

1-1 By: Haggerty (Senate Sponsor - Fraser) H.B. No. 1005  
1-2 (In the Senate - Received from the House May 12, 2003;  
1-3 May 13, 2003, read first time and referred to Committee on Natural  
1-4 Resources; May 20, 2003, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;  
1-6 May 20, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1005 By: Fraser

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

1-10 relating to emergency orders and penalties for rock crushers and  
1-11 concrete plants.

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

1-13 SECTION 1. Section 5.5145, Water Code, is amended to read as  
1-14 follows:

1-15 Sec. 5.5145. EMERGENCY ORDER CONCERNING OPERATION OF ROCK  
1-16 CRUSHER OR CONCRETE PLANT WITHOUT PERMIT. (a) The commission may  
1-17 [~~shall~~] issue an emergency order under this subchapter suspending  
1-18 operations of a rock crusher or a concrete plant that performs wet  
1-19 batching, dry batching, or central mixing and is required to obtain  
1-20 a permit under Section 382.0518, Health and Safety Code, and is  
1-21 operating without the necessary permit.

1-22 (b) The commission may not issue a permit, permit amendment,  
1-23 or other authorization for a rock crushing facility that will be  
1-24 associated with blasting operations, that are or will be located  
1-25 over an aquifer comprised in whole or in part of water bearing  
1-26 limestone or dolomite that is the primary source of drinking water  
1-27 for a municipality if the facility will be located in a county  
1-28 adjacent to a county with a population of 500,000 or more and in  
1-29 which is located a portion of a water body into which a discharge is  
1-30 prohibited by the commission under 30 Texas Administrative Code  
1-31 Chapter 311.

1-32 (c) The commission shall prohibit a currently permitted  
1-33 rock crushing facility from being associated with blasting  
1-34 operations that are or will be located on a tract over an aquifer  
1-35 comprised in whole or in part of water bearing limestone or dolomite  
1-36 that is the primary source of drinking water for a municipality if  
1-37 the facility is located in a county adjacent to a county with a  
1-38 population of 500,000 or more and in which is located a portion of a  
1-39 water body into which a discharge is prohibited by the commission  
1-40 under 30 Texas Administrative Code Chapter 311 and if the blasting  
1-41 operations have not taken place on the tract for ten or more years  
1-42 prior to April 10, 2003.

1-43 SECTION 2. Section 7.052(b), Water Code, is amended to read  
1-44 as follows:

1-45 (b) The amount of the penalty for operating a rock crusher  
1-46 or a concrete plant that performs wet batching, dry batching, or  
1-47 central mixing, that is required to obtain a permit under Section  
1-48 382.0518, Health and Safety Code, and that is operating without the  
1-49 required permit may not exceed [~~is~~] \$10,000. Each day, for a  
1-50 maximum of 10 days, that a continuing violation occurs may be  
1-51 considered [~~is~~] a separate violation.

1-52 SECTION 3. (a) This Act takes effect immediately if it  
1-53 receives a vote of two-thirds of all the members elected to each  
1-54 house, as provided by Section 39, Article III, Texas Constitution.  
1-55 If this Act does not receive the vote necessary for immediate  
1-56 effect, this Act takes effect September 1, 2003.

1-57 (b) The changes in law made by Sections 5.5145 and 7.052(b),  
1-58 Water Code, as amended by this Act, apply only to an offense  
1-59 committed on or after the effective date of this Act. For purposes  
1-60 of this section, an offense is committed before the effective date  
1-61 of this Act if any element of the offense occurs before that date.  
1-62 An offense committed before the effective date of this Act is  
1-63 covered by the law in effect when the offense was committed, and the

2-1 former law is continued in effect for that purpose.  
2-2 (c) The changes in law made by Sections 5.5145(b) and  
2-3 5.5145(c), Water Code, as amended by this Act, apply only to a  
2-4 permit to construct or modify a rock crushing facility that is  
2-5 issued by the Texas Commission on Environmental Quality on or after  
2-6 the effective date of this Act. A permit issued by the Commission  
2-7 before the effective date of this Act is covered by the law in  
2-8 effect on the date the permit is issued, and the former-law is  
2-9 continued in effect for that purpose.

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