

BILL ANALYSIS

Senate Research Center

C.S.H.B. 547
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Natural Resources
5/18/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

The Texas Aggregate Quarry and Pit Safety Act was enacted by the 72nd Legislature and became effective August 26, 1991. Prior to the 77th Legislature, quarry and pit operators were permitted to dig to the edge of an adjacent property line. However, there was concern that the erosion associated with quarry operations could encroach on a neighboring property. C.S.H.B. 547 provides that Section 133.901, Natural Resources Code, applies to certain pits and does not only apply to a county with a certain population. This bill also prohibits a person from operating a quarry or pit associated with a rock crushing facility if certain conditions apply.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 133.901, Natural Resources Code, as follows:

- (a) Deletes existing text relating to this section applying only to a county with a certain population. Makes a conforming and a nonsubstantive change.
- (b) Provides that this section does not apply to a pit if the operator and the adjacent property owner agree that the pit may be located closer to the property line, to an excavation constructed by a political subdivision to provide drainage or stormwater retention, or to a county with a population of 3.3 million or greater.

SECTION 2. Amends Section 133.054, Natural Resources Code, by adding Subsection (e), to prohibit a person from operating a quarry or pit associated with a rock crushing facility if the quarry or pit will be located in a county next to a county with a population of 500,000 or more and in which is located a portion of a water body into which a discharge is prohibited by the Texas Commission on Environmental Quality under 30 Texas Administrative Code Chapter 311 or if the quarry, pit, or rock crushing facility is located over an aquifer comprised in whole or in part of water bearing limestone or dolomite that is the primary source of drinking water for a municipality.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2003.