

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1757
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Natural Resources
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Enhanced control permits are designed to incentivize facilities to implement good-faith or "neighborly" controls that exceed the requirements of a standard permit. In Texas, a concrete batch plant may obtain an enhanced control permit if the concrete batch plant agrees to implement a list of provisions to further mitigate its potential impact on the surrounding community. In exchange for compliance with an enhanced control permit, concrete batch plants benefit from a streamlined permit process, which exempts them from a contested case hearing without reducing the threshold for public health that must be met, as required by a standard permit.

While enhanced control permits are currently only available to concrete batch plants, aggregate production operations (APOs) could also benefit from the concept of these permits. APOs can include rock crushing facilities and quarries. These facilities have faced growing concerns about dust, water quality, and other impacts in their surrounding communities. As APOs are essential to meet the growing demands of business and infrastructure in Texas, these facilities must be able to uphold community standards while also supporting the growth of the Texas economy.

As such, C.S.S.B. 1757 creates an enhanced control permit for certain rock crushing facilities to encourage the implementation of "neighborly" control measures by these facilities. Compliance with this enhanced control permit would enable increased production without the need to obtain a higher-tier permit that would be subject to a contested case hearing.

C.S.S.B. 1757 amends current law relating to the operation of rock crushing facilities.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Commission on Environmental Quality is modified in SECTION 1 (Section 382.05101, Health and Safety Code) of this bill.

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 3 (Sections 382.0651 and 382.0652, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 382.05101, Health and Safety Code, to authorize the Texas Commission on Environmental Quality (TCEQ) to develop by rule the criteria to establish a de minimis level of air contaminants for facilities or groups of facilities below which certain types of permits are not required, including a standard permit under Section 382.0651, and to make nonsubstantive changes.

SECTION 2. Amends Section 382.0511(c), Health and Safety Code, to authorize TCEQ to authorize changes in a federal source to proceed before the owner or operator obtains a federal operating permit or revisions to a federal operating permit in certain circumstances, including that the owner or operator is operating under a standard permit under Section 382.0651, and to make a nonsubstantive change.

SECTION 3. Amends Subchapter C, Chapter 382, Health and Safety Code, by adding Sections 382.0651 and 382.0652, as follows:

Sec. 382.0651. STANDARD PERMIT FOR CERTAIN ROCK CRUSHING FACILITIES. (a) Requires TCEQ to issue a standard permit for a rock crushing facility that meets certain requirements.

(b) Requires that the standard permit issued under this section require that an owner or operator of a facility authorized to use the permit, in addition to any other applicable requirements of Chapter 382 (Clean Air Act):

(1) install and operate for the first 12 consecutive months of operation under the standard permit equipment to monitor certain data;

(2) maintain records of monitoring data from the monitoring equipment required by Subdivision (1) until the first anniversary of the date on which the data was collected;

(3) establish a plan for providing notice of emergencies to owners and tenants of adjacent real property;

(4) implement certain best management practices; and

(5) except as provided by Subsection (d), submit to TCEQ a post-extraction land use plan that includes, if applicable, certain provisions.

(c) Requires TCEQ by rule to adopt best management practices for the purposes of Subsection (b)(4).

(d) Authorizes the owner or operator, if the land on which the facility to be permitted is located is owned by a person other than the owner or operator of the facility, to submit to TCEQ an agreement made between the landowner and the facility owner or operator for post-extraction land uses instead of the post-extraction land use plan required under Subsection (b)(5).

(e) Requires TCEQ to inspect a facility for compliance with this section during regular inspections under this chapter and Chapter 28A (Certain Aggregate Production Operations), Water Code.

Sec. 382.0652. STANDARD PERMIT FOR CERTAIN ROCK CRUSHING FACILITIES: NOTICE AND MEETING. (a) Prohibits a person from beginning construction of a new or modification of an existing rock crushing facility under a standard permit issued under Section 382.0651 unless TCEQ authorizes the person to use the permit as provided by this section. Provides that the notice and meeting requirements of this section apply only to an application for authorization to use a standard permit issued under Section 382.0651.

(b) Requires an applicant for an authorization to use a standard permit issued under Section 382.0651 to publish notice under this section not later than the earlier of the 30th day after the date the applicant receives written notice from the executive director of TCEQ (executive director) that the application is technically complete or the 75th day after the date the executive director receives the application.

(c) Requires the applicant to publish notice at least once in a newspaper of general circulation in the municipality in which the facility is located or proposed to be located or in the municipality nearest to the location or proposed location of the facility. Requires the applicant, if the elementary or middle school nearest to the location or proposed location of the facility provides a bilingual education program as required by Subchapter B (Bilingual Education and Special Language Programs), Chapter 29 (Educational Programs), Education Code, to also publish the notice at least once in an additional publication of general circulation in each

municipality or county in which the facility is located or proposed to be located that is published in the language taught in the bilingual education program. Provides that this requirement is waived if such a publication does not exist or if the publisher refuses to publish the notice.

- (d) Requires that the notice include certain information.
- (e) Requires the applicant, in cooperation with the executive director, to hold the public meeting in the county in which the facility is located not less than 30 days and not more than 45 days after the first date notice is published under Subsection (b).
- (f) Requires the applicant, at the site of the facility or proposed facility, to place a sign declaring the filing of an application for an authorization to use a standard permit issued under Section 382.0651 for a rock crushing facility at the site and stating the manner in which TCEQ may be contacted for further information. Requires TCEQ to adopt any rule necessary to carry out this subsection.
- (g) Provides that the public comment period for written comments begins on the first day notice is published under Subsection (b) and is required to remain open for 36 hours after the close of the public meeting.
- (h) Requires TCEQ, not later than the 30th day before the date of the public meeting, to notify certain entities of the date, time, and place of the meeting.
- (i) Provides that Section 382.056 (Notice of Intent to Obtain Permit or Permit Review; Hearing) of this code and Chapter 2001 (Administrative Procedure), Government Code, do not apply to a public meeting held under this section. Provides that a public meeting held under this section is not an evidentiary proceeding. Authorizes any person to submit an oral or written statement concerning the application at the public meeting. Authorizes the applicant to set reasonable limits on the time allowed for oral statements at the public meeting.
- (j) Requires the executive director, not later than the 35th day after the date the public meeting is held, to approve or deny the application for authorization to use the standard permit. Requires the executive director to base the decision on whether the application meets the requirements of Section 382.0651. Requires the executive director to consider all relevant and material comments received during the public comment period and at the public meeting in determining whether to approve the application. Requires the executive director, if the executive director denies the application, to state the reasons for the denial and any modifications to the application that are necessary for the facility to qualify for the authorization.
- (k) Requires the executive director to issue a written response to any relevant and material public comments received related to the issuance of an authorization to use the standard permit at the same time as or as soon as practicable after the executive director grants or denies the application. Provides that issuance of the response after the granting or denial of the application does not affect the validity of the executive director's decision to grant or deny the application. Requires the executive director to mail the response to each person who filed a comment and make the response available to the public.

SECTION 4. Effective date: September 1, 2025.