

By: Miles

S.B. No. 1555

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 Sections 382.051991 and 382.051992 to read as follows:

Sec. 382.051991. USE OF STANDARD PERMIT FOR AGGREGATE PRODUCTION OPERATIONS AND CONCRETE BATCH PLANTS: PUBLIC HEARING OR MEETING. (a) This section applies only to a public hearing or meeting regarding an authorization to use a standard permit under this chapter for:

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

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

(b) The commission shall accept written questions about the facility from the public until the 15th day before the date of the hearing or meeting.

(c) Not later than the 14th day before the date of the hearing or meeting, the commission shall notify the following entities of the date, time, and place of the hearing or meeting:

(1) the Texas Department of Transportation;

(2) each groundwater conservation district with

1 jurisdiction over the area in which the facility is located or
2 proposed to be located;

3 (3) if no groundwater conservation district has
4 jurisdiction over the area in which the facility is located or
5 proposed to be located, the Texas Water Development Board;

6 (4) any state agency with jurisdiction over a topic
7 raised in a written question submitted to the commission under
8 Subsection (b); and

9 (5) each municipality and county in which the facility
10 is located or proposed to be located.

11 (d) Each entity other than a municipality or county that
12 receives notice of a hearing or meeting under Subsection (c) shall
13 send a representative of the entity to attend the hearing or
14 meeting.

15 Sec. 382.051992. ADDITIONAL STANDARD PERMIT REQUIREMENTS
16 FOR AGGREGATE PRODUCTION OPERATIONS AND CONCRETE BATCH PLANTS. (a)
17 This section applies only to the use of a standard permit under this
18 chapter for:

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

21 (2) the operation of a concrete plant that performs
22 wet batching, dry batching, or central mixing.

23 (b) The commission may not authorize the use of a standard
24 permit for or renew a standard permit authorization for a facility
25 unless the applicant indicates on the application that the
26 applicant:

27 (1) has complied with the requirements of Subsection

1 (c); and

2 (2) will comply with any Texas Department of
3 Transportation requirements for the construction or alteration of
4 driveways as provided by Subsection (i).

5 (c) In addition to requirements in any other applicable
6 provision of this chapter, a person authorized to use a standard
7 permit must:

8 (1) install equipment to monitor noise levels and
9 emissions of air contaminants from the facility:

10 (A) at the point on the perimeter of the property
11 on which the facility is located that is closest to the nearest
12 building in use as a single-family or multifamily residence,
13 school, place of worship, or commercial enterprise; and

14 (B) at two other points on the perimeter of the
15 property on which the facility is located equidistant from the
16 point described by Paragraph (A);

17 (2) ensure that outdoor lighting installed at the
18 facility complies with standards adopted by the Illuminating
19 Engineering Society;

20 (3) obtain computer-controlled blasting technology to
21 minimize the effect of seismic forces on adjacent property caused
22 by blasting at the facility;

23 (4) either:

24 (A) use water for the facility only from a
25 metered source or under a permit from a groundwater conservation
26 district; or

27 (B) implement commission-approved methods of

1 water recirculation to ensure efficient use of groundwater for the
2 facility;

3 (5) provide to the commission a plan to ensure that the
4 area on which the facility operates will be safe and useful after
5 operations cease, including a description of how the person will:

6 (A) resolve potential safety and environmental
7 problems;

8 (B) minimize fugitive dust from areas the person
9 does not plan to revegetate;

10 (C) control erosion by revegetating barren
11 areas; and

12 (D) remove equipment; and

13 (6) provide to the commission a performance bond or
14 other form of financial assurance to ensure payment of the costs of
15 executing the plan required by Subdivision (5).

16 (d) The commission is not required to inspect a facility
17 solely to verify compliance with Subsection (c). The commission
18 shall inspect a facility for compliance with Subsection (c) during
19 regular inspections under this chapter and Chapter 28A, Water Code.

20 (e) The person shall maintain records of monitoring data
21 from the equipment required by Subsection (c)(1) until the fifth
22 anniversary of the date on which the data was collected.

23 (f) The person authorized to use a standard permit shall
24 ensure that noise created by the permitted facility does not
25 exceed:

26 (1) 70 decibels at the points at which monitors are
27 installed under Subsection (c); or

1 (2) 65 decibels at the perimeter of a property that is:

2 (A) used as a residence; and

3 (B) located within 880 yards of the permitted
4 facility.

5 (g) If the commission receives a complaint about emissions
6 or noise created by a permitted facility, the commission shall
7 require the person authorized to use the permit to submit to the
8 commission all relevant available monitoring data from the
9 monitoring equipment required by Subsection (c)(1) collected for a
10 time period beginning 30 days before the date that is the subject of
11 the complaint and ending 30 days after that date. The commission
12 shall analyze the data before determining whether the complaint is
13 valid.

14 (h) The commission is authorized to:

15 (1) receive funds as the beneficiary of a financial
16 assurance mechanism required under Subsection (c); and

17 (2) expend funds from the financial assurance
18 mechanism to ensure that the area on which the permitted facility
19 operated is safe and useful.

20 (i) If the Texas Department of Transportation determines
21 that activities at a facility necessitate the construction or
22 modification of driveway access to or from a state highway,
23 including to meet any applicable requirements under Chapter 133,
24 Natural Resources Code, the person authorized to use a standard
25 permit for the facility shall enter into a donation agreement with
26 the department for the donation of costs or property needed by the
27 state to facilitate the construction or alteration.

1 SECTION 2. (a) Except as provided by Subsection (b) of this
2 section, the changes in law made by this Act apply only to a permit
3 or an authorization to use a permit for which an application is
4 submitted to the Texas Commission on Environmental Quality on or
5 after the effective date of this Act. A permit or an authorization
6 to use a permit for which an application was submitted to the Texas
7 Commission on Environmental Quality before the effective date of
8 this Act is governed by the law in effect immediately before the
9 effective date of this Act, and the former law is continued in
10 effect for that purpose.

11 (b) The changes in law made by this Act apply to a permit or
12 an authorization to use a permit for which an application for
13 renewal is submitted to the Texas Commission on Environmental
14 Quality on or after January 1, 2025.

15 SECTION 3. This Act takes effect January 1, 2024.