

By: Haggerty

H.B. No. 1219

A BILL TO BE ENTITLED

AN ACT

relating to the location and operation of concrete crushing facilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 382.056(r), Health and Safety Code, is amended to read as follows:

(r) This section does not apply to:

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

(2) a facility located temporarily in the right-of-way, or contiguous to the right-of-way, of a public works project; or

(3) a facility operating in accordance with the standards established by Section 382.065(a).

SECTION 2. Section 382.065(a), Health and Safety Code, as added by Chapter 965, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

(a) The commission by rule shall prohibit the location of or operation of a concrete crushing facility within 440 yards of a building used as a single or multifamily residence, school, or place of worship unless:

(1) the facility is engaged in crushing concrete and

1 other materials produced by the demolition of a structure at that  
2 location and those materials are being crushed primarily for use at  
3 that location;

4 (2) the facility operates at that location for not  
5 more than 180 days;

6 (3) the commission determines that there will be no  
7 adverse environmental or health effects caused by the location or  
8 operation of the facility at that location; and

9 (4) the facility complies with operating conditions  
10 and other conditions stated in commission rules.

11 SECTION 3. The Texas Commission on Environmental Quality  
12 shall adopt rules under Section 382.065(a), Health and Safety Code,  
13 as amended by this Act, as soon as practicable and not later than  
14 January 1, 2004.

15 SECTION 4. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2003.