

BILL ANALYSIS

Senate Research Center
77R2880 SMH-F

S.B. 546
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Natural Resources
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As Filed

DIGEST AND PURPOSE

Currently, ready mix concrete plants are forced into the same permitting process as larger, more industrial facilities causing tremendous time and financial constraints on the operator and the Texas Natural Resource Conservation Commission (commission), respectively. As proposed, S.B. 546 exempts certain permanent concrete batch plant facilities from the notice and hearing process if they meet heightened environmental standards in their operating practices.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Natural Resource Conservation Commission in SECTION 1 (Section 382.05101, Health & Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 382.05101, Health & Safety Code, to authorize the Texas Natural Resource Conservation Commission (commission) to develop by rule the criteria to establish a de minimis level of air contaminants for facilities or group of facilities below which a permit under Section 382.0518 or 382.0519, a standard permit under Section 382.05195 or 382.05197, or a permit by rule under Section 382.05196 is not required.

SECTION 2. Amends Section 382.0511(c), Health & Safety Code, to authorize the commission to authorize changes in a federal source to proceed before the owner or operator obtains federal operating permit or revisions to a federal operating permit if the changes are de minimis under Section 382.05101, or the owner or operator has obtained a preconstruction permit or permit amendment required by Section 382.0518, or is operating under a standard permit under Section 382.05195 or 382.05197; a permit by rule under Section 382.05196; or an exemption allowed under Section 382.057.

SECTION 3. Amends Chapter 382C, Health & Safety Code, by adding Section 382.05197, as follows:

Sec. 382.05197. STANDARD PERMIT FOR CERTAIN CONCRETE PLANTS. Requires the commission to issue a standard permit for a new concrete plant that performs wet batching, dry batching, or central mixing and that meets certain requirements. Requires the commission, notwithstanding Subsection (a)(17), to issue a standard permit for a new concrete plant that performs wet batching, dry batching, or central mixing and does not meet the requirements of that subsection if the plant meets the other requirements of Subsection (a) and each road, parking lot, and other traffic area located within the distance of a property line provided by Subsection (a)(17)(A) or (B), as applicable, is bordered by dust-suppressing fencing or another barrier at least 12 feet high; and each stockpile located within the applicable distance of a property line is contained within a three-walled bunker that extends at least two feet above the top of the stockpile. Provides that Sections 382.05195(b)-(i) apply to a standard permit under this section. Requires the commission to act on an application for an authorization to use a standard permit issued under this section not later than the 45th day after the date the

application is filed.

SECTION 4. Effective date: September 1, 2001.