

Amend CSHB 1429 by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS accordingly:

SECTION _____. Sections 382.065(a) and (d), Health and Safety Code, are amended to read as follows:

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

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

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

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