By: Miles S.B. No. 390

A BILL TO BE ENTITLED

AN ACT

relating to the response by the Texas Commission on Environmental Quality to certain complaints about certain concrete plants and crushing facilities.

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

SECTION 1. Subchapter E, Chapter 5, Water Code, is amended by adding Section 5.180 to read as follows:

Sec. 5.180. CONCRETE PERMIT; RESPONSE TO COMPLAINTS. (a) This section applies only to a facility, as defined by Section 382.003, Health and Safety Code, that is:

(1) a concrete plant that performs wet batching, dry batching, or central mixing operating under a permit issued under Section 382.0518, 382.05195, or 382.05198, Health and Safety Code; or

(2) a concrete crushing facility operating under a permit issued under Section 382.0518 or 382.05195, Health and Safety Code.

(b) The commission shall immediately investigate a complaint received by the commission concerning air pollution, as defined by Section 382.003, Health and Safety Code, or pollution, as defined by Section 26.001 of this code, caused by a facility if the complaint is signed by at least 500 persons, each of whom resides in a permanent residence within 1.5 miles of the facility.

(c) Section 5.177 does not apply to a complaint filed under

this section. The commission shall post a statement on the commission's Internet website of the status of the investigation until the final disposition of the complaint.

(d) The commission shall provide an opportunity for the public to comment in writing on the complaint. The commission shall post notice of the opportunity to comment on the commission's Internet website not later than the 30th day before the date on which the public comment period closes.

(e) After the conclusion of the public comment period and when the investigation is complete, the commission shall post on the commission's Internet website a written report that includes the results of the investigation and a summary of the public comments.

(f) If the commission determines that grounds described by Section 7.302(b) of this code may exist for revoking or suspending a permit or authorization under which the facility is operating under Chapter 382, Health and Safety Code, or Chapter 26 of this code, the commission shall hold a public hearing on the potential revocation or suspension under Section 7.306 of this code. In addition to any other notice of the hearing required by law, the commission shall post notice of the hearing on the commission's Internet website not later than the 14th day before the date of the hearing.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2027.