

By: Schwertner

S.B. No. 1398

A BILL TO BE ENTITLED

AN ACT

relating to air quality permits for aggregate production operations and concrete batch plants.

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

SECTION 1. Subchapter C, Chapter 382, Health and Safety Code, is amended by adding Section 382.067 to read as follows:

Sec. 382.067. PERMIT CONDITIONS FOR CERTAIN AGGREGATE PRODUCTION AND CONCRETE PLANT FACILITIES. (a) This section applies only to a standard permit issued under Section 382.05195 or 382.05198 relating to the operation of a facility that:

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

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

(b) The commission by rule shall 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 (1).

2 (c) The commission may require a person authorized to use a
3 permit to modify a plan submitted under Subsection (b) as necessary
4 for public health and safety.

5 (d) The commission shall establish a system to track
6 complaints received by the commission about a facility described by
7 Subsection (a). If the commission receives a significant number of
8 complaints about noise or dust emitted from the facility, the
9 commission may require the operator of the facility to, as
10 applicable:

11 (1) mitigate sound emitted from the facility; or

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

15 SECTION 2. Sections 382.067(b) and (c), Health and Safety
16 Code, as added by this Act, apply only to an authorization to use a
17 permit for which an application is submitted to the Texas
18 Commission on Environmental Quality on or after the effective date
19 of this Act.

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