

By: Patterson

H.B. No. 4400

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the regulation of concrete plants by the commissioners
3 court in certain counties.

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

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

7 (a) The commission shall issue a standard permit for a
8 permanent concrete plant that performs wet batching, dry batching,
9 or central mixing and that meets the following requirements:

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

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

16 (3) each fabric or cartridge filter, fabric or
17 cartridge filter system, and suction shroud must be maintained and
18 operated properly with no tears or leaks;

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

23 (5) each filter system and each mixer loading and
24 batch truck loading emissions control device must meet a

1 performance standard of no visible emissions exceeding 30 seconds
2 in a five-minute period as determined using United States
3 Environmental Protection Agency Test Method 22 as that method
4 existed on September 1, 2003;

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

9 (7) the conveying system for the transfer of cement or
10 fly ash to and from each storage silo must be totally enclosed,
11 operate properly, and be maintained without any tears or leaks;

12 (8) except during cement or fly ash tanker connection
13 or disconnection, each conveying system for the transfer of cement
14 or fly ash must meet the performance standard described by
15 Subdivision (5);

16 (9) a warning device must be installed on each bulk
17 storage silo to alert the operator in sufficient time for the
18 operator to stop loading operations before the silo is filled to a
19 level that may adversely affect the pollution abatement equipment;

20 (10) if filling a silo results in failure of the
21 pollution abatement system or failure to meet the performance
22 standard described by Subdivision (5), the failure must be
23 documented and reported to the commission;

24 (11) each road, parking lot, or other area at the plant
25 site that is used by vehicles must be paved with a cohesive hard
26 surface that is properly maintained, cleaned, and watered so as to
27 minimize dust emissions;

1 (12) each stockpile must be sprinkled with water or
2 dust-suppressant chemicals or covered so as to minimize dust
3 emissions;

4 (13) material used in the batch that is spilled must be
5 immediately cleaned up and contained or dampened so as to minimize
6 dust emissions;

7 (14) production of concrete at the plant must not
8 exceed 300 cubic yards per hour;

9 (15) a suction shroud or other pickup device must be
10 installed at the batch drop point or, in the case of a central mix
11 plant, at the drum feed and vented to a fabric or cartridge filter
12 system with a minimum capacity of 5,000 cubic feet per minute of
13 air;

14 (16) the bag filter and capture system must be
15 properly designed to accommodate the increased flow from the
16 suction shroud and achieve a control efficiency of at least 99.5
17 percent;

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

20 (18) stationary equipment, stockpiles, and vehicles
21 used at the plant, except for incidental traffic and vehicles as
22 they enter and exit the site, must be located or operated more than
23 100 feet from any property line; ~~and~~

24 (19) the central baghouse must be located at least 440
25 yards from any building used as a single or multifamily residence,
26 school, or place of worship at the time the application to use the
27 permit is filed with the commission if the plant is located in an

1 area that is not subject to municipal zoning regulation; and
2 (20) the siting restrictions established by a
3 commissioners court under Section 382.051985 must be followed.

4 SECTION 2. Subchapter C, Chapter 382, Health and Safety
5 Code, is amended by adding Section 382.051985 to read as follows:

6 Sec. 382.051985. LOCATION OF CERTAIN CONCRETE PLANTS IN
7 CERTAIN COUNTIES. (a) This section applies only to:

8 (1) a county with a population of 500,000 or more; or

9 (2) a county that:

10 (A) is adjacent to a county with a population of
11 500,000 or more; and

12 (B) according to the most recent federal
13 decennial census, had population growth of more than 30 percent
14 during the decade preceding the most recent federal decennial
15 census.

16 (b) The county commissioners court by order may prohibit the
17 construction or expansion of a permanent concrete plant at a
18 location less than one mile from a residence, school, place of
19 worship, hospital, or land platted for residential development and
20 may establish conditions on the construction or expansion of a
21 permanent concrete plant for other locations in the county based on
22 development patterns of the county, distance of an operation from a
23 roadway, traffic conditions, emission of dust from an operation, or
24 public safety.

25 (c) An order adopted under this section may not result in a
26 prohibition on the construction or expansion of concrete plants in
27 the county.

1 SECTION 3. The changes in law made by this Act apply only to
2 a concrete plant the construction of which begins on or after the
3 effective date of this Act. A concrete plant that was constructed
4 before the effective date of this Act is governed by the law in
5 effect immediately before the effective date of this Act, and the
6 former law is continued in effect for that purpose.

7 SECTION 4. This Act takes effect September 1, 2021.