

By: Miles

S.B. No. 1600

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the issuance of standard permits for certain concrete
3 plants.

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

5 SECTION 1. Section [382.05198](#), Health and Safety Code, is
6 amended to read as follows:

7 Sec. 382.05198. STANDARD PERMIT FOR CERTAIN CONCRETE
8 PLANTS. (a) The commission shall issue a standard permit for a
9 ~~[permanent]~~ concrete plant that performs wet batching, dry
10 batching, or central mixing and that meets the following
11 requirements:

12 (1) production records must be maintained on site
13 while the plant is in operation until the second anniversary of the
14 end of the period to which they relate;

15 (2) each cement or fly ash storage silo and weigh
16 hopper must be equipped with a fabric or cartridge filter or vented
17 to a fabric or cartridge filter system;

18 (3) each fabric or cartridge filter, fabric or
19 cartridge filter system, and suction shroud must be maintained and
20 operated properly with no tears or leaks;

21 (4) excluding the suction shroud filter system, each
22 filter system must be designed to meet a standard of at least 0.01
23 outlet grain loading as measured in grains per dry standard cubic
24 foot;

1 (5) each filter system and each mixer loading and
2 batch truck loading emissions control device must meet a
3 performance standard of no visible emissions exceeding 30 seconds
4 in a five-minute period as determined using United States
5 Environmental Protection Agency Test Method 22 as that method
6 existed on September 1, 2003;

7 (6) if a cement or fly ash silo is filled during
8 nondaylight hours, the silo filter system exhaust must be
9 sufficiently illuminated to enable a determination of compliance
10 with the performance standard described by Subdivision (5);

11 (7) the conveying system for the transfer of cement or
12 fly ash to and from each storage silo must be totally enclosed,
13 operate properly, and be maintained without any tears or leaks;

14 (8) except during cement or fly ash tanker connection
15 or disconnection, each conveying system for the transfer of cement
16 or fly ash must meet the performance standard described by
17 Subdivision (5);

18 (9) a warning device must be installed on each bulk
19 storage silo to alert the operator in sufficient time for the
20 operator to stop loading operations before the silo is filled to a
21 level that may adversely affect the pollution abatement equipment;

22 (10) if filling a silo results in failure of the
23 pollution abatement system or failure to meet the performance
24 standard described by Subdivision (5), the failure must be
25 documented and reported to the commission;

26 (11) each road, parking lot, or other area at the plant
27 site that is used by vehicles must be paved with a cohesive hard

1 surface that is properly maintained, cleaned, and watered so as to
2 minimize dust emissions;

3 (12) each stockpile must be sprinkled with water or
4 dust-suppressant chemicals or covered so as to minimize dust
5 emissions;

6 (13) material used in the batch that is spilled must be
7 immediately cleaned up and contained or dampened so as to minimize
8 dust emissions;

9 (14) production of concrete at the plant must not
10 exceed 300 cubic yards per hour;

11 (15) a suction shroud or other pickup device must be
12 installed at the batch drop point or, in the case of a central mix
13 plant, at the drum feed and vented to a fabric or cartridge filter
14 system with a minimum capacity of 5,000 cubic feet per minute of
15 air;

16 (16) the bag filter and capture system must be
17 properly designed to accommodate the increased flow from the
18 suction shroud and achieve a control efficiency of at least 99.5
19 percent;

20 (17) the suction shroud baghouse exhaust must be
21 located more than 100 feet from any property line;

22 (18) stationary equipment, stockpiles, and vehicles
23 used at the plant, except for incidental traffic and vehicles as
24 they enter and exit the site, must be located or operated more than
25 100 feet from any property line; and

26 (19) the central baghouse must be located at least 440
27 yards from any building used as a single or multifamily residence,

1 school, or place of worship at the time the application to use the
2 permit is filed with the commission if the plant is located in an
3 area that is not subject to municipal zoning regulation.

4 (b) Notwithstanding Subsection (a)(18), the commission
5 shall issue a standard permit for a [~~permanent~~] concrete plant that
6 performs wet batching, dry batching, or central mixing and does not
7 meet the requirements of that subdivision if the plant meets the
8 other requirements of Subsection (a) and:

9 (1) each road, parking lot, and other traffic area
10 located within the distance of a property line provided by
11 Subsection (a)(18) is bordered by dust-suppressing fencing or
12 another barrier at least 12 feet high; and

13 (2) each stockpile located within the applicable
14 distance of a property line is contained within a three-walled
15 bunker that extends at least two feet above the top of the
16 stockpile.

17 SECTION 2. Section [382.05199](#)(a), Health and Safety Code, is
18 amended to read as follows:

19 (a) A person may not begin construction of a [~~permanent~~]
20 concrete plant that performs wet batching, dry batching, or central
21 mixing under a standard permit issued under Section [382.05198](#)
22 unless the commission authorizes the person to use the permit as
23 provided by this section. The notice and hearing requirements of
24 Subsections (b)-(g) apply only to an applicant for authorization to
25 use a standard permit issued under Section [382.05198](#). An applicant
26 for a permit for a concrete plant that does not meet the
27 requirements of a standard permit issued under Section [382.05198](#)

1 must comply with:

2 (1) Section 382.058 to obtain authorization to use a
3 standard permit issued under Section 382.05195 or a permit by rule
4 adopted under Section 382.05196; or

5 (2) Section 382.056 to obtain a permit issued under
6 Section 382.0518.

7 SECTION 3. The changes in law made by this Act apply only to
8 an application for a permit for a concrete plant that is filed with
9 the Texas Commission on Environmental Quality on or after the
10 effective date of this Act. An application for a permit filed
11 before the effective date of this Act is governed by the law in
12 effect on the date of filing, and that law is continued in effect
13 for that purpose.

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