

By: J. Johnson of Harris

H.B. No. 2646

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the consideration for approval by the executive
3 director of the Texas Commission on Environmental Quality of an
4 application for a standard permit for a concrete batch plant.

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

6 SECTION 1. Section 382.05199, Health and Safety Code, is
7 amended by amending Subsection (h) and adding Subsection (h-1) to
8 read as follows:

9 (h) Not later than the 35th day after the date the public
10 hearing is held, the executive director shall approve or deny the
11 application for authorization to use the standard permit. In
12 determining whether to approve the application, the [The] executive
13 director shall base the decision on:

14 (1) whether the application meets the requirements of
15 Section 382.05198; and

16 (2) a consideration of:

17 (A) [~~The executive director shall consider~~]
18 all comments received during the public comment period and at the
19 public hearing;

20 (B) the potential harm to local property values;
21 and

22 (C) the location of the facility relative to
23 homes, schools, churches, parks, and other community assets [~~in~~
24 determining whether to approve the application].

1 (h-1) If the executive director denies the application, the
2 executive director shall state the reasons for the denial and any
3 modifications to the application that are necessary for the
4 proposed plant to qualify for the authorization.

5 SECTION 2. Section [382.05199](#), Health and Safety Code, as
6 amended by this Act, applies only to an application for a permit
7 that is filed with the Texas Commission on Environmental Quality on
8 or after the effective date of this Act. An application for a
9 permit filed before the effective date of this Act is governed by
10 the law in effect on the date of filing, and that law is continued in
11 effect for that purpose.

12 SECTION 3. This Act takes effect September 1, 2021.