

**SUBJECT:** Requiring plot plans for concrete batch plant permit applications

**COMMITTEE:** Environmental Regulation — favorable, without amendment

**VOTE:** 7 ayes — Landgraf, Goodwin, Kacal, Kuempel, Morales Shaw, Morrison, Reynolds

0 nays

2 absent — Dominguez, Dean

**WITNESSES:** For — Ender Reed, Harris County Commissioners Court; Adrian Shelley, Public Citizen; (*Registered, but did not testify:* TJ Patterson, City of Fort Worth; Jamaal Smith, City of Houston, Office of the Mayor Sylvester Turner; Jim Allison, County Judges and Commissioners Association of Texas; Cyrus Reed, Lone Star Chapter Sierra Club; Russell Schaffner, Tarrant County; Michael Grimes, Texas Aggregate and Concrete Association; Robin Schneider, Texas Campaign for the Environment; Susana Carranza; Melynda Nuss; Jose Skinner)

Against — None

On — (*Registered, but did not testify:* Beryl Thatcher, TCEQ)

**BACKGROUND:** Health and Safety Code sec. 382.05195 authorizes the Texas Commission on Environmental Quality (TCEQ) to issue a standard air permit for certain new or existing facilities if specified requirements are met.

Sec. 382.05198 requires the TCEQ to issue a standard air permit for a permanent concrete batch plant that meets certain requirements.

Concerns have been raised that some applications for standard permits for concrete batch plants are submitted to TCEQ and approved without including detailed plot plans that display required information, such as emission points and whether distance limitations are met. It has been suggested that requiring these applications to include such plot plans

would help prevent environmental harms and ensure permit requirements were met.

DIGEST: HB 416 would require an application for the issuance of a standard air permit for certain concrete plants to include a plot plan that clearly showed:

- a distance scale;
- a north arrow;
- all property lines, emission points, buildings, tanks, and process vessels and other process equipment in the area in which the facility would be located;
- at least two benchmark locations in the area; and
- if the permit required a distance, setback, or buffer from other property or structures, whether the required distance or setback would be met.

The bill would apply to applications for concrete plants that performed wet batching, dry batching, or central mixing, including a permanent, temporary, or specialty concrete batch plant.

An application for the issuance of a standard permit for a permanent concrete batch plant under Health and Safety Code sec. 382.01598 also would have to include a plot plan that met the bill's requirements.

The bill would take effect September 1, 2021, and would apply only to an application for a standard permit that was filed with TCEQ on or after that date.