

1-1 By: Chisum (Senate Sponsor - Armbrister) H.B. No. 555
1-2 (In the Senate - Received from the House March 19, 2003;
1-3 March 26, 2003, read first time and referred to Committee on
1-4 Natural Resources; April 22, 2003, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 10,
1-6 Nays 0; April 22, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 555 By: Armbrister

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to notice requirements for certain portable facilities
1-11 under the Clean Air Act.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 382.056, Health and Safety Code, is
1-14 amended by amending Subsection (r) and adding Subsections (s), (t),
1-15 and (u) to read as follows:

1-16 (r) This section does not apply to:

1-17 (1) the relocation or change of location of a portable
1-18 facility to a site where a portable facility [~~permitted by the~~
1-19 ~~commission is located if no portable facility~~] has been located at
1-20 the proposed site at any time during the previous two years; or

1-21 (2) a facility located temporarily in the
1-22 right-of-way, or contiguous to the right-of-way, of a public works
1-23 project.

1-24 (s) The commission may not issue a permit, permit amendment,
1-25 or other authorization for a portable facility or rock crushing
1-26 facility that will be associated with blasting operations that are
1-27 or will be located over an aquifer comprised in whole or in part of
1-28 water-bearing limestone or dolomite that is the primary source of
1-29 drinking water for a municipality if the facility will be located in
1-30 a county adjacent to a county with a population of 500,000 or more
1-31 and in which is located a portion of a water body into which a
1-32 discharge is prohibited by the commission under 30 T.A.C. Chapter
1-33 311. Within 30 days of the date the commission determines that an
1-34 application has been filed for a permit or permit amendment that is
1-35 prohibited from being issued pursuant to this subsection, the
1-36 commission shall mail notice of intent to obtain a permit to the
1-37 affected municipality of its receipt of the application.

1-38 (t) The commission shall prohibit a currently permitted
1-39 rock crushing facility from being associated with blasting
1-40 operations that are or will be located on a tract over an aquifer
1-41 comprised in whole or in part of water-bearing limestone or
1-42 dolomite that is the primary source of drinking water for a
1-43 municipality if the facility is located in a county adjacent to a
1-44 county with a population of 500,000 or more and in which is located
1-45 a portion of a water body into which a discharge is prohibited by
1-46 the commission under 30 T.A.C. Chapter 311 and if the blasting
1-47 operations have not taken place on the tract for 10 or more years
1-48 before April 10, 2003.

1-49 (u) For any permit application subject to this section, the
1-50 measurement of distances to determine compliance with any location
1-51 or distance restriction required by this chapter shall be taken
1-52 toward structures that are in use as of the date that the
1-53 application is filed with the commission.

1-54 SECTION 2. This Act takes effect immediately if it receives
1-55 a vote of two-thirds of all the members elected to each house, as
1-56 provided by Section 39, Article III, Texas Constitution. If this
1-57 Act does not receive the vote necessary for immediate effect, this
1-58 Act takes effect September 1, 2003.

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