

## **BILL ANALYSIS**

Senate Research Center  
88R3362 JXC-D

S.B. 1398  
By: Schwertner  
Natural Resources & Economic Development  
4/3/2023  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 1398 seeks to ensure certain aggregate production operations and concrete batch plants are obligated to, as a condition of a permit, demonstrate plans for protecting the area where they operate, including plans for land reclamation and traffic safety. S.B. 1398 would also expand the Texas Commission on Environmental Quality's (TCEQ) role in tracking certain nuisance-type complaints from the public in order to identify ways to modify a facility's operations, if needed.

As proposed, S.B. 1398 amends current law relating to air quality permits for aggregate production operations and concrete batch plants.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 (Section 382.067, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter C, Chapter 382, Health and Safety Code, by adding Section 382.067, as follows:

Sec. 382.067. PERMIT CONDITIONS FOR CERTAIN AGGREGATE PRODUCTION AND CONCRETE PLANT FACILITIES. (a) Provides that this section applies only to a standard permit issued under Section 382.05195 (Standard Permit) or 382.05198 (Standard Permit for Certain Concrete Plants) relating to the operation of a facility that:

(1) is used for the production of aggregates, as defined by Section 28A.001 (Definitions), Water Code; or

(2) is a concrete plant that performs wet batching, dry batching, or central mixing.

(b) Requires the Texas Commission on Environmental Quality (TCEQ) by rule to require as a condition of issuing or approving the use of a permit that the applicant:

(1) submit with the application a plan for:

(A) reclaiming the land disturbed by the operation of the facility;

(B) maintaining safe lanes for ingress to and egress from the facility; and

(C) monitoring and mitigating sound created by the operation of the facility; and

(2) comply with the plan submitted under Subdivision (1).

(c) Authorizes TCEQ to require a person authorized to use a permit to modify a plan submitted under Subsection (b) as necessary for public health and safety.

(d) Requires TCEQ to establish a system to track complaints received by TCEQ about a facility described by Subsection (a). Authorizes TCEQ, if TCEQ receives a significant number of complaints about noise or dust emitted from the facility, to require the operator of the facility to, as applicable:

(1) mitigate sound emitted from the facility; or

(2) minimize dust emissions by spraying vehicles leaving the facility with water or dust-suppressant chemicals or implementing other dust control measures as necessary.

SECTION 2. Makes application of Sections 382.067(b) and (c), Health and Safety Code, as added by this Act, prospective.

SECTION 3. Effective date: September 1, 2023.