87R2558 MP-F

By:  Leach H.B. No. 3604

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting the operation of concrete plants and crushing facilities at certain locations.

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

SECTION 1.  Section 382.05198(a), Health and Safety Code, is amended to read as follows:

(a)  The commission shall issue a standard permit for a 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 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 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 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 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 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 880 [~~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 plant is located in an area that is not subject to municipal zoning regulation.

SECTION 2.  Section 382.058(c), Health and Safety Code, is amended to read as follows:

(c)  For purposes of this section, only those persons actually residing in a permanent residence within 880 [~~440~~] yards of the proposed plant may request a hearing under Section 382.056 as a person who may be affected.

SECTION 3.  Sections 382.065(a) and (b), Health and Safety Code, are amended to read as follows:

(a)  The commission by rule shall prohibit the operation of a concrete crushing facility within 880 [~~440~~] yards of a building in use as a single or multifamily residence, school, or place of worship at the time the application for a permit to operate the facility at a site near the residence, school, or place of worship is filed with the commission. The measurement of distance for purposes of this subsection shall be taken from the point on the concrete crushing facility that is nearest to the residence, school, or place of worship toward the point on the residence, school, or place of worship that is nearest the concrete crushing facility.

(b)  Subsection (a) does not apply to a concrete crushing facility:

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

(2)  at a location that satisfies the distance requirements of Subsection (a) at the time the application for the initial authorization for the operation of that facility at that location is filed with the commission, provided that the authorization is granted and maintained, regardless of whether a single or multifamily residence, school, or place of worship is subsequently built or put to use within 880 [~~440~~] yards of the facility; or

(3)  that:

(A)  uses a concrete crusher:

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

(ii)  that is located in an enclosed 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 4.  The changes in law made by this Act apply only to an application for a permit to operate a concrete plant or 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 5.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.