

BILL ANALYSIS

Senate Research Center
89R22500 ANG-D

C.S.S.B. 2351
By: Alvarado
Natural Resources
4/23/2025
Committee Report (Substituted)

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. 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 Sections 382.05195 and 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.

The committee substitute requires a permit holder to have requested an extension for construction from TCEQ before the agency may require the permit holder to conform with the most up-to-date version of that permit. Additionally, the committee substitute restricts the provisions of the bill to permanent concrete batch plants.

C.S.S.B. 2351 amends current law relating to the construction 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), 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 permanent concrete plant that performs wet batching, dry batching, or central mixing. Authorizes the Texas Commission on Environmental Quality (TCEQ), if TCEQ amends the 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 facility operator did not begin the

construction before the adoption of the amended permit and the facility operator filed a request under TCEQ rules for an extension to begin construction.

SECTION 2. Amends Section 382.05198, Health and Safety Code, by adding Subsection (d), as follows:

(d) Authorizes TCEQ, if TCEQ amends a standard permit issued under Section 382.05198 (Standard Permit for Certain Concrete Plants), 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 facility operator did not begin the construction before the adoption of the amended permit and the facility operator filed a request under TCEQ rules for an extension to begin construction.

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