

1-1 By: Schwertner, Alvarado S.B. No. 1399
 1-2 (In the Senate - Filed March 1, 2023; March 16, 2023, read
 1-3 first time and referred to Committee on Natural Resources &
 1-4 Economic Development; April 20, 2023, reported adversely, with
 1-5 favorable Committee Substitute by the following vote: Yeas 8,
 1-6 Nays 0; April 20, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1399 By: Zaffirini

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the renewal and review of standard permits for certain
 1-22 concrete plants.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 382.05195, Health and Safety Code, is
 1-25 amended by adding Subsection (e-1) and amending Subsection (k) to
 1-26 read as follows:

1-27 (e-1) This subsection applies only to a standard permit
 1-28 issued under this section that authorizes the operation of a
 1-29 permanent concrete plant that performs wet batching, dry batching,
 1-30 or central mixing, as defined by the commission. The commission
 1-31 shall at least once every six years conduct a protectiveness review
 1-32 of the permit regarding the operation of a permanent concrete plant
 1-33 described by this subsection, including by reviewing available
 1-34 background concentrations of air pollutants. If the commission
 1-35 amends the permit after a protectiveness review, the commission
 1-36 shall allow facilities authorized to emit air contaminants under
 1-37 the permit as it read before the amendment to continue to operate
 1-38 until a date provided by the commission under Subsection (f) that
 1-39 provides facility operators a reasonable amount of time to comply
 1-40 with the amended permit. Each authorization to use the permit is
 1-41 subject to review at least once every six years to determine whether
 1-42 the authority to operate the facility authorized by the permit
 1-43 should be renewed.

1-44 (k) An application for an authorization to use [the issuance
 1-45 of] a standard permit under this section for a concrete plant that
 1-46 performs wet batching, dry batching, or central mixing, including a
 1-47 permanent, temporary, or specialty concrete batch plant, as defined
 1-48 by the commission, must include a plot plan that clearly shows:

- 1-49 (1) a distance scale;
- 1-50 (2) a north arrow;
- 1-51 (3) all property lines, emission points, buildings,
 1-52 tanks, and process vessels and other process equipment in the area
 1-53 in which the facility will be located;
- 1-54 (4) at least two benchmark locations in the area in
 1-55 which the facility will be located; and
- 1-56 (5) if the permit requires a distance, setback, or
 1-57 buffer from other property or structures as a condition of the
 1-58 permit, whether the required distance or setback will be met.

1-59 SECTION 2. Section 382.05198, Health and Safety Code, is
 1-60 amended by amending Subsection (c) and adding Subsection (d) to

2-1 read as follows:

2-2 (c) An application for an authorization to use [~~the issuance~~
2-3 ~~of~~] a standard permit under this section must include a plot plan
2-4 that meets the requirements of Section 382.05195(k).

2-5 (d) The commission shall at least once every six years
2-6 conduct a protectiveness review of a standard permit issued under
2-7 this section, including by reviewing available background
2-8 concentrations of air pollutants. If the commission amends the
2-9 permit after a protectiveness review, the commission shall allow
2-10 facilities authorized to emit air contaminants under the permit as
2-11 it read before the amendment to continue to operate until a date
2-12 provided by the commission that provides facility operators a
2-13 reasonable amount of time to comply with the amended permit. Each
2-14 authorization to use a standard permit issued under this section is
2-15 subject to review at least once every six years to determine whether
2-16 the authority to operate the facility authorized by the permit
2-17 should be renewed.

2-18 SECTION 3. (a) Not later than March 1, 2024, the Texas
2-19 Commission on Environmental Quality shall adopt rules necessary to
2-20 implement the changes in law made by this Act.

2-21 (b) After the effective date of this Act, notwithstanding
2-22 the changes in law made by this Act, the Texas Commission on
2-23 Environmental Quality may allow the continuation of an
2-24 authorization to use a permit issued before the effective date of
2-25 this Act until the date the authorization would have been eligible
2-26 for renewal under the law in effect immediately before the
2-27 effective date of this Act, and the former law is continued in
2-28 effect for that purpose.

2-29 SECTION 4. This Act takes effect September 1, 2023.

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