By: Miles S.B. No. 388

A BILL TO BE ENTITLED

AN ACT

relating to local approval of air quality permits for concrete crushing facilities and concrete plants located in certain areas.

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

SECTION 1. Subchapter C, Chapter 382, Health and Safety Code, is amended by adding Section 382.051991 to read as follows:

Sec. 382.051991. MUNICIPAL OR COUNTY APPROVAL OF CERTAIN CONCRETE FACILITIES. (a) This section applies only to an application for a permit or an authorization to use a permit for a facility that is:

(1) a concrete crushing facility or a concrete plant that performs wet batching, dry batching, or central mixing; and

(2) located or proposed to be located in:

(A) an incorporated area of a municipality that has not adopted zoning regulations and has a population of more than two million; or

(B) an unincorporated area of a county with a population of more than 4.5 million.

(b) This section does not apply to an application for an authorization to use a standard permit under Section 382.051985.

(c) For each application described by Subsection (a), the commission:

(1) shall send to the governing body of the municipality or county, as applicable, a copy of the application;

and

(2) may not issue the permit or authorize the use of the permit before the 31st day after the date the governing body receives the copy unless the commission receives notice that the governing body has approved the application.

(d) The commission may not issue a permit or authorize the use of a permit under Section 382.0518, 382.05195, 382.05196, or 382.05198 or another provision of this chapter for a facility described by Subsection (a) if the commission receives, before the 31st day after the date the governing body receives the copy of the application from the commission, notice that the governing body has rejected the application.

SECTION 2. Section 382.051991, Health and Safety Code, as added by this Act, applies only to a permit or authorization the application for which is filed with the Texas Commission on Environmental Quality on or after the effective date of this Act. A permit or authorization the application for which is filed before the effective date of this Act is governed by the law in effect on the date of filing, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2027.