

BILL ANALYSIS

C.S.H.B. 2086
By: Walle
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that plot plans relating to applications for certain permits under the Texas Clean Air Act do not include sufficient detail and that additional detail could aid in enforcement actions against activities that cause environmental harm. C.S.H.B. 2086 seeks to address this issue by specifying components of such a plot plan for certain permits.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2086 amends the Health and Safety Code to require an application for the issuance of a standard permit by the Texas Commission on Environmental Quality (TCEQ) under the Texas Clean Air Act for a concrete plant that performs wet batching, dry batching, or central mixing, including a permanent, temporary, or specialty concrete batch plant, as defined by TCEQ, to include a plot plan that clearly shows a distance scale; a north arrow; all property lines, emission points, buildings, tanks, and process vessels and other process equipment in the area in which the facility will be located; at least two benchmark locations in the area in which the facility will be located; and, if the permit requires a distance, setback, or buffer from other property or structures as a condition of the permit, whether the required distance or setback will be met.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2086 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 382.05195, Health and Safety Code, is amended by adding

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 382.05195, Health and Safety Code, is amended by adding

85R 24464

17.108.904

Substitute Document Number: 85R 19563

Subsection (k) to read as follows:

(k) An application for the issuance of a standard permit under this section must include a plot plan that clearly shows:

- (1) a distance scale;
- (2) a north arrow;
- (3) all property lines, emission points, buildings, tanks, and process vessels and other process equipment in the area in which the facility will be located;
- (4) at least two benchmark locations in the area in which the facility will be located;
and
- (5) if the permit requires a distance, setback, or buffer from other property or structures as a condition of the permit, whether the required distance or setback will be met.

SECTION 2. Section 382.05198, Health and Safety Code, is amended.

SECTION 3. The changes in law made by this Act apply only to an application for a standard permit described by Section 382.05195 or 382.05198, Health and Safety Code, that is filed with the Texas Commission on Environmental Quality on or after the effective date of this Act. An application for a standard permit filed before the effective date of this Act is governed by the law in effect on the date of filing, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2017.

Subsection (k) to read as follows:

(k) An application for the issuance of a standard permit under this section for a concrete plant that performs wet batching, dry batching, or central mixing, including a permanent, temporary, or specialty concrete batch plant, as defined by the commission, must include a plot plan that clearly shows:

- (1) a distance scale;
- (2) a north arrow;
- (3) all property lines, emission points, buildings, tanks, and process vessels and other process equipment in the area in which the facility will be located;
- (4) at least two benchmark locations in the area in which the facility will be located;
and
- (5) if the permit requires a distance, setback, or buffer from other property or structures as a condition of the permit, whether the required distance or setback will be met.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.