

BILL ANALYSIS

Senate Research Center
78R5659 JTS-F

S.B. 913
By: Fraser
Natural Resources
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As Filed

DIGEST AND PURPOSE

Current Texas law requires rock crushing facilities to obtain an air permit from the Texas Commission on Environmental Quality (TCEQ) before commencing their operation. However, an air permit does not take into account the groundwater and surface water in the area, the effect on roads and vehicle traffic in the area and other health and safety concerns of the county residents. As proposed, S.B. 913 adds a local control element into the permitting process as well as additional requirements to the permitting process for rock crushers.

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 382.003(6), Health and Safety Code, to make a conforming change by redefining "facility."

SECTION 2. Amends Chapter 382C, Health and Safety Code, by adding Section 382.0531, as follows:

Sec. 382.0531. PERMITS FOR ROCK CRUSHERS. (a) Prohibits the Texas Commission on Environmental Quality (TCEQ) from issuing a permit under Section 382.0518 to construct a new rock crusher in certain circumstances.

(b) Requires an applicant to submit certain information before TCEQ may issue a permit to construct a new rock crusher.

(c) Requires an applicant for a permit to mail notice to each residential or business address located within one mile of the property boundary of the property on which the rock crusher is to be located and to each owner of real property located within one mile of the boundary of the property on which the rock crusher is to be located that is listed in the real property appraisal records of the appraisal district in which the rock crusher is to be located as of the date the applicant, submits the application. Requires the notice to be deposited with the United States Postal Service by the 30th day after the date the applicant submits an application to the TCEQ.

(d) Requires a permit to construct a new rock crusher meet certain requirements.

(e) Requires a permit to construct a new rock crusher meet certain limits and standards.

(f) Requires the baseline against which air quality degradation is measured to be determined by making a direct and specific measurement of the air quality in the five-

mile radius of the rock crusher before the rock crusher begins operation. Requires the TCEQ, if a rock crusher is to be located within five miles of two existing rock crushers, to monitor the air quality in the five-mile radius of the proposed rock crusher for at least one year to establish a baseline against which air quality is measured.

(g) Provides that the requirements of this section other than the requirements of Subsection (a) also apply to a permit under Section 382.0518 to modify an existing rock crusher. Provides that modification of an existing rock crusher includes an expansion of the associated quarry.

SECTION 3. Effective date: September 1, 2003.
Makes application of this Act prospective.