

By: Miles

S.B. No. 817

A BILL TO BE ENTITLED

AN ACT

relating to air quality permits for certain concrete plants and crushing facilities.

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

SECTION 1. Section 382.004(c), Health and Safety Code, is amended to read as follows:

(c) A person may not begin construction under this section if the facility that is the subject of the permit amendment:

(1) is ~~[a concrete batch plant]~~ located within 880 yards of a building or area described by Section 382.065(a-1); and

(2) is a:

(A) concrete crushing facility; or

(B) concrete plant that performs wet batching, dry batching, or central mixing ~~[property that is used as a residence]~~.

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, or central mixing and that meets the following requirements:

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

(2) each cement or fly ash storage silo and weigh

1 hopper must be equipped with a fabric or cartridge filter or vented
2 to a fabric or cartridge filter system;

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

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

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

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

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

23 (8) except during cement or fly ash tanker connection
24 or disconnection, each conveying system for the transfer of cement
25 or fly ash must meet the performance standard described by
26 Subdivision (5);

27 (9) a warning device must be installed on each bulk

1 storage silo to alert the operator in sufficient time for the
2 operator to stop loading operations before the silo is filled to a
3 level that may adversely affect the pollution abatement equipment;

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

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

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

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

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

20 (15) a suction shroud or other pickup device must be
21 installed at the batch drop point or, in the case of a central mix
22 plant, at the drum feed and vented to a fabric or cartridge filter
23 system with a minimum capacity of 5,000 cubic feet per minute of
24 air;

25 (16) the bag filter and capture system must be
26 properly designed to accommodate the increased flow from the
27 suction shroud and achieve a control efficiency of at least 99.5

1 percent;

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

4 (18) stationary equipment, stockpiles, and vehicles
5 used at the plant, except for incidental traffic and vehicles as
6 they enter and exit the site, must be located or operated more than
7 100 feet from any property line[~~; and~~

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

13 SECTION 3. Section 382.065, Health and Safety Code, is
14 amended to read as follows:

15 Sec. 382.065. CERTAIN LOCATIONS FOR OPERATING CERTAIN
16 CONCRETE FACILITIES [~~CRUSHING FACILITY~~] PROHIBITED. (a) This
17 section applies only to a facility that is:

18 (1) a concrete crushing facility; or

19 (2) a concrete plant that performs wet batching, dry
20 batching, or central mixing.

21 (a-1) The commission by rule shall prohibit the operation of
22 a [~~concrete crushing~~] facility within 440 yards of the following
23 types of buildings or areas:

24 (1) a building in use as a single or multifamily
25 residence, school, or place of worship;

26 (2) a place of business where employees of the
27 business perform outdoor work near the facility; or

1 (3) a park or other outdoor recreational area,
2 including a playing field ~~[at the time the application for a permit~~
3 ~~to operate the facility at a site near the residence, school, or~~
4 ~~place of worship is filed with the commission]~~.

5 (a-2) The measurement of distance for purposes of this
6 section is the shortest distance between ~~[subsection shall be taken~~
7 ~~from the point on]~~ the ~~[concrete crushing]~~ facility and a building
8 or area described by Subsection (a-1) ~~[that is nearest to the~~
9 ~~residence, school, or place of worship toward the point on the~~
10 ~~residence, school, or place of worship that is nearest the concrete~~
11 ~~crushing facility]~~.

12 (b) A rule adopted under this section ~~[Subsection (a)]~~ does
13 not apply to a ~~[concrete crushing facility]~~:

14 (1) concrete crushing facility at a location for which
15 commission authorization for the operation of a concrete crushing
16 facility was in effect on September 1, 2001;

17 (2) facility at a location that satisfies the distance
18 requirements of Subsection (a-1) ~~[(a)]~~ at the time the application
19 for the initial authorization for the operation of that facility at
20 that location is filed with the commission, provided that the
21 authorization is granted and maintained, regardless of whether a
22 building, place of business, or outdoor recreational facility
23 described by Subsection (a-1) ~~[single or multifamily residence,~~
24 ~~school, or place of worship]~~ is subsequently built or put to use
25 within 440 yards of the facility; or

26 (3) facility that:

27 (A) uses a concrete crusher:

(i) in the manufacture of products that contain recycled materials; and

(ii) that is located in an enclosed building; and

(B) is located:

(i) within 25 miles of an international border; and

(ii) in a municipality with a population of not less than 6,100 but not more than 20,000.

(c) Except as provided by Subsection (d), Subsection (a-1) ~~[(a)]~~ does not apply to a concrete crushing facility that:

(1) is engaged in crushing concrete and other materials produced by the demolition of a structure at the location of the structure and the concrete and other materials are being crushed primarily for use at that location;

(2) operates at that location for not more than 180 days;

(3) the commission determines will cause no adverse environmental or health effects by operating at that location; and

(4) complies with conditions stated in commission rules, including operating conditions.

(d) Notwithstanding Subsection (c), Subsection (a-1) ~~[(a)]~~ applies to a ~~[concrete-crushing]~~ facility in a county with a population of 3.3 million or more or in a county adjacent to such a county.

SECTION 4. Section [382.058](#)(c), Health and Safety Code, is repealed.

1 SECTION 5. The changes in law made by this Act apply only to
2 an application for a permit, permit amendment, or authorization to
3 use a permit filed with the Texas Commission on Environmental
4 Quality on or after the effective date of this Act. An application
5 for a permit, permit amendment, or authorization to use a permit
6 filed before the effective date of this Act is governed by the law
7 in effect on the date of filing, and that law is continued in effect
8 for that purpose.

9 SECTION 6. This Act takes effect September 1, 2025.