

BILL ANALYSIS

Senate Research Center
89R25810 KRM-D

C.S.S.B. 2082
By: Miles
Natural Resources
4/24/2025
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, Texas law prohibits concrete crushing facilities from operating within 440 yards of single or multifamily residences, schools, and places of worship, but does not explicitly protect hospitals. This omission poses a significant problem because concrete crushing facilities generate dust, noise, and other pollutants that can endanger patients, particularly those with respiratory conditions.

In late 2023, a concrete crushing facility applied for a permit for a crusher to be located within 440 yards of Lyndon Baines Johnson Hospital—one of the largest low-income care hospitals in Houston. The community attempted to point out that people attending the hospital for possible lung conditions would be breathing in the same dust that may have caused the conditions in the first place. The Texas Commission on Environmental Quality (TCEQ) stated that their hands were tied because Health and Safety Code Section 382.065 does not have a hospital as one of the structures that concrete crushers cannot operate within 440 yards of.

S.B. 2082 aims to address this oversight by amending Section 382.065 of the Health and Safety Code to prohibit the operation of concrete crushing facilities within 440 yards of hospitals. By extending these protections to include hospitals, the bill seeks to improve air quality and safeguard the health of vulnerable populations in medical facilities. The bill will apply only to permit applications filed on or after September 1, 2025.

The committee substitute to S.B. 2082 aims to bracket the bill to certain hospitals. Further, it provides TCEQ discretion to allow temporary rock crushing facilities attached to public works projects to operate within 440 yards of those hospitals. Finally, it halts concrete crushing facilities from operating within 440 yards of the bracketed hospitals until the TCEQ makes rules regarding the changes this bill makes. After that rule making, the TCEQ would be able to determine if those suspended permit could continue based on the new rules.

C.S.S.B. 2082 amends current law relating to the operation of a concrete crushing facility near a hospital.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Commission on Environmental Quality is modified in SECTION 1 (Section 382.065, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 382.065, Health and Safety Code, by amending Subsections (a) and (b) and adding Subsections (e) and (f), as follows:

(a) Requires the Texas Commission on Environmental Quality (TCEQ) by rule to prohibit the operation of a concrete crushing facility within 440 yards of a building utilized for certain purposes, including as a hospital, at the time the application for a permit to operate the facility at a site near the hospital is filed with TCEQ. Makes conforming changes.

(b) Makes a conforming change to this subsection.

(e) Provides that Section 382.065 (Certain Locations for Operating Concrete Crushing Facility Prohibited) applies only to a hospital that is licensed under Chapter 241 (Hospitals), has more than 200 beds, and is located in a municipality with a population of two million or more and not more than four miles from a railroad switching yard that has at least 64 railroad tracks.

(f) Provides that Subsection (a) does not require TCEQ to prohibit the operation of a concrete crushing facility within 440 yards of a hospital if the facility is located temporarily in the right-of-way, or contiguous to the right-of-way, of a public works project.

SECTION 2. Prohibits a person, beginning on the effective date of this Act, until the date TCEQ adopts the rules required by Section 382.065(a), Health and Safety Code, as amended by this Act, from operating a concrete crushing facility within 440 yards of a building in use as a hospital described by Section 382.065(e), Health and Safety Code, as added by this Act, regardless of whether TCEQ has issued a permit or authorized the use of a standard permit for that facility. Provides that, after TCEQ adopts the rules, the person is authorized to operate the concrete crushing facility only if TCEQ determines that the operation is not prohibited by the rules.

SECTION 3. Effective date: upon passage or September 1, 2025.