

1-1 By: Birdwell, Johnson S.B. No. 1757
1-2 (In the Senate - Filed February 28, 2025; March 13, 2025,
1-3 read first time and referred to Committee on Natural Resources;
1-4 April 14, 2025, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 2; April 14, 2025,
1-6 sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Birdwell	X			
1-10	Zaffirini	X			
1-11	Alvarado	X			
1-12	Blanco	X			
1-13	Flores		X		
1-14	Hancock		X		
1-15	Hughes	X			
1-16	Parker	X			
1-17	Sparks	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1757 By: Birdwell

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the operation of rock crushing facilities.
1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-23 SECTION 1. Section 382.05101, Health and Safety Code, is
1-24 amended to read as follows:
1-25 Sec. 382.05101. DE MINIMIS AIR CONTAMINANTS. The
1-26 commission may develop by rule the criteria to establish a de
1-27 minimis level of air contaminants for facilities or groups of
1-28 facilities below which the following types of permits are not
1-29 required:
1-30 (1) a permit under Section 382.0518 or 382.0519;
1-31 (2) a standard permit under Section 382.05195,
1-32 382.05198, ~~or~~ 382.051985, or 382.0651; or
1-33 (3) a permit by rule under Section 382.05196.
1-34 SECTION 2. Section 382.0511(c), Health and Safety Code, is
1-35 amended to read as follows:
1-36 (c) The commission may authorize changes in a federal source
1-37 to proceed before the owner or operator obtains a federal operating
1-38 permit or revisions to a federal operating permit if:
1-39 (1) the changes are de minimis under Section
1-40 382.05101; or
1-41 (2) the owner or operator:
1-42 (A) has obtained a preconstruction permit or
1-43 permit amendment required by Section 382.0518; or
1-44 (B) is operating under:
1-45 (i) a standard permit under Section
1-46 382.05195, 382.05198, ~~or~~ 382.051985, or 382.0651;
1-47 (ii) a permit by rule under Section
1-48 382.05196; or
1-49 (iii) an exemption allowed under Section
1-50 382.057.
1-51 SECTION 3. Subchapter C, Chapter 382, Health and Safety
1-52 Code, is amended by adding Sections 382.0651 and 382.0652 to read as
1-53 follows:
1-54 Sec. 382.0651. STANDARD PERMIT FOR CERTAIN ROCK CRUSHING
1-55 FACILITIES. (a) The commission shall issue a standard permit for a
1-56 rock crushing facility that:
1-57 (1) is located at an aggregate production operation
1-58 required to be registered under Section 28A.051, Water Code;
1-59 (2) processes not more than 1,500 tons of rock per
1-60 hour; and

(3) meets the requirements of this section.

(b) The standard permit issued under this section must require that an owner or operator of a facility authorized to use the permit, in addition to any other applicable requirements of this chapter:

(1) install and operate for the first 12 consecutive months of operation under the standard permit equipment to monitor:

(A) water quality in sedimentation ponds at the aggregate production operation for the presence of contaminants regulated by the commission's multi-sector general permit for mineral mining and processing facilities issued under Chapter 26, Water Code;

(B) the seismicity of extraction activities, including blasting along active extraction areas; and

(C) emissions of air contaminants, if the facility is located within 440 yards of two or more other aggregate production operations;

(2) maintain records of monitoring data from the monitoring equipment required by Subdivision (1) until the first anniversary of the date on which the data was collected;

(3) establish a plan for providing notice of emergencies to owners and tenants of adjacent real property;

(4) implement best management practices for:

(A) conserving water; and

(B) minimizing visible dust from active extraction areas at the aggregate production operation; and

(5) except as provided by Subsection (d), submit to the commission a post-extraction land use plan that includes, if applicable:

(A) provisions for permanent removal of extraction equipment;

(B) provisions for revegetation, including the use of appropriate local vegetation types that are adequate for post-extraction uses of land, as determined by the owner or operator;

(C) proposed land reuse options, such as agricultural, natural, open space, or redevelopment uses or the creation of a pond or lake; and

(D) if the extraction area contains a pit that is deeper than 10 feet, provisions for benching at 10-foot intervals or as consistent with the geology of the pit and face wall.

(c) The commission by rule shall adopt best management practices for the purposes of Subsection (b)(4).

(d) If the land on which the facility to be permitted is located is owned by a person other than the owner or operator of the facility, the owner or operator of the facility may submit to the commission an agreement made between the landowner and the facility owner or operator for post-extraction land uses instead of the post-extraction land use plan required under Subsection (b)(5).

(e) The commission shall inspect a facility for compliance with this section during regular inspections under this chapter and Chapter 28A, Water Code.

Sec. 382.0652. STANDARD PERMIT FOR CERTAIN ROCK CRUSHING FACILITIES: NOTICE AND MEETING. (a) A person may not begin construction of a new or modification of an existing rock crushing facility under a standard permit issued under Section 382.0651 unless the commission authorizes the person to use the permit as provided by this section. The notice and meeting requirements of this section apply only to an application for authorization to use a standard permit issued under Section 382.0651.

(b) An applicant for an authorization to use a standard permit issued under Section 382.0651 must publish notice under this section not later than the earlier of:

(1) the 30th day after the date the applicant receives written notice from the executive director that the application is technically complete; or

(2) the 75th day after the date the executive director receives the application.

(c) The applicant must publish notice at least once in a

newspaper of general circulation in the municipality in which the facility is located or proposed to be located or in the municipality nearest to the location or proposed location of the facility. If the elementary or middle school nearest to the location or proposed location of the facility provides a bilingual education program as required by Subchapter B, Chapter 29, Education Code, the applicant must also publish the notice at least once in an additional publication of general circulation in each municipality or county in which the facility is located or proposed to be located that is published in the language taught in the bilingual education program. This requirement is waived if such a publication does not exist or if the publisher refuses to publish the notice.

(d) The notice must include:

(1) a brief description of the location or proposed location and nature of the facility;

(2) a description, including a telephone number, of the manner in which the executive director may be contacted for further information;

(3) a description, including a telephone number, of the manner in which the applicant may be contacted for further information;

(4) the location and hours of operation of the commission's regional office at which a copy of the application is available for review and copying; and

(5) a brief description of the public comment process, including the time and location of the public meeting to be held under Subsection (e) and the mailing address and deadline for filing written comments.

(e) The applicant, in cooperation with the executive director, must hold a public meeting in the county in which the facility is located or proposed to be located not less than 30 days and not more than 45 days after the first date notice is published under Subsection (b).

(f) At the site of the facility or proposed facility, the applicant shall place a sign declaring the filing of an application for an authorization to use a standard permit issued under Section 382.0651 for a rock crushing facility at the site and stating the manner in which the commission may be contacted for further information. The commission shall adopt any rule necessary to carry out this subsection.

(g) The public comment period for written comments begins on the first date notice is published under Subsection (b) and must remain open for 36 hours after the close of the public meeting.

(h) Not later than the 30th day before the date of the public meeting, the commission shall notify the following entities of the date, time, and place of the meeting:

(1) each municipality and county in which the facility is located or proposed to be located;

(2) the Texas Department of Transportation;

(3) each groundwater conservation district with jurisdiction over the area in which the facility is located or proposed to be located; and

(4) each state representative and state senator representing the area in which the facility is located or proposed to be located.

(i) Section 382.056 of this code and Chapter 2001, Government Code, do not apply to a public meeting held under this section. A public meeting held under this section is not an evidentiary proceeding. Any person may submit an oral or written statement concerning the application at the public meeting. The commission may set reasonable limits on the time allowed for oral statements at the public meeting.

(j) Not later than the 35th day after the date the public meeting is held, the executive director shall approve or deny the application for authorization to use the standard permit. The executive director shall base the decision on whether the application meets the requirements of Section 382.0651. The executive director shall consider all relevant and material comments received during the public comment period and at the

public meeting in determining whether to approve the application.
If the executive director denies the application, the executive
director shall state the reasons for the denial and any
modifications to the application that are necessary for the
facility to qualify for the authorization.

(k) The executive director shall issue a written response to
any relevant and material public comments received related to the
issuance of an authorization to use the standard permit at the same
time as or as soon as practicable after the executive director
grants or denies the application. Issuance of the response after
the granting or denial of the application does not affect the
validity of the executive director's decision to grant or deny the
application. The executive director shall:

(1) mail the response to each person who filed a
comment; and

(2) make the response available to the public.

SECTION 4. This Act takes effect September 1, 2025.

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