

By: Schwertner

S.B. No. 1399

A BILL TO BE ENTITLED

AN ACT

relating to the renewal and review of certain air quality permits.

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

SECTION 1. Sections 382.05195(e), (f), and (k), Health and Safety Code, are amended to read as follows:

(e) The commission by rule shall establish procedures for the amendment of a standard permit and for an application for, the issuance of, the renewal of, and the revocation of an authorization to use a standard permit. The commission shall evaluate the protectiveness of each standard permit issued under this section at least once every six years. Each authorization to use a standard permit issued under this section is subject to review at least once every six years to determine whether the authority to operate should be renewed.

(f) The commission shall require a [A] facility authorized to emit air contaminants under a standard permit to ~~shall~~ comply with an amendment to the standard permit beginning on a the date that is not later than the date the facility's authorization to use the standard permit is renewed ~~[or the date the commission otherwise provides]~~. Before the date the facility is required to comply with the amendment, the standard permit, as it read before the amendment, applies to the facility.

(k) An application for an authorization to use ~~the issuance of]~~ a standard permit under this section for a concrete plant that

1 performs wet batching, dry batching, or central mixing, including a
2 permanent, temporary, or specialty concrete batch plant, as defined
3 by the commission, must include a plot plan that clearly shows:

4 (1) a distance scale;

5 (2) a north arrow;

6 (3) all property lines, emission points, buildings,
7 tanks, and process vessels and other process equipment in the area
8 in which the facility will be located;

9 (4) at least two benchmark locations in the area in
10 which the facility will be located; and

11 (5) if the permit requires a distance, setback, or
12 buffer from other property or structures as a condition of the
13 permit, whether the required distance or setback will be met.

14 SECTION 2. Section 382.05198(c), Health and Safety Code, is
15 amended to read as follows:

16 (c) An application for an authorization to use [~~the issuance~~
17 ~~of~~] a standard permit under this section must include a plot plan
18 that meets the requirements of Section 382.05195(k).

19 SECTION 3. Section 382.055(a), Health and Safety Code, is
20 amended to read as follows:

21 (a) A preconstruction permit issued or renewed by the
22 commission is subject to review to determine whether the authority
23 to operate should be renewed according to the following schedule:

24 (1) a preconstruction permit issued before December 1,
25 1991, is subject to review not later than 15 years after the date of
26 issuance;

27 (2) a preconstruction permit issued on or after

1 December 1, 1991, is subject to review:

2 (A) every six [~~10~~] years after the date of
3 issuance; or

4 (B) on the filing of an application for an
5 amendment to the permit, if:

6 (i) the applicant is subject to Section
7 [382.056](#);

8 (ii) the application is filed with the
9 commission not more than three years before the date the permit is
10 scheduled to expire; and

11 (iii) the applicant does not object to
12 having the permit subjected to review at that time; and

13 (3) for cause, a preconstruction permit issued on or
14 after December 1, 1991, for a facility at a nonfederal source may
15 contain a provision requiring the permit to be renewed at a period
16 of between five and six [~~10~~] years.

17 SECTION 4. (a) Not later than March 1, 2024, the Texas
18 Commission on Environmental Quality shall adopt rules necessary to
19 implement the changes in law made by this Act.

20 (b) After the effective date of this Act, notwithstanding
21 the changes in law made by this Act to Sections [382.05195](#) and
22 [382.055](#), Health and Safety Code, the Texas Commission on
23 Environmental Quality may authorize the use of a permit or
24 authorization to use a permit issued before the effective date of
25 this Act until the date the permit or authorization would have been
26 eligible for renewal under the law in effect immediately before the
27 effective date of this Act, and the former law is continued in

1 effect for that purpose.

2 SECTION 5. This Act takes effect September 1, 2023.