

## **BILL ANALYSIS**

Senate Research Center  
89R5987 ANG-D

S.B. 2351  
By: Alvarado  
Natural Resources  
4/17/2025  
As Filed

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

The purpose of S.B. 2351 is to ensure that concrete batch plants (CBPs) comply with up-to-date emission controls under authorization to use a standard permit. This legislation will provide stronger protection for surrounding communities when construction on a CBP is delayed. In May 2022, a CBP in Senate District 6, located across from a large public park, was granted an air quality standard operating permit by the Texas Commission on Environmental Quality (TCEQ). Per permitting guidelines, the CBP was then required to begin construction by November 2023. The TCEQ then granted an extension to delay construction for 18 months, extending the deadline to begin construction to May 2025. In the meantime, TCEQ made significant changes to the air quality standard operating permit for concrete batch plants. Currently, the executive director of TCEQ may grant up to two 18-month extensions for a permit holder to begin construction on a facility. If construction has not begun and significant funds have not been spent or committed, permit holders requesting extensions should be required to comply with the most current version of the permit. S.B. 2351 aims to promote consistent compliance with CBP air quality standard operating permits. Specifically, S.B. 2351 amends Section 382.05195 and Section 382.05198 of the Health and Safety Code to allow TCEQ to require a CBP authorized for new construction, expansion or modification to update its facility plans in accordance with an amended permit, if construction does not begin before the permit is adopted.

As proposed, S.B. 2351 amends current law relating to the construction, expansion, or modification of certain concrete plants under a standard permit.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

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

(f-1) Provides that this subsection applies only to a standard permit issued under Section 382.05195 (Standard Permit) that authorizes the operation of 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 Texas Commission on Environmental Quality (TCEQ). Authorizes TCEQ, if TCEQ amends the standard permit, to require each facility operator authorized to begin new construction, expansion, or modification of a facility under the former standard permit to update the facility's plans for the new construction, expansion, or modification in accordance with the amended standard permit if the facility operator did not begin the construction, expansion, or modification before the adoption of the amended permit.

(k) Requires that an application for an authorization to use, rather than the issuance of, a standard permit issued 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 a distance scale, a north arrow, all property lines, emission points, buildings, tanks, and process vessels and

other process equipment in the area in which the facility will be located, at least two benchmark locations in the area in which the facility will be located, and if the permit requires a distance, setback, or buffer from other property or structures as a condition of the permit, whether the required distance or setback will be met.

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 the issuance of, a standard permit issued under Section 382.05198 (Standard Permit for Certain Concrete Plants), include a plot plan that meets the requirements of Section 382.05195(k).

(d) Authorizes TCEQ, if TCEQ amends a standard permit issued under this section, to require each facility operator authorized to begin new construction, expansion, or modification of a facility under the former standard permit to update the facility's plans for the new construction, expansion, or modification in accordance with the amended standard permit if the facility operator did not begin the construction, expansion, or modification before the adoption of the amended permit.

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