

By: Kuempel

H.B. No. 1429

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

15 (b) Subsection (a) applies only to a rock crusher or  
16 concrete plant for which the owner or operator has failed to obtain  
17 a necessary permit or for which the permit has been suspended or  
18 revoked and does not apply to a rock crusher or concrete plant for  
19 which the permit is invalid because it has not been renewed.

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

22 (b) The amount of the penalty for operating a rock crusher  
23 or a concrete plant that performs wet batching, dry batching, or  
24 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. [~~Each day that a continuing violation~~  
3 ~~occurs is a separate violation.~~]

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

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