

BILL ANALYSIS

Senate Research Center
76R6138 SMH-D

S.B. 1298
By: Brown
Natural Resources
3/29/1999
As Filed

DIGEST

Currently, under Texas law, concrete batch plants are eligible for a standard exemption permit from the Texas Natural Resource Conservation Commission (TNRCC). Prior to the granting of the standard exemption permit, concrete batch plants are required to provide public notice and may be required to participate in a public hearing. Air dispersion modeling has been introduced at the public hearing, greatly increasing the cost to the applicant and TNRCC. TNRCC has concluded after extensive research, that the rules and regulations pertaining to the standard exemption for concrete batch plants were protective. This bill would create a prohibition on requiring air dispersion modeling before beginning construction of a concrete plant under certain circumstances.

PURPOSE

As proposed, S.B. 1298 creates a prohibition on requiring air dispersion modeling before beginning construction of a concrete plant under certain circumstances.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 382.058, Health and Safety Code, by adding Subsection (d), to prohibit the Texas Natural Resource Conservation Commission (TNRCC) from requiring that a person who qualifies for the exemption conduct air dispersion modeling before beginning construction of a concrete plant, and evidence regarding air dispersion modeling may not be submitted at a hearing under Section 382.056, if TNRCC considers air dispersion modeling information in the course of adopting an exemption under Section 382.057 for a concrete plant that performs wet batching, dry batching, or central mixing.

SECTION 2. Amends the heading to Section 382.058, Health and Safety Code, as follows:

Sec. 382.058. New heading: PROVISIONS RELATING TO COMMISSION EXEMPTION FOR CONSTRUCTION OF CERTAIN CONCRETE PLANTS.

SECTION 3. Emergency clause.
Effective date: upon passage.