

By: Kuempel

H.B. No. 1429

Substitute the following for H.B. No. 1429:

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C.S.H.B. No. 1429

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of the prohibition on constructing or operating certain rock crushers or concrete plants without the necessary Clean Air Act permit.

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

SECTION 1. Section 5.5145, Water Code, is amended to read as follows:

Sec. 5.5145. EMERGENCY ORDER CONCERNING OPERATION OF ROCK CRUSHER OR CONCRETE PLANT WITHOUT PERMIT. (a) The commission shall issue an emergency order under this subchapter suspending operations of a rock crusher or a concrete plant that performs wet batching, dry batching, or central mixing and is required to obtain a permit under Section 382.0518, Health and Safety Code, and is operating without the necessary permit.

(b) Subsection (a) applies only to a rock crusher or concrete plant for which the owner or operator has failed to obtain a necessary permit or for which the permit has been suspended or revoked and does not apply to a rock crusher or concrete plant for which the permit has expired.

SECTION 2. Section 7.052(b), Water Code, is amended to read as follows:

(b) The amount of the penalty for operating a rock crusher or a concrete plant that performs wet batching, dry batching, or central mixing, that is required to obtain a permit under Section

1 382.0518, Health and Safety Code, and that is operating without the
2 required permit is \$10,000. The amount of the penalty for
3 constructing a rock crusher described by this subsection without
4 the required permit may not be less than \$5,000 or more than
5 \$10,000. ~~[Each day that a continuing violation occurs is a separate~~
6 ~~violation.]~~

7 SECTION 3. The changes in law made by this Act apply only to
8 a violation that occurs on or after the effective date of this Act.
9 A violation that occurs before that date is governed by the law in
10 effect at the time the violation occurred, and that law is continued
11 in effect for that purpose.

12 SECTION 4. This Act takes effect September 1, 2005.