

BILL ANALYSIS

C.S.H.B. 1768
By: Walle
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that more specific instruction for the Texas Commission on Environmental Quality (TCEQ) is needed when a recipient of certain standard air permits requests extensions to a construction deadline. The bill author has further informed the committee that in House District 140 a concrete batch plant was granted an 18-month extension to delay construction after receiving a standard air permit from the TCEQ, that during this period the TCEQ underwent a protectiveness review of the permit and made several significant changes, and that, despite having the authority to do so, the TCEQ did not require the plant to meet the requirements of the most up-to-date permit. C.S.H.B. 1768 seeks to address this issue by authorizing the TCEQ, if it amends certain standard permits for concrete plants, to require each facility operator authorized to begin new construction of a facility under a former standard permit to update the facility's plans for the new construction in accordance with an amended standard permit under certain circumstances.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1768 amends the Health and Safety Code to set out provisions relating to the following permits issued by the Texas Commission on Environmental Quality (TCEQ):

- a standard permit that authorizes the operation of a permanent concrete plant that performs wet batching, dry batching, or central mixing; and
- a standard permit for a concrete batch plant with enhanced controls.

The bill authorizes the TCEQ, if it amends such a standard permit, to require each facility operator authorized to begin new construction of a facility under the former standard permit to update the facility's plans for the new construction in accordance with the amended standard permit if the operator did not begin the construction before the adoption of the amended permit and the operator filed a request under TCEQ rules for an extension to begin construction.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 1768 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

With respect to a standard permit to which the bill applies that authorizes the operation of a concrete plant that performs wet batching, dry batching, or central mixing, the introduced specified that such a plant is as defined by the TCEQ and includes a permanent, temporary, or specialty concrete batch plant, whereas the substitute specifies such a plant as a permanent plant.

While both the introduced and the substitute apply to new construction of a facility under an amended standard permit, the introduced also explicitly applied to the expansion or modification of a facility under such a permit, whereas the substitute does not explicitly apply as such. The substitute conditions the introduced version's authorization for the TCEQ to require an applicable facility operator to update the facility's plans on the operator having filed a request under TCEQ rules for an extension to begin construction.

The substitute omits the provisions from the introduced that revised the requirements for an application for the issuance of a standard permit to which the introduced applied to include a certain plot plan by replacing the references to an application for the issuance of a permit with references to an application for an authorization to use an issued permit.