

By: Reynolds

H.B. No. 3298

A BILL TO BE ENTITLED

AN ACT

relating to air quality permits for certain concrete batch plants.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 382.0516(b), Health and Safety Code, is amended to read as follows:

(b) In addition to the notice required by Subsection (a), for an application that relates to an existing or proposed concrete batch plant, on receiving an application for a construction permit, an amendment to a construction permit, an operating permit, or an authorization to use a standard permit, the commission shall send notice of the application and, as applicable, any public comment period, public meeting, public hearing, or contested case hearing held and decision of the executive director or commission issued regarding the application to:

(1) ~~to~~ the county judge of the county in which the facility is or will be located; and

(2) if the facility is or will be located in a municipality or the extraterritorial jurisdiction of a municipality, ~~to~~ the presiding officer of the municipality's governing body.

SECTION 2. Section 382.05198(a), Health and Safety Code, is amended to read as follows:

(a) The commission shall issue a standard permit for a permanent concrete plant that performs wet batching, dry batching,

1 or central mixing and that meets the following requirements:

2 (1) production records must be maintained on site
3 while the plant is in operation until the second anniversary of the
4 end of the period to which they relate;

5 (2) each cement or fly ash storage silo and weigh
6 hopper must be equipped with a fabric or cartridge filter or vented
7 to a fabric or cartridge filter system;

8 (3) each fabric or cartridge filter, fabric or
9 cartridge filter system, and suction shroud must be maintained and
10 operated properly with no tears or leaks;

11 (4) excluding the suction shroud filter system, each
12 filter system must be designed to meet a standard of at least 0.01
13 outlet grain loading as measured in grains per dry standard cubic
14 foot;

15 (5) each filter system and each mixer loading and
16 batch truck loading emissions control device must meet a
17 performance standard of no visible emissions exceeding 30 seconds
18 in a five-minute period as determined using United States
19 Environmental Protection Agency Test Method 22 as that method
20 existed on September 1, 2003;

21 (6) if a cement or fly ash silo is filled during
22 nondaylight hours, the silo filter system exhaust must be
23 sufficiently illuminated to enable a determination of compliance
24 with the performance standard described by Subdivision (5);

25 (7) the conveying system for the transfer of cement or
26 fly ash to and from each storage silo must be totally enclosed,
27 operate properly, and be maintained without any tears or leaks;

1 (8) except during cement or fly ash tanker connection
2 or disconnection, each conveying system for the transfer of cement
3 or fly ash must meet the performance standard described by
4 Subdivision (5);

5 (9) a warning device must be installed on each bulk
6 storage silo to alert the operator in sufficient time for the
7 operator to stop loading operations before the silo is filled to a
8 level that may adversely affect the pollution abatement equipment;

9 (10) if filling a silo results in failure of the
10 pollution abatement system or failure to meet the performance
11 standard described by Subdivision (5), the failure must be
12 documented and reported to the commission;

13 (11) each road, parking lot, or other area at the plant
14 site that is used by vehicles must be paved with a cohesive hard
15 surface that is properly maintained, cleaned, and watered so as to
16 minimize dust emissions;

17 (12) each stockpile must be sprinkled with water or
18 dust-suppressant chemicals or covered so as to minimize dust
19 emissions;

20 (13) material used in the batch that is spilled must be
21 immediately cleaned up and contained or dampened so as to minimize
22 dust emissions;

23 (14) production of concrete at the plant must not
24 exceed 300 cubic yards per hour;

25 (15) a suction shroud or other pickup device must be
26 installed at the batch drop point or, in the case of a central mix
27 plant, at the drum feed and vented to a fabric or cartridge filter

1 system with a minimum capacity of 5,000 cubic feet per minute of
2 air;

3 (16) the bag filter and capture system must be
4 properly designed to accommodate the increased flow from the
5 suction shroud and achieve a control efficiency of at least 99.5
6 percent;

7 (17) the suction shroud baghouse exhaust must be
8 located more than 100 feet from any property line;

9 (18) stationary equipment, stockpiles, and vehicles
10 used at the plant, except for incidental traffic and vehicles as
11 they enter and exit the site, must be located or operated more than
12 100 feet from any property line; and

13 (19) the central baghouse must be located at least 880
14 [~~440~~] yards from any building used as a single or multifamily
15 residence, school, or place of worship at the time the application
16 to use the permit is filed with the commission [~~if the plant is~~
17 ~~located in an area that is not subject to municipal zoning~~
18 ~~regulation~~].

19 SECTION 3. The changes in law made by this Act apply only to
20 a permit, a permit amendment, or an authorization to use a permit
21 the application for which is filed with the Texas Commission on
22 Environmental Quality on or after the effective date of this Act. A
23 permit, a permit amendment, or an authorization to use a permit the
24 application for which is filed before the effective date of this Act
25 is governed by the law in effect on the date of filing, and that law
26 is continued in effect for that purpose.

27 SECTION 4. This Act takes effect September 1, 2025.