

By: Miles

S.B. No. 417

A BILL TO BE ENTITLED

AN ACT

relating to concrete batching and concrete crushing facilities.

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) 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. Section 382.05198, Health and Safety Code, is amended by amending Subsection (a) and adding Subsections (c), (d), and (e) to read as follows:

(a) The commission shall issue a standard permit for a

1 permanent concrete plant that performs wet batching, dry batching,
2 or central mixing and that meets the following requirements:

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

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

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

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

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

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

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

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

(7) [~~(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);

(8) [~~(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;

(9) [~~(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;

(10) [~~(11)~~] each road, parking lot, or other area at the 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;

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

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

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

(14) [~~(15)~~] a suction shroud or other pickup device must be installed at the batch drop point or, in the case of a

central mix 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;

(15) ~~(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;

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

(17) ~~(18)~~ stationary equipment, stockpiles, and vehicles used at the 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

(18) ~~(19)~~ if the plant is located in an area that is not subject to municipal zoning regulation, the central baghouse must be located at least 440 yards from the following types of buildings or facilities:

(A) a ~~[any]~~ building used as a single or multifamily residence, school, or place of worship;

(B) an area designated as a public park by action of a governmental entity; or

(C) after notice is given to the operator of the plant, an outdoor recreational facility used for organized sporting events during the time the recreational facility is used for those events ~~[at the time the application to use the permit is filed with the commission if the plant is located in an area that is not subject to municipal zoning regulation]~~.

1 (c) Rules adopted under this section must provide for the
2 manner and time of giving notice to an operator of a plant under
3 Subsection (a)(18)(C).

4 (d) The measurement of distance for purposes of this section
5 is the shortest distance between the plant and a building, public
6 park, or outdoor recreational facility described by Subsection
7 (a)(18).

8 (e) An application for the issuance of a standard permit
9 under this section must include a plot plan that meets the
10 requirements of Section [382.05195](#)(k).

11 SECTION 3. Subchapter C, Chapter [382](#), Health and Safety
12 Code, is amended by adding Section 382.051991 to read as follows:

13 Sec. 382.051991. ADDITIONAL HEARING REQUIRED FOR CERTAIN
14 CONCRETE PLANTS. (a) This section applies to an applicant for a
15 permit issued under Section [382.05195](#) or [382.05198](#) for a concrete
16 plant that performs wet batching, dry batching, or central mixing,
17 including a permanent, temporary, or specialty concrete batch
18 plant.

19 (b) In addition to any other hearing required under this
20 chapter, an applicant for a permit must hold in the county in which
21 the facility is located or proposed to be located a public hearing
22 for the purpose of determining the effect the facility will have on
23 the health of persons living in the area near the facility.

24 (c) A permit applicant or the applicant's designated
25 representative must attend the public hearing required under
26 Subsection (b), and the commission shall make available at the
27 hearing a public health expert able to respond to questions

1 relevant to the hearing.

2 (d) Not later than the 30th day after the date the
3 commission determines an application to be administratively
4 complete, the applicant shall publish the notice of the hearing
5 required by this section at least once in a newspaper of general
6 circulation in the county in which the facility is located or is
7 proposed to be located. The notice must specify the time, location,
8 and subject matter of the hearing.

9 SECTION 4. Section 382.065, Health and Safety Code, is
10 amended by amending Subsections (a) and (b) and adding Subsections
11 (a-1) and (a-2) to read as follows:

12 (a) The commission by rule shall prohibit the operation of a
13 concrete crushing facility within 440 yards of the following types
14 of buildings or facilities:

15 (1) a building in use as a single or multifamily
16 residence, school, or place of worship;

17 (2) an area designated as a public park by action of a
18 governmental entity; or

19 (3) after notice is given to the operator of the
20 concrete crushing facility, an outdoor recreational facility used
21 for organized sporting events during the time the recreational
22 facility is used for those events ~~[at the time the application for a~~
23 ~~permit to operate the facility at a site near the residence, school,~~
24 ~~or place of worship is filed with the commission]~~.

25 (a-1) Rules adopted under this section must provide for the
26 manner and time of giving notice to an operator of a concrete
27 crushing facility under Subsection (a)(3).

1 (a-2) The measurement of distance for purposes of this
2 section is the shortest distance between ~~[subsection shall be taken~~
3 ~~from the point on]~~ the concrete crushing facility and a building,
4 public park, or outdoor recreational facility described by
5 Subsection (a) ~~[that is nearest to the residence, school, or place~~
6 ~~of worship toward the point on the residence, school, or place of~~
7 ~~worship that is nearest the concrete crushing facility]~~.

8 (b) A rule adopted under this section ~~[Subsection (a)]~~ does
9 not apply to a concrete crushing facility:

10 (1) at a location for which commission authorization
11 for the operation of a concrete crushing facility was in effect on
12 September 1, 2001;

13 (2) at a location that satisfies the distance
14 requirements of Subsection (a) at the time the application for the
15 initial authorization for the operation of that facility at that
16 location is filed with the commission, provided that the
17 authorization is granted and maintained, regardless of whether a
18 building, public park, or outdoor recreational facility described
19 by Subsection (a) ~~[single or multifamily residence, school, or~~
20 ~~place of worship]~~ is subsequently built or put to use within 440
21 yards of the facility; or

22 (3) that:

23 (A) uses a concrete crusher:

24 (i) in the manufacture of products that
25 contain recycled materials; and

26 (ii) that is located in an enclosed
27 building; and

(B) is located:

(i) within 25 miles of an international border; and

(ii) in a municipality with a population of not less than 6,100 but not more than 20,000.

SECTION 5. Sections 382.05195 and 382.05198, Health and Safety Code, as amended by this Act, and Section 382.051991, Health and Safety Code, as added 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 6. Section 382.065, Health and Safety Code, as amended by this Act, applies only to an application for a permit to operate a concrete crushing facility that is filed 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 7. This Act takes effect September 1, 2019.