

By: Edwards

H.B. No. 924

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 and  
22 whose operation of the machine is in violation of Section 382.065,  
23 Health and Safety Code, as amended by this Act, shall bring the  
24 operation of the machine into compliance with that section not  
25 later than September 1, 2006.

26       SECTION 3. This Act takes effect September 1, 2005.