

BILL ANALYSIS

C.S.S.B. 763
By: Alvarado
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that state law requires the Texas Commission on Environmental Quality (TCEQ) to conduct protectiveness reviews and analyze air quality permits as needed or upon request, that authorizations under the standard permit are also required to be renewed every 10 years without a protectiveness review, and that a protectiveness review evaluates the protectiveness of air quality standard permits to ensure compliance with safe breathing standards. C.S.S.B. 763 seeks to further such compliance by requiring the TCEQ, at least once every 10 years, to conduct a protectiveness review of a standard permit that authorizes the operation of certain permanent concrete plants regarding a plant's operation.

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 rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 2 of this bill.

ANALYSIS

C.S.S.B. 763 amends the Health and Safety Code to require the Texas Commission on Environmental Quality (TCEQ), at least once every 10 years, to conduct a protectiveness review of a standard permit that authorizes the operation of a permanent concrete plant that performs wet batching, dry batching, or central mixing, as defined by the TCEQ, regarding the plant's operation. The bill requires the TCEQ, if it amends the permit after such a review, to allow facilities authorized to emit air contaminants under the permit as it read before the amendment to continue to operate until an applicable date provided by the TCEQ that provides facility operators a reasonable amount of time to comply with the amended permit.

C.S.S.B. 763, with respect to the requirement that an application 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 the TCEQ, include a certain plot plan, changes such an application from an application for the issuance of a standard permit to an application for an authorization to use a standard permit.

C.S.S.B. 763 requires the TCEQ, not later than March 1, 2026, to adopt rules necessary to implement the bill's provisions.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 763 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The engrossed required a protectiveness review to be conducted at least once every six years, whereas the substitute requires such a review to be conducted at least once every 10 years. The substitute omits language from the engrossed that specified that a protectiveness review includes the review of available background concentrations of air pollutants.