**BILL ANALYSIS**

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| Senate Research Center | S.B. 763 |
| 89R5230 KRM-D | By: Alvarado |
|  | Natural Resources |
|  | 3/10/2025 |
|  | As Filed |

**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The purpose of S.B. 763 is to improve regulatory efficiency and review of air quality standard permits issued by the Texas Commission on Environmental Quality (TCEQ) for concrete batch plants. Currently, TCEQ does not require a periodic Protectiveness Review for standard permits and requires renewal every 10 years.

S.B. 763 aims to address air quality standards for concrete batch plants by ensuring compliance and regularity for review. Specifically, S.B. 763 codifies the TCEQ Protectiveness Review and would require an updated Protectiveness Review every six years. Additionally, the bill requires renewing a standard permit every six years, instead of the current 10-year period.

S.B. 763 is supported by environmental advocacy groups and impacted political subdivisions. At this time, no opposition has been identified.

As proposed, S.B. 763 amends current law relating to the renewal and review of standard permits for certain concrete plants.

**RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 3 of this bill.

**SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 382.05195, Health and Safety Code, by adding Subsection (e-1) and amending Subsection (k), as follows:

(e-1) Provides that this subsection applies only to a standard permit issued under Section 382.05195 (Standard Permit) that authorizes the operation of a permanent concrete plant that performs wet batching, dry batching, or central mixing, as defined by the Texas Commission on Environmental Quality (TCEQ). Requires TCEQ to at least once every six years conduct a protectiveness review of the permit regarding the operation of a permanent concrete plant described by this subsection, including by reviewing available background concentrations of air pollutants. Requires TCEQ, if TCEQ amends the permit after a protectiveness review, to allow facilities authorized to emit air contaminants under the permit as it read before the amendment to continue to operate until a date provided by TCEQ under Subsection (f) (relating to requiring that a facility authorized to emit air contaminants under a standard permit comply with an amendment to the permit beginning on the date authorization is renewed or a date the commission provides) that provides facility operators a reasonable amount of time to comply with the amended permit. Provides that each authorization to use the permit is subject to review at least once every six years to determine whether the authority to operate the facility authorized by the permit should be renewed.

(k) Requires that an application for an authorization to use, rather than an application for the issuance of, a standard permit under this section for a concrete plant that performs wet batching, dry batching, or central mixing, including a permanent, temporary, or specialty concrete batch plant, as defined by TCEQ, include a plot plan that clearly shows certain information.

SECTION 2. Amends Section 382.05198, Health and Safety Code, by amending Subsection (c) and adding Subsection (d), as follows:

(c) Requires that an application for an authorization to use, rather than an application for the issuance of, a standard permit under this section include a plot plan that meets the requirements of Section 382.05195(k).

(d) Requires TCEQ, at least once every six years, to conduct a protectiveness review of a standard permit issued under Section 382.05198 (Standard Permit for Certain Concrete Plants), including by reviewing available background concentrations of air pollutants. Requires TCEQ, if TCEQ amends the permit after a protectiveness review, to allow facilities authorized to emit air contaminants under the permit as it read before the amendment to continue to operate until a date provided by TCEQ that provides facility operators a reasonable amount of time to comply with the amended permit. Provides that 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 the facility authorized by the permit should be renewed.

SECTION 3. (a) Requires TCEQ, not late than March 1, 2026, to adopt rules necessary to implement the changes in law made by this Act.

(b) Authorizes TCEQ, after the effective date of this Act, notwithstanding the changes in law made by this Act, to allow the continuation of an authorization to use a permit issued before the effective date of this Act until the date the authorization would have been eligible for renewal under the law in effect immediately before the effective date of this Act, and provides that the former law is continued in effect for that purpose.

SECTION 4. Effective date: September 1, 2025.