

By: Wilson

H.B. No. 4600

A BILL TO BE ENTITLED

AN ACT

relating to requirements for certain air quality permit applications for aggregate productions located in the jurisdiction of a municipality.

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

SECTION 1. Section 382.05195, Health and Safety Code, is amended by adding Subsection (k) to read as follows:

(k) For permit applications filed after August 31, 2019 for facilities located within the corporate limits, or extraterritorial jurisdiction of a municipality if the property boundary upon which the permit is proposed is located within 880 yards from property that has entered into a development agreement with the municipality, the applicant shall include a letter from the municipality verifying that construction and operation of the facility under the proposed permit is a land use authorized by the municipality's zoning regulations, or is compatible with the land use established by the development agreement, as applicable. The commission shall not issue a permit for property that has not received the requisite verification described herein. However, in the event that the municipality does not provide a response to the permit applicant within 30 days from the date the verification letter was requested by the permit applicant, the verification shall be deemed to have been provided.

Section 382.113, Health and Safety Code, is amended by adding

Subsection (c) to read as follows:

(c) Any application for a permit issued under this Chapter for a facility to be located within the corporate limits of a municipality, or within the extraterritorial jurisdiction of the municipality if the proposed permit property boundary is located within 880 yards from property that has entered into a development agreement with the municipality, shall include verification from the municipality that the activity for which the permit is sought is authorized pursuant to the municipality's zoning regulations or is compatible with the land use established by the development agreement, as applicable. However, in the event that the municipality does not provide a response to the permit applicant within 30 days from the date the verification letter was requested by the permit applicant, the verification shall be deemed to have been provided.

SECTION 2. The changes in law made by this Act apply only to an application for a permit 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 4. This Act takes effect September 1, 2019.