

By: Birdwell, Johnson

S.B. No. 1757

A BILL TO BE ENTITLED

AN ACT

relating to the operation of rock crushing facilities.

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

SECTION 1. Section 382.05101, Health and Safety Code, is amended to read as follows:

Sec. 382.05101. DE MINIMIS AIR CONTAMINANTS. The commission may develop by rule the criteria to establish a de minimis level of air contaminants for facilities or groups of facilities below which the following types of permits are not required:

(1) a permit under Section 382.0518 or 382.0519;

(2) a standard permit under Section 382.05195, 382.05198, ~~or~~ 382.051985, or 382.0651; or

(3) a permit by rule under Section 382.05196.

SECTION 2. Section 382.0511(c), Health and Safety Code, is amended to read as follows:

(c) The commission may authorize changes in a federal source to proceed before the owner or operator obtains a federal operating permit or revisions to a federal operating permit if:

(1) the changes are de minimis under Section 382.05101; or

(2) the owner or operator:

(A) has obtained a preconstruction permit or permit amendment required by Section 382.0518; or

1 (B) is operating under:

2 (i) a standard permit under Section  
3 [382.05195](#), [382.05198](#), [~~or~~] [382.051985](#), or [382.0651](#);

4 (ii) a permit by rule under Section  
5 [382.05196](#); or

6 (iii) an exemption allowed under Section  
7 [382.057](#).

8 SECTION 3. Subchapter [C](#), Chapter [382](#), Health and Safety  
9 Code, is amended by adding Sections [382.0651](#), [382.0652](#), and  
10 [382.0653](#) to read as follows:

11 Sec. [382.0651](#). STANDARD PERMIT FOR CERTAIN ROCK CRUSHING  
12 FACILITIES. (a) The commission shall issue a standard permit for a  
13 rock crushing facility that:

14 (1) is located at an aggregate production operation  
15 required to be registered under Section [28A.051](#), Water Code;

16 (2) processes not more than 1,500 tons of rock per  
17 hour; and

18 (3) meets the requirements of this section.

19 (b) The standard permit issued under this section must  
20 require that an owner or operator of a facility authorized to use  
21 the permit, in addition to any other applicable requirements of  
22 this chapter:

23 (1) install and operate for the first 12 consecutive  
24 months of operation under the standard permit equipment to monitor:

25 (A) water quality in mining pits and  
26 sedimentation ponds at the aggregate production operation for the  
27 presence of contaminants related to aggregate extraction;

1           (B) the seismicity of extraction activities,  
2 including blasting along active extraction areas; and

3           (C) emissions of air contaminants, if the  
4 facility is located within 440 yards of two or more other aggregate  
5 production operations;

6           (2) maintain records of monitoring data from the  
7 monitoring equipment required by Subdivision (1) until the second  
8 anniversary of the date on which the data was collected;

9           (3) establish a plan for providing notice of  
10 emergencies to:

11           (A) owners and tenants of adjacent real property  
12 and the property owners' association of each adjacent residential  
13 subdivision, as applicable; and

14           (B) each member of the board of trustees of a  
15 school district that serves the geographic area in which the  
16 facility is located;

17           (4) implement best management practices for:

18                   (A) conserving water;

19                   (B) minimizing visible dust from active  
20 extraction areas at the aggregate production operation, including  
21 those areas not immediately revegetated;

22           (C) removing, selling, or otherwise disposing of  
23 noncommercial material and old and unused extraction equipment  
24 located at the facility site; and

25           (D) cleaning and mowing of on-site equipment  
26 yards; and

27           (5) submit to the commission, and implement, a

1 post-extraction land use plan that includes:

2 (A) provisions for permanent removal of  
3 extraction equipment;

4 (B) provisions for revegetation, including the  
5 use of appropriate local vegetation types that are adequate for  
6 post-extraction uses of land, as determined by the owner or  
7 operator;

8 (C) slope and grading standards to allow for  
9 traversing of livestock;

10 (D) proposed land reuse options, such as  
11 agricultural, natural, open space, or redevelopment uses or the  
12 creation of a pond or lake; and

13 (E) if the extraction area contains a pit that is  
14 deeper than 10 feet, provisions for benching at 10-foot intervals  
15 or as consistent with the geology of the pit and face wall.

16 (c) The commission by rule shall adopt best management  
17 practices for the purposes of Subsection (b)(4).

18 (d) The commission may provide an exception from a provision  
19 of a post-extraction land use plan for the owner or operator of the  
20 facility implementing the plan under Subsection (b)(5) for good  
21 cause.

22 (e) If the land on which the facility to be permitted is  
23 located is owned by a person other than the owner or operator of the  
24 facility, the owner or operator of the facility may submit to the  
25 commission, and implement, an agreement made between the landowner  
26 and the facility owner or operator for post-extraction land uses  
27 instead of the post-extraction land use plan required under

1 Subsection (b)(5).

2 (f) The commission shall inspect a facility for compliance  
3 with this section during regular inspections under this chapter and  
4 Chapter 28A, Water Code.

5 Sec. 382.0652. STANDARD PERMIT FOR CERTAIN ROCK CRUSHING  
6 FACILITIES: NOTICE AND HEARING. (a) A person may not begin  
7 construction of a new or modification of an existing rock crushing  
8 facility under a standard permit issued under Section 382.0651  
9 unless the commission authorizes the person to use the permit as  
10 provided by this section. The notice and hearing requirements of  
11 this section apply only to an application for authorization to use a  
12 standard permit issued under Section 382.0651. An applicant for a  
13 permit for a rock crushing facility that does not meet the  
14 requirements of a standard permit issued under Section 382.0651  
15 must comply with:

16 (1) Section 382.058 to obtain authorization to use a  
17 standard permit issued under Section 382.05195 or a permit by rule  
18 adopted under Section 382.05196; or

19 (2) Section 382.056 to obtain a permit issued under  
20 Section 382.0518.

21 (b) An applicant for an authorization to use a standard  
22 permit issued under Section 382.0651 must publish notice under this  
23 section not later than the earlier of:

24 (1) the 30th day after the date the applicant receives  
25 written notice from the executive director that the application is  
26 technically complete; or

27 (2) the 75th day after the date the executive director

1 receives the application.

2 (c) The applicant must publish notice at least once in a  
3 newspaper of general circulation in the municipality in which the  
4 facility is located or proposed to be located or in the municipality  
5 nearest to the location or proposed location of the facility. If  
6 the elementary or middle school nearest to the location or proposed  
7 location of the facility provides a bilingual education program as  
8 required by Subchapter B, Chapter 29, Education Code, the applicant  
9 must also publish the notice at least once in an additional  
10 publication of general circulation in each municipality or county  
11 in which the facility is located or proposed to be located that is  
12 published in the language taught in the bilingual education  
13 program. This requirement is waived if such a publication does not  
14 exist or if the publisher refuses to publish the notice.

15 (d) The notice must include:

16 (1) a brief description of the location or proposed  
17 location and nature of the facility;

18 (2) a description, including a telephone number, of  
19 the manner in which the executive director may be contacted for  
20 further information;

21 (3) a description, including a telephone number, of  
22 the manner in which the applicant may be contacted for further  
23 information;

24 (4) the location and hours of operation of the  
25 commission's regional office at which a copy of the application is  
26 available for review and copying; and

27 (5) a brief description of the public comment process,

1 including the time and location of the public hearing, and the  
2 mailing address and deadline for filing written comments.

3 (e) The public comment period begins on the first date  
4 notice is published under Subsection (b) and extends to the close of  
5 the public hearing.

6 (f) Not later than the 30th day before the date of the public  
7 hearing, the commission shall notify the following entities of the  
8 date, time, and place of the hearing:

9 (1) each municipality and county in which the facility  
10 is located or proposed to be located;

11 (2) the Texas Department of Transportation;

12 (3) each groundwater conservation district with  
13 jurisdiction over the area in which the facility is located or  
14 proposed to be located; and

15 (4) each state representative and state senator  
16 representing the area in which the facility is located or proposed  
17 to be located.

18 (g) Section 382.056 of this code and Chapter 2001,  
19 Government Code, do not apply to a public hearing held under this  
20 section. A public hearing held under this section is not an  
21 evidentiary proceeding. Any person may submit an oral or written  
22 statement concerning the application at the public hearing. The  
23 applicant may set reasonable limits on the time allowed for oral  
24 statements at the public hearing.

25 (h) The applicant, in cooperation with the executive  
26 director, must hold the public hearing not less than 30 days and not  
27 more than 45 days after the first date notice is published under

1 Subsection (b). The public hearing must be held in the county in  
2 which the facility is located or proposed to be located.

3 (i) Not later than the 35th day after the date the public  
4 hearing is held, the executive director shall approve or deny the  
5 application for authorization to use the standard permit. The  
6 executive director shall base the decision on whether the  
7 application meets the requirements of Section 382.0651. The  
8 executive director shall consider all relevant and material  
9 comments received during the public comment period and at the  
10 public hearing in determining whether to approve the application.  
11 If the executive director denies the application, the executive  
12 director shall state the reasons for the denial and any  
13 modifications to the application that are necessary for the  
14 facility to qualify for the authorization.

15 (j) The executive director shall issue a written response to  
16 any relevant and material public comments received related to the  
17 issuance of an authorization to use the standard permit at the same  
18 time as or as soon as practicable after the executive director  
19 grants or denies the application. Issuance of the response after  
20 the granting or denial of the application does not affect the  
21 validity of the executive director's decision to grant or deny the  
22 application. The executive director shall:

23 (1) mail the response to each person who filed a  
24 comment; and

25 (2) make the response available to the public.

26 Sec. 382.0653. CITIZEN ADVISORY COMMITTEE FOR ROCK CRUSHING  
27 FACILITIES. (a) This section applies only to a permit issued under



1 this chapter, or an authorization to use a permit issued under this  
2 chapter, to operate a rock crushing facility.

3 (b) For each application for a permit or authorization to  
4 use a permit, the commission shall establish a citizen advisory  
5 committee to act as a liaison between the commission, the  
6 applicant, and neighboring communities during the application  
7 process to identify community concerns. Section [2110.008](#),  
8 Government Code, does not apply to the citizen advisory committee.

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