after the date the commission
16 receives an administratively complete application if:

17 (1) the commission determines that the applicant's
18 compliance history is in the highest classification under Sections
19 5.753 and 5.754, Water Code, and rules adopted and procedures
20 developed under those sections;

21 (2) the applicant agrees to create a buffer zone
22 around the rock crusher and the quarry associated with the rock
23 crusher in accordance with commission rules;

24 (3) the applicant agrees to operate the rock crusher

1 and the quarry associated with the rock crusher in accordance with
2 best practices as determined by commission rule; and

3 (4) following the closure of the quarry associated
4 with the rock crusher, the applicant agrees to reclaim the quarry in
5 accordance with commission rules.

6 (c) When acting under a rule adopted under this section, the
7 commission shall use public meetings, informal conferences, or
8 advisory committees to gather the opinions and advice of interested
9 persons.

10 (d) The permit processes authorized by this section are not
11 subject to the requirements relating to a contested case hearing
12 under this chapter, Chapter 5, Water Code, or Subchapters C-G,
13 Chapter 2001, Government Code.

14 SECTION 2. Not later than January 1, 2010, the Texas
15 Commission on Environmental Quality shall adopt rules under Section
16 382.067, Health and Safety Code, as added by this Act.

17 SECTION 3. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2009.