

## **BILL ANALYSIS**

C.S.H.B. 1429  
By: Kuempel  
Environmental Regulation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, the Clean Air Act requires a rock crusher or concrete plant to obtain a preconstruction permit before commencing operation. The Texas Commission on Environmental Quality (TCEQ) presently has the authority to immediately shut down a facility that is operating without the required air permit and is mandated to impose a \$10,000 penalty for each day that the facility has operated in violation of the permit requirements.

C.S.H.B. 1429 provides that the TCEQ is no longer required to issue an emergency order to suspend the operation of a rock crusher and concrete plant that is operating under a permit that has not been renewed. The bill also makes the violation a single incident rather than each day the plant operates without a permit being considered a separate incident.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

Current law requires the TCEQ to issue an emergency order to suspend the operation of a rock crusher or batch concrete plant that is operating without the necessary permit. C.S.H.B. 1429 amends the Water Code to provide that this requirement does not apply to a rock crusher or batch concrete plant that performs wet batching, dry batching, or central mixing for which the permit has expired. C.S.H.B. 1429 removes the provision that each day is a separate violation, for a rock crusher or batch concrete plant that performs wet batching, dry batching, or central mixing that is operating without the necessary preconstruction permit. The bill provides that the amount of the penalty for constructing a rock crusher without the required preconstruction permit may not be less than \$5,000 or more than \$10,000.

### **EFFECTIVE DATE**

September 1, 2005.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute amends language to provide that statute relating to emergency orders for rock crushers and batch concrete plants does not apply to "a rock crusher or concrete plant for which the permit has expired", rather than "a rock crusher or concrete plant for which the permit is invalid because it has not been renewed."

The substitute adds language to provide that the amount of the penalty for constructing a rock crusher without the required permit may not be less than \$5,000 or more than \$10,000.