

By: Smith

H.B. No. 3404

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the issuance of certain air permits for facilities
3 attached to mines and quarries.

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

5 SECTION 1. Subchapter C, Chapter 382, Health and Safety
6 Code, is amended by adding Section 382.05187 to read as follows:

7 Sec. 382.05187. CERTAIN PRECONSTRUCTION PERMITS FOR MINES
8 AND QUARRIES. The commission may not issue a prevention of
9 significant deterioration air permit to an operator of a facility,
10 including a kiln, that is:

11 (1) attached to a mine or quarry; and

12 (2) located in a county that:

13 (A) has a population of more than 125,000; and

14 (B) is adjacent to a county designated as a
15 nonattainment area.

16 SECTION 2. Section 382.05187, Health and Safety Code, as
17 added by this Act, applies to an application for a permit submitted
18 to the Texas Commission on Environmental Quality on or after the
19 effective date of this Act. An application for a permit submitted
20 to the Texas Commission on Environmental Quality before the
21 effective date of this Act is governed by the law in effect at the
22 time the application was submitted, and the former law is continued
23 in effect for that purpose.

24 SECTION 3. This Act takes effect September 1, 2023.