By: Dutton H.B. No. 1309

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of a standard permit for certain concrete plants.

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

SECTION 1. The heading to Section 382.051961, Health and Safety Code, is amended to read as follows:

Sec. 382.051961. PERMIT FOR CERTAIN OIL AND GAS AND CONCRETE FACILITIES.

SECTION 2. Section 382.051961(a), Health and Safety Code, is amended to read as follows:

(a) This section applies only to new facilities or modifications of existing facilities that belong to Standard Industrial Classification Codes 1311 (Crude Petroleum and Natural Gas), 1321 (Natural Gas Liquids), 3273 (Ready-Mixed Concrete), 4612 (Crude Petroleum Pipelines), 4613 (Refined Petroleum Pipelines), 4922 (Natural Gas Transmission), and 4923 (Natural Gas Transmission and Distribution).

SECTION 3. Section 382.05198, Health and Safety Code, is amended to read as follows:

Sec. 382.05198. STANDARD PERMIT FOR CERTAIN CONCRETE FACILITIES [~~PLANTS~~]. (a) The commission shall issue a standard permit for a new facility or modification of an existing facility that belongs to Standard Industrial Classification Code 3273 (Ready-Mixed Concrete), [~~permanent concrete plant~~] that performs

wet batching, dry batching, or central mixing, and that meets the following requirements:

(1) production records must be maintained on site while the facility [~~plant~~] is in operation until the second anniversary of the end of the period to which they relate;

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

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

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

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

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

(7) the conveying system for the transfer of cement or fly ash to and from each storage silo must be totally enclosed,

operate properly, and be maintained without any tears or leaks;

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

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

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

(11) each road, parking lot, or other area at the facility [~~plant~~] site that is used by vehicles must be paved with a cohesive hard surface that is properly maintained, cleaned, and watered so as to minimize dust emissions;

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

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

(14) production of concrete at the facility [~~plant~~] must not exceed 300 cubic yards per hour;

(15) a suction shroud or other pickup device must be installed at the batch drop point or, in the case of a central mix

facility [~~plant~~], at the drum feed and vented to a fabric or cartridge filter system with a minimum capacity of 5,000 cubic feet per minute of air;

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

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

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

(19) the central baghouse must be located at least 440 yards from any building used as a single or multifamily residence, school, or place of worship at the time the application to use the permit is filed with the commission if the facility [~~plant~~] is located in an area that is not subject to municipal zoning regulation.

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

(1) each road, parking lot, and other traffic area located within the distance of a property line provided by

Subsection (a)(18) is bordered by dust-suppressing fencing or another barrier at least 12 feet high; and

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

SECTION 4. The heading to Section 382.058, Health and Safety Code, is amended to read as follows:

Sec. 382.058. NOTICE OF AND HEARING ON CONSTRUCTION OF CONCRETE PLANT [~~UNDER PERMIT BY RULE, STANDARD PERMIT, OR EXEMPTION~~].

SECTION 5. Section 382.058(a), Health and Safety Code, is amended to read as follows:

(a) A person may not begin construction on any concrete plant that performs wet batching, dry batching, or central mixing under a standard permit under Section 382.05198 [~~382.05195 or a permit by rule adopted by the commission under Section 382.05196~~] unless the person has complied with the notice and opportunity for hearing provisions under Section 382.056.

SECTION 6. Section 382.05199, Health and Safety Code, is repealed.

SECTION 7. The changes in law made by this Act apply only to an application for a permit for a concrete plant that is filed with the Texas Commission on Environmental Quality on or after the effective date of this Act. An application for a 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 8. This Act takes effect September 1, 2019.