

By: Wilson

H.B. No. 4409

A BILL TO BE ENTITLED

AN ACT

relating to monitoring emissions of air contaminants from certain mining-related facilities; imposing of a fee.

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

SECTION 1. Subchapter C, Chapter 382, Health and Safety Code, is amended by adding Section 382.069 to read as follows:

Sec. 382.069. MONITORING OF EMISSIONS FROM MINING-RELATED FACILITIES; FEES DEPOSITED TO FUND. (a) This section applies only to a person who holds a permit issued under this chapter relating to:

(1) the production of aggregates, as defined by Section 28A.001, Water Code;

(2) the operation of a concrete plant that performs wet batching, dry batching, or central mixing; or

(3) the operation of a hot mix asphalt plant.

(b) The commission by rule shall require as a condition of a permit that the permit holder install and maintain equipment to monitor in real time emissions of air contaminants from the permitted facility. The rules must require that:

(1) the equipment monitor emissions at the point on

(c) The commission shall maintain a publicly accessible Internet website to provide data collected under this section to the public.

(d) The commission shall adopt, charge, and collect a fee

1 from permit holders to cover the costs of operating the Internet  
2 website.

3 (e) The mining monitoring fees account is an account in the  
4 general revenue fund. The account is composed of fees collected  
5 under this section.

6 (f) Fees collected under this section:

7 (1) shall be deposited in the state treasury to the  
8 credit of the mining monitoring fees account;

9 (2) may not be commingled with any fees in the clean  
10 air account or with any other money in the state treasury; and

11 (3) may be appropriated to the commission only for the  
12 purposes described by Subsection (d).

13 SECTION 2. As soon as practicable after the effective date  
14 of this Act, the Texas Commission on Environmental Quality shall  
15 adopt rules as necessary to implement Section 382.069, Health and  
16 Safety Code, as added by this Act.

17 SECTION 3. This Act takes effect September 1, 2019.