By: Miles S.B. No. 392

A BILL TO BE ENTITLED

AN ACT

relating to notice of and opportunity for hearing on applications for authorization to use certain permits for concrete batch plants and concrete crushing facilities.

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

SECTION 1. The heading to Section 382.058, Health and Safety Code, is amended to read as follows:

Sec. 382.058. NOTICE OF AND HEARING ON CONSTRUCTION OF CONCRETE BATCH PLANT OR CONCRETE CRUSHING FACILITY UNDER PERMIT BY RULE, STANDARD PERMIT, OR EXEMPTION.

SECTION 2. Section 382.058, Health and Safety Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (c-1) and (e) to read as follows:

(a) Unless the person has complied with the notice and opportunity for hearing provisions under Section 382.056, a [~~A~~] person may not begin construction on a:

(1) [~~any~~] concrete plant that performs wet batching, dry batching, or central mixing under a standard permit under Section 382.05195 or a permit by rule adopted by the commission under Section 382.05196; or

(2) concrete crushing facility under a standard permit under Section 382.05195 or a permit by rule adopted by the commission under Section 382.05196 [~~unless the person has complied with the notice and opportunity for hearing provisions under~~

~~Section 382.056~~].

(b) This section does not apply to a:

(1) concrete plant or concrete crushing facility located temporarily in the right-of-way, or contiguous to the right-of-way, of a public works project; or

(2) concrete crushing facility described by Section 382.065(c), unless that facility is located in a county with a population of 3.3 million or more or in a county adjacent to such a county.

(c) For purposes of this section, only those persons actually residing in a permanent residence within 440 yards of the proposed plant or facility may request a hearing under Section 382.056 as a person who may be affected.

(c-1) If the request for a hearing alleges that the distance of a proposed concrete crushing facility from the requestor's residence would violate Section 382.065, the commission may not deny the hearing request based solely on the distance between the requestor's residence and the facility.

(e) In addition to applying to an initial authorization to use a standard permit under Section 382.05195 or a permit by rule adopted by the commission under Section 382.05196 for a plant or facility described by Subsection (a) of this section, this section applies to any renewal of an authorization to use such a permit for such a plant or facility. The prohibition on public comment and public hearings in Section 382.056(g) regarding a renewal that would not result in an increase in allowable emissions or in the emission of an air contaminant not previously emitted does not

apply to a renewal described by this subsection.

SECTION 3. The change in law made by this Act applies only to an application for an initial authorization or a renewal of an authorization to use a standard permit or permit by rule that is submitted to the Texas Commission on Environmental Quality on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law in effect at the time the application was submitted, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2027.