

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) adopts amendment to 30 Texas Administrative Code (TAC) §116.605.

Amended 30 TAC §116.605 is adopted without change to the proposed text as published in the October 24, 2025, issue of the *Texas Register* (50 TexReg 6986).

These amended rules will be submitted to the United States Environmental Protection Agency (EPA) as a revision to the state implementation plan (SIP).

Background and Summary of the Factual Basis for the Adopted Rules

Senate Bill (SB) 763 amends Texas Health and Safety Code (THSC), §382.05195, Standard Permit. The bill adds Subsection (e-1) requiring TCEQ to conduct a protectiveness review at least once every eight years for a standard permit issued under this section that authorizes the operation of a permanent concrete batch plant (CBP) that performs wet batching, dry batching, or central mixing (Air Quality Standard Permit for Concrete Batch Plants (CBP SP)). If the standard permit is amended after a protectiveness review is conducted, TCEQ shall allow facilities authorized to operate under the standard permit as it read before being amended to continue to operate until a date provided by the commission that provides facility operators a reasonable amount of time to comply with the amended standard permit. The bill requires TCEQ to adopt rules necessary to implement these changes no later than March 1, 2026. SB 763 was signed by the Governor on June 20, 2025, and became effective on September

1, 2025.

SB 2351 amends THSC, §382.05195, Standard Permit, by adding Subsection (f-1) that will apply only to a standard permit issued under this section that authorizes the operation of a permanent concrete batch plant that performs wet batching, dry batching, or central mixing (CBP SP). SB 2351 also amends THSC, §382.05198, Standard Permit for Certain Concrete Plants, by adding Subsection (d) that will apply only to a standard permit issued under that section (Air Quality Standard Permit for Concrete Batch Plants with Enhanced Controls (CBPEC SP)). New THSC, §382.05195, Subsection (f-1) and THSC, §382.05198, Subsection (d) establish that upon TCEQ amending these standard permits, TCEQ may require each facility operator authorized to begin construction of a facility under the former standard permit to update the facility's plans for the new construction in accordance with the amended standard permit if the facility operator did not begin construction before the adoption of the amended standard permit, and if the facility operator filed a request under commission rules for an extension to begin construction. SB 2351 was signed by the Governor on May 24, 2025, and became effective on May 24, 2025, after receiving a vote of two-thirds of all the members of each house.

Section by Section Discussion

To implement the requirements of SB 763 and SB 2351, 89th Regular Texas Legislature, 2025, the commission amends 30 TAC Chapter 116, Subchapter F (Standard Permits).

The rulemaking adoption adds 30 TAC §116.605(d)(4) requiring a protectiveness review to be conducted for the CBP SP at least once every eight years. The rulemaking adoption also adds 30 TAC §116.605(f)(1) and (2) that will be applicable only when an amendment to the CBP SP or the CBPEC SP is issued by the commission. New 30 TAC §116.605(f)(1) and (2) outlines criteria of how the commission may require an operator of a permanent facility that is authorized to begin new construction under the former standard permit to update the permanent facility's plans for the new construction to comply with the amended standard permit if the facility operator did not begin the construction before the adoption of the amended standard permit and the operator filed a request for an extension to begin construction. These adopted requirements are not applicable to temporary or specialty plants authorized under the CBP SP.

Final Regulatory Impact Determination

The commission reviewed the rulemaking adoption considering the regulatory impact analysis requirements of Texas Government Code (TGC), §2001.0225, and determined that the rulemaking adoption does not meet the definition of a "Major environmental rule" as defined in that statute, and in addition, if it did meet the definition, would not be subject to the requirement to prepare a regulatory impact analysis. A "Major environmental rule" means a rule, the specific intent of which is to protect the environment or reduce risks to human health from environmental exposure, and that may adversely affect in a material way the economy, a sector of the economy,

productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. Additionally, the rulemaking adoption does not meet any of the four applicability criteria for requiring a regulatory impact analysis for a major environmental rule, which are listed in TGC, §2001.0225(a). TGC, §2001.0225 applies only to a major environmental rule, the result of which is to: 1) exceed a standard set by federal law, unless the rule is specifically required by state law; 2) exceed an express requirement of state law, unless the rule is specifically required by federal law; 3) exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or 4) adopt a rule solely under the general powers of the agency instead of under a specific state law.

The adopted rulemaking's purpose is to amend 30 TAC §116.605(d)(4) requiring a protectiveness review to be conducted for the concrete batch plant standard permit at least once every eight years. The rulemaking adoption will also add 30 TAC §116.605(f)(1) and (2) that will outline criteria of how the commission may require an operator of a permanent facility that is authorized to begin new construction under the former standard permit to update the permanent facility's plans for the new construction to comply with the amended standard permit. The new requirements are required under statutory amendments to THSC, §382.05195.

As defined in the Texas Government Code, TGC, §2001.0225 only applies to a major

environmental rule, the result of which is to: exceed a standard set by federal law, unless the rule is specifically required by state law; exceed an express requirement of state law, unless the rule is specifically required by federal law; exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or adopt a rule solely under the general authority of the commission. The adopted amendments to 30 TAC §116.605 do not exceed an express requirement of state law or a requirement of a delegation agreement and were not developed solely under the general powers of the agency but are authorized by specific sections of the Texas Government Code and the Texas Water Code that are cited in the Statutory Authority section of this preamble. The adopted rule implements Senate Bills 763 and 2351, 89th Regular Legislature, 2025, which require changes relating to how the agency evaluates standard permits and thus is a specific requirement under state statute. Therefore, this rulemaking is not subject to the regulatory analysis provisions of TGC, §2001.0225(b).

The commission invited public comment regarding the draft regulatory impact analysis determination during the public comment period. No comments were received on the regulatory impact analysis determination.

Takings Impact Assessment

Under TGC, §2007.002(5), taking means a governmental action that affects private real property, in whole or in part or temporarily or permanently, in a manner that requires

the governmental entity to compensate the private real property owner as provided by the Fifth and Fourteenth Amendments to the United States Constitution or §17 or §19, Article I, Texas Constitution; or a governmental action that (i) affects an owner's private real property that is the subject of the governmental action, in whole or in part or temporarily or permanently, in a manner that restricts or limits the owner's right to the property that would otherwise exist in the absence of the governmental action; and (ii) is the producing cause of a reduction of at least 25% in the market value of the affected private real property, determined by comparing the market value of the property as if the governmental action is not in effect and the market value of the property determined as if the governmental action is in effect.

The adopted amendments are procedural in nature and will not burden private real property. The adopted amendments do not affect private property in a manner that restricts or limits an owner's right to the property that would otherwise exist in the absence of a governmental action. Consequently, this rulemaking action does not meet the definition of a taking under TGC, §2007.002(5). The adopted amendments do not directly prevent a nuisance or prevent an immediate threat to life or property.

Therefore, this rulemaking action will not constitute a taking under TGC, Chapter 2007.

Consistency with the Coastal Management Program

The commission reviewed the rulemaking adoption and found that the adoption is

subject to the Texas Coastal Management Program (CMP) in accordance with the Coastal Coordination Act, Texas Natural Resources Code, §§33.201 et seq., and therefore must be consistent with all applicable CMP goals and policies. The commission conducted a consistency determination for the adopted rules in accordance with Coastal Coordination Act implementation rules, 31 TAC §29.22, and found the rulemaking adoption is consistent with the applicable CMP goals and policies.

The CMP goal applicable to this rulemaking adoption is the goal to protect, preserve, restore, and enhance the diversity, quality, quantity, functions, and values of coastal natural resource areas (31 TAC §26.12(l)). The adopted amendments to Chapter 116 will update TCEQ rules to implement the requirement that a protectiveness review be conducted for the CBP SP at least once every eight years and incorporate requirements for when an operator of a facility authorized under the CBP SP or CBPEC SP must comply with the amended standard permit. The CMP policy applicable to the rulemaking adoption is that commission rules comply with federal regulations in Title 40 of the Code of Federal Regulations (40 CFR) to protect and enhance air quality in the coastal areas (31 TAC §26.32). This rulemaking complies with 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans. Therefore, in accordance with 31 TAC §29.22(e), the commission affirms that this rulemaking is consistent with CMP goals and policies.

Promulgation and enforcement of these rules will not violate or exceed any standards identified in the applicable CMP goals and policies because the adopted rules are consistent with these CMP goals and policies and because these rules do not create or have a direct or significant adverse effect on any coastal natural resource areas.

The commission invited public comment regarding the consistency with the coastal management program during the public comment period. No comments were received on related to the CMP.

Effect on Sites Subject to the Federal Operating Permits Program

The adopted amendments are not expected to have a significant impact on sites subject to the Federal Operating Permits Program. Facilities that operate under a registered standard permit and have a Site Operating Permit (SOP) should evaluate the revised applicable requirements of 30 TAC §116.615 to determine if an update to their SOP is necessary.

Public Comment

The commission held a public hearing on November 20, 2025. The comment period closed on November 25, 2025. The commission received comments from Senator Carol Alvarado (Texas Senate District 6), Representative Armando Walle (Texas House District 140), Bill Alsop on behalf of the City of Richardson, Sydney Beckner on behalf of Texans for Responsible Aggregate Mining (TRAM), Karina Yonekawa Blest, Lisa

Brenskille, Theresa Q. Tran Carapucci on behalf of the City of Houston Health Department (HHD), Harris County Attorney's Office (HCAO), Alexandra Cormier, Esteban De La Rosa, Amy Dinn of Lone Star Legal Aid (LSLA) on behalf of Super Neighborhood 48 Trinity/Houston Gardens, Lucia Garcia, Genesis Granados, Kathryn Guerra on behalf of Public Citizen, Leticia Gutierrez of Air Alliance Houston, Jennifer Hadayia of Air Alliance Houston, Julian Hernandez, Omar Hernandez, Rich Herweck, Rosa Hines, Iris King, Gavin Linley-Elwell, Mike Renna, Sarah Sam, Adrian Shelly on behalf of Public Citizen, Reem Tariq, Tatum Ownes, Carmela Walker, Ebee Ward of Rigby Slack on behalf of the Texas Aggregate and Concrete Association, and Indira Zaldivar.

All comments received were in general support of the rule.

Response to Comments

COMMENT 1

Senator Alvarado commented that “nder prior agency rules, TCEQ possessed broad discretion to require a permit holder seeking a construction extension to update their permit based on the best available control technology and the lowest achievable emission rate. However, that discretion stemmed solely from agency rules, not statute, and was rarely exercised. Senate Bill (SB) 2351 codifies this authority in state law and provides clear legislative direction by *authorizing* TCEQ to require a permit holder

requesting an extension to comply with the most recent version or amendment of the standard air permit. With this discretionary authority, I urge TCEQ to amend the proposed rules to state that the TCEQ must require facilities to meet new permit conditions if there are delays in construction.

Specifically, proposed rule 30 Texas Administrative Code (TAC) §116.605(f) should read as follows:

(f) When standard permits issued under THSC, §§382.05195 and 382.05198 are amended, the commission **shall** require each facility operator authorized to begin new construction of permanent concrete batch plants that perform wet batching, dry batching or central mixing under the former standard permit to update the facility's plan for the new construction in accordance with the amended standard permit if the facility operator:

Requiring each facility to operate under updated standard permit requirements after a delay in construction is fully compliant with the legislature's intent as passed in SB 2351."

AND

Representative Walle commented that House Bill 2351 addressed a gap in the permitting process “...by clarifying that when an operator requests an extension and TCEQ has since updated the applicable standard permit, TCEQ has clear authority to require compliance with the most recent permit conditions.” And the “...legislative intent was to encourage TCEQ to make this requirement mandatory rather than permissive. We strongly believe that requiring permit holders who delay construction to comply with the most up-to-date standards would better protect the health, safety, and property of Texas communities. We respectfully urge TCEQ to incorporate this requirement into its rulemaking.”

RESPONSE 1

Consistent with the bill, the proposed rulemaking would allow the commission to require facility operators authorized to begin new construction of permanent concrete batch plants to update the facility's plan for the new construction in accordance with an amended standard permit if construction had not begun before the adoption of the amended standard permit.

The commission appreciates the legislative intent to provide a strong statutory foundation for the agency. TCEQ strives to ensure any rulemaking actions align as closely as possible with statutory language set by the legislature. The proposed rulemaking gives TCEQ the ability to require operators authorized under a concrete batch plant standard permit to update plans to comply with an amended standard

permit but also allows the agency some discretion when amendments to the standard permit do not warrant an operator submitting updated facility plans.

No changes were made in response to this comment.

COMMENT 2

The City of Richardson supports TCEQ for advancing the rulemaking under Project 2025-032-116-AI and supports its adoption. The city supports the changes mandated by SB 763 and SB 2351 because regular updates to the protectiveness review will keep residents protected from emerging risks, and gives municipalities, cities, and communities greater transparency and confidence with TCEQ permitting and industrial operations.

RESPONSE 2

The commission appreciates the support. No changes were made in response to this comment.

COMMENT 3

HCAO proposed that protectiveness review for each standard permit be updated at least every eight years.

RESPONSE 3

The commission appreciates the comment, but this is outside the scope of the proposed rulemaking. The proposal follows the specific direction of the legislature in SB 763 for the timing of required protectiveness reviews for permanent concrete batch plants.

No changes were made in response to this comment.

COMMENT 4

HCAO commented that the commission should expedite an updated protectiveness review if there are changes to the National Ambient Air Quality Standards (NAAQS).

RESPONSE 4

The commission appreciates the comment, but this is outside the scope of the proposed rulemaking. The proposal follows the specific direction of the legislature in SB 763 for the timing of required protectiveness reviews. SB 763 does not include any guidance on additional triggers for the initiation of a protectiveness review, nor does it limit the commission's ability to initiate a protectiveness review. The commission does consider multiple factors in determining the necessity of completing a protectiveness review inside the proposed 8-year cycle.

No changes were made in response to this comment.

COMMENT 5

HCAO commented that the commission should allow the public to comment on protectiveness reviews.

RESPONSE 5

The commission appreciates the comment, but this is outside the scope of the proposed rulemaking. The proposal follows the specific direction of the legislature in SB 763 for the timing of required protectiveness reviews. SB 763 does not add any process requirements for the protectiveness reviews and does not give guidance on public participation.

No changes were made in response to this comment.

COMMENT 6

LSLA on behalf of Super Neighborhood 48 Trinity/Houston Gardens comments that "...new Rule 116.605(d)(4) should not be read on its own but in the context of existing TCEQ rules related to the amendment of the CBP SP. TCEQ needs to follow the rules already in place, notably in the same subsection (d) of Rule 116.605, and not defer any future protectiveness reviews until 2030 because it has not yet been 8 years from the last Air Quality Assessment. If there are conditions that should trigger an earlier amendment of the permit, such as the new NAAQS for PM_{2.5} adopted in 2024, then

TCEQ should conduct an updated protectiveness review and move forward with an amendment of the standard permit.”

RESPONSE 6

The commission appreciates the comment and recognizes the alignment and codependency of the rules. SB 763 establishes a maximum time boundary for updating the protectiveness review without limiting the commission’s ability to update the protectiveness review earlier if warranted.

No changes were made in response to this comment.

COMMENT 7

LSLA on behalf of Super Neighborhood 48 Trinity/Houston Gardens commented that the current concrete batch plant standard permit is not protective under the 2012 or 2023 NAAQS for PM_{2.5} and that the protectiveness review completed in 2023 does not support the commission’s ability to establish that the current concrete batch plant standard permit is protective for residents of Harris County.

RESPONSE 7

The commission appreciates the comment, but this is outside the scope of the proposed rulemaking. The proposal follows the specific direction of the legislature in SB 2351 and SB 763 for the timing of required protectiveness reviews. SB 763

does not include any guidance on additional triggers for the initiation of a protectiveness review, nor does it limit the commission’s ability to initiate a protectiveness review.

No changes were made in response to this comment.

COMMENT 8

Public Citizen noted a discrepancy between the language in the proposed rule and the statute. The proposed rule refers to a facility operator who, “filed a request under §116.120 of this title, (relating to Voiding of Permits) for an extension...” Whereas SB 2351 states, “the facility operator filed a request under commission rules for an extension...” meaning that SB 2351 is technically broader than the proposed rule, as it would cover any extension granted under any rules, not just under 30 TAC §116.120.

RESPONSE 8

The commission appreciates the comment. The commission’s proposal follows the specific direction of the legislature in SB 2351, to require compliance with the most recent permit conditions.

No changes were made in response to this comment.

COMMENT 9

Public Citizen commented that the proposal does not include guidance on when the commission would require compliance with the terms in an updated standard permit. Public Citizen strongly supports adopting a mandatory requirement for compliance with revised standards.

RESPONSE 9

The commission appreciates the comment. The commission's proposal follows the specific direction of the legislature in SB 2351. The proposed rulemaking would allow the commission to require facility operators authorized to begin new construction of permanent concrete batch plants to update the facility's plan for the new construction in accordance with an amended standard permit if construction had not begun before the adoption of the amended standard permit.

The proposed rulemaking gives TCEQ the ability to require operators authorized under a concrete batch plant standard permit to update plans to comply with an amended standard permit but also allows the agency some discretion when amendments to the standard permit do not warrant an operator submitting updated facility plans.

No changes were made in response to this comment.

COMMENT 10

Public Citizen commented that the proposed 8-year cycle is an improvement over past practices but that the commission has the discretion to complete a protectiveness review more frequently. They suggested including this discretion in the rule language.

RESPONSE 10

The commission appreciates the comment. The proposal follows the specific direction of the legislature in SB 763 for the timing of required protectiveness reviews. SB 763 does not limit the commission's ability to initiate a protectiveness review within the 8-year cycle. The commission does consider multiple factors in determining the necessity of completing a protectiveness review inside the proposed 8-year cycle.

No changes were made in response to this comment.

COMMENT 11

Commentors encouraged the commission to consider cumulative impacts of multiple facilities (including concrete batch plants and other industries) in common geographic areas when evaluating permit applications and the protectiveness of the standard permit.

RESPONSE 11

The commission appreciates the comment, but this is outside the scope of the proposed rulemaking. The proposal follows the specific direction of the legislature in SB 2351 to require compliance with the most recent permit conditions and SB 763 for the timing of required protectiveness reviews. SB 763 and SB 2351 do not add any requirements for the protectiveness reviews.

No changes were made in response to this comment.

COMMENT 12

Multiple commentors encouraged the commission to require that the 440-yard set-back distance be measured from the facility fence-line, not the baghouse exhaust.

RESPONSE 12

The commission appreciates the comment, but this is outside the scope of the proposed rulemaking. The proposal follows the specific direction of the legislature in SB 2351 to require compliance with the most recent permit conditions and SB 763 for the timing of required protectiveness reviews. SB 763 and SB 2351 do not include guidance for set-back distances.

No changes were made in response to this comment.

COMMENT 13

Commentors expressed concern about pollution from temporary concrete batch suggesting that the commission establish a defined time limit for temporary facilities.

RESPONSE 13

The commission appreciates the comment, but this is outside the scope of the proposed rulemaking. The proposal follows the specific direction of the legislature in SB 2351 to require compliance with the most recent permit conditions and SB 763 for the timing of required protectiveness reviews. SB 763 and SB 2351 do not include any guidance addressing temporary facilities.

No changes were made in response to this comment.

COMMENT 14

Commentors expressed concern about the health effects of emissions from concrete batch plants and encouraged the commission to prioritize public health in all permitting decisions.

RESPONSE 14

The commission appreciates the comments, but this is outside the scope of the proposed rulemaking. The proposal follows the specific direction of the legislature in SB 763 and SB 2351. The bills do not address specific permitting decisions.

No changes were made in response to this comment.

COMMENT 15

Commentors expressed concern that the commission relies on facility self-reporting over direct monitoring and recommended that the commission require fence-line monitoring for permanent concrete batch plants.

RESPONSE 15

The commission appreciates the comment, but this is outside the scope of the proposed rulemaking. The proposal follows the specific direction of the legislature in SB 2351 to require compliance with the most recent permit conditions and SB 763 for the timing of required protectiveness reviews. SB 763 does not include guidance for monitoring of concrete batch plants.

No changes were made in response to this comment.

COMMENT 16

All Commentors expressed strong support for the proposed revisions.

RESPONSE 16

The commission appreciates the support.

SUBCHAPTER F: STANDARD PERMITS

§116.605

Statutory Authority

The amendments are adopted under Texas Water Code (TWC), §5.013, concerning General Jurisdiction of Commission, which establishes the general jurisdiction of the commission; TWC, §5.102, concerning General Powers, which provides the commission with the general powers to carry out its duties under the TWC; TWC, §5.103, concerning Rules, which authorizes the commission to adopt rules necessary to carry out its powers and duties under the TWC; and TWC, §5.105, concerning General Policy, which authorizes the commission by rule to establish and approve all general policy of the commission. The amendments are also adopted under Texas Health and Safety Code (THSC), §382.002, concerning Policy and Purpose, which establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; THSC, §382.011, concerning General Powers and Duties, which authorizes the commission to control the quality of the state's air; THSC, §382.012, concerning State Air Control Plan, which authorizes the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; THSC, §382.017, concerning Rules, which authorizes the commission to adopt rules consistent with the policy and purposes of the Texas Clean Air Act; THSC §382.05195, concerning standard permits; and §382.05198, concerning standard permits for certain concrete plants.

In addition, the amendments are adopted under Texas Government Code (TGC), §2001.004, concerning Requirement to Adopt Rules of Practice and Index Rules, Orders, and Decisions, which requires state agencies to adopt procedural rules; TGC, §2001.006, concerning Actions Preparatory to Implementation of Statute or Rule, which authorizes state agencies to adopt rules or take other administrative action that the agency deems necessary to implement legislation; TGC, §2001.142, concerning Notification of Decisions and Orders, which provides a time period for presumed notification by a state agency; and the Federal Clean Air Act, 42 United States Code (USC), §§7401, et seq., which requires states to submit state implementation plan revisions that specify the manner in which the national ambient air quality standards will be achieved and maintained within each air quality control region of the state. The adopted amendments implement Senate Bills 763 and 2351, 89th Regular Legislature, 2025, which require changes relating to how the agency evaluates standard permits.

The adopted amendments implement changes to THSC, §382.05195.

§116.605. Standard Permit Amendment and Revocation.

(a) A standard permit remains in effect until amended or revoked by the commission.

(b) After notice and comment as provided by subsection (c) of this section and §116.603(b)-(f) of this title (relating to Public Participation in Issuance of Standard Permits), a standard permit may be amended or revoked by the commission.

(c) The commission will publish notice of its intent to amend or revoke a standard permit in a daily or weekly newspaper of general circulation in the area affected by the activity that is the subject of the standard permit. If the standard permit has statewide applicability, then the requirement for newspaper notice shall be accomplished by publishing notice in the daily newspaper of largest general circulation within each of the following major metropolitan areas: Austin, Dallas, and Houston. The commission will also provide written notice to registrants and any persons requesting to be on a mailing list concerning a specific standard permit. In both cases, the commission will publish notice in the *Texas Register*.

(d) The commission may, through amendment of a standard permit, add or delete requirements or limitations to the permit.

(1) To remain authorized under the standard permit, a facility shall comply with an amendment to the standard permit on the later of either the deadline the commission provides in the amendment or the date the facility's registration to use the standard permit is required to be renewed. The commission may not require

compliance with an amended standard permit within 24 months of its amendment unless it is necessary to protect public health.

(2) Before the date the facility is required to comply with the amendment, the standard permit, as it read before the amendment, applies to the facility.

(3) The commission will consider the following when determining whether to amend or revoke a standard permit:

(A) whether a condition of air pollution exists;

(B) the applicability of other state or federal standards that apply or will apply to the types of facilities covered by the standard permit;

(C) requests from the regulated community or the public to amend or revoke a standard permit consistent with the requirements of the TCAA; and

(D) whether the standard permit requires best available control technology.

(4) The commission shall conduct a protectiveness review at least once every eight years in accordance with THSC, §382.05195(e-1) to determine whether to

amend the standard permit issued under THSC, §382.05195 regarding the operation of a permanent concrete batch plant that performs wet batching, dry batching, or central mixing.

(e) The commission may require, upon issuance of an amended standard permit, or on a date otherwise provided, the owner or operator of a facility to submit a registration to use the amended standard permit in accordance with the requirements of §116.611 of this title (relating to Registration to Use a Standard Permit).

(f) When standard permits issued under THSC, §§382.05195 and 382.05198 are amended, the commission may require each facility operator authorized to begin new construction of permanent concrete batch plants that perform wet batching, dry batching or central mixing under the former standard permit to update the facility's plan for the new construction in accordance with the amended standard permit if the facility operator:

(1) did not begin construction before the adoption of the amended standard permit; and

(2) filed a request under §116.120 of this title, (relating to Voiding of Permits) for an extension to begin construction before the effective date of the amended standard permit.

(g) If the commission revokes a standard permit, it will provide written notice to affected registrants prior to the revocation of the standard permit. The notice will advise registrants that they must apply for a permit under this chapter or qualify for an authorization under Chapter 106 of this title (relating to Exemptions from Permitting).

(h) The issuance, amendment, or revocation of a standard permit or the issuance, renewal, or revocation of a registration to use a standard permit is not subject to Texas Government Code, Chapter 2001.