

By: Edwards

H.B. No. 41

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the location of concrete stockpiles at certain portable
3 concrete crushing facilities.

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

5 SECTION 1. Section 382.065, Health and Safety Code, is
6 amended by amending Subsections (a) and (d) and by adding
7 Subsection (e) to read as follows:

8 (a) The commission by rule shall prohibit the operation of a
9 concrete crushing facility, including a portable concrete crushing
10 machine, within 440 yards of a building in use as a single or
11 multifamily residence, school, or place of worship at the time the
12 application for a permit to operate the facility at a site near the
13 residence, school, or place of worship is filed with the
14 commission. The measurement of distance for purposes of this
15 subsection shall be taken from the point on the edge of a stockpile
16 of concrete before, during, or after being crushed [~~the concrete~~
17 ~~crushing facility~~] that is nearest to the residence, school, or
18 place of worship toward the point on the residence, school, or place
19 of worship that is nearest the stockpile of concrete [~~crushing~~
20 ~~facility~~].

21 (d) Notwithstanding Subsections (b) and [~~Subsection~~] (c),
22 Subsection (a) applies to a concrete crushing facility in a county
23 with a population of 2.4 million or more [~~or in a county adjacent to~~
24 ~~such a county~~].

1 (e) The commission shall require a permit holder who
2 operates a portable concrete crushing machine in violation of this
3 section to cease operations unless the permit holder brings the
4 operation into compliance with this section at the site at which the
5 violation occurred or relocates the operation to a site in
6 compliance with this section not later than the first anniversary
7 of the date on which the permit holder receives notice of the
8 violation. This subsection does not limit the commission's
9 authority to further enforce this section under Chapter 7, Water
10 Code.

11 SECTION 2. (a) On or after the effective date of this Act,
12 the Texas Commission on Environmental Quality shall deny an
13 application for the issuance, amendment, renewal, or transfer of a
14 permit, registration, or permit by rule for a portable concrete
15 crushing machine and may not issue, amend, renew, or transfer a
16 permit, registration, or permit by rule for a portable concrete
17 crushing machine if the commission determines that the machine
18 would be operated or is being operated in violation of Section
19 382.065, Health and Safety Code, as amended by this Act.

20 (b) A person operating a portable concrete crushing machine
21 under a permit issued before the effective date of this Act whose
22 operation of the machine is in violation of Section 382.065, Health
23 and Safety Code, as amended by this Act, shall bring the operation
24 of the machine into compliance with that section not later than
25 September 1, 2006.

26 SECTION 3. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect on the 91st day after the last day of the
4 legislative session.