

## **BILL ANALYSIS**

H.B. 3570  
By: Rose  
Natural Resources  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

At the end of the 78th Legislature, Regular Session, 2003, the governor created the Advisory Committee on Rock Crushers and Quarries which was charged with studying the permitting process for rock crushers and quarries. The Advisory Committee produced a report in January 2005 accompanied by a dissenting report signed by a majority of the committee members. Current law seeks only to protect air quality in the permitting process by limiting emissions through measures specified in the permit. Similarly, protection of water quality is addressed in a limited fashion through the issuance of a stormwater discharge permit.

House Bill 3570, as proposed, requires a quarry permit to be obtained before quarry operations begin. The quarry permit includes a site plan, assessing the environmental soundness of the proposed operation, including a report from an independent hydrologist; a blasting plan, including a requirement that all blasting be monitored with a seismograph or vibration monitor; and a requirement that quarry operators properly construct and maintain all access driveways, acceleration/deceleration lanes, and turn lanes when needed so that the site entrances are safe for the traveling public.

### **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**

HB 3570 amends the Health and Safety Code, by adding a section relating to limitations on certain rock crushers. The bill provides that this section applies only to a rock crusher for which an application for a preconstruction permit was received by the Texas Commission on Environmental Quality (commission) on or before July 1, 2003, for which the preconstruction permit was not issued before September 1, 2005 and that is located over an aquifer designated as a sole source aquifer under the Federal Safe Water Drinking Act. The bill prohibits a person from operating a rock crusher under a preconstruction permit that is located less than one mile from a building used as a residence, school, or place of worship at the time the application for a permit was filed with the commission. The bill prohibits the commission from authorizing a person to operate a rock crusher under a permit by rule.

HB 3570 amends the heading to Subtitle C, Title 5, Health and Safety Code to read:  
SUBTITLE C. AIR AND ENVIRONMENTAL QUALITY.

HB 3570 further amends the Health and Safety Code, by adding a chapter relating to quarry permits. The bill defines "aggregates," "commission," "operator," "pit," and "quarry." The bill provides that this chapter applies to a quarry only if the quarry operation includes a rock crusher for which an application for a preconstruction permit was received by the commission on or before July 1, 2003, for which the preconstruction permit was not issued before September 1, 2005 and that is located over an aquifer designated as a sole source aquifer under the Federal Safe Water Drinking Act. The bill prohibits an operator from creating or beginning to operate a quarry unless the operator has obtained a quarry permit under this chapter from the commission.

The bill sets forth provisions relating to quarry permit applications. The bill provides that a permit issued to create or begin operating a quarry expires on the fifth anniversary of the date

that the permit was issued if quarry operations have not begun at the permit area before that date. The bill provides that a quarry operator obtain a permit amendment in certain circumstances.

The bill requires the commission, on receipt of an application for a quarry permit, to send notice of the application to each state senator and state representative who represents the area in which the quarry will be located, the county judge and county commissioners of each county in which the quarry will be located, and each groundwater conservation district in which the quarry will be located.

The bill requires the operator of a quarry to adhere to all Texas Department of Transportation rules relating to safe movement of normal highway traffic. The bill requires a quarry operator to work with the Texas Department of Transportation to ensure the construction of any road or driveway improvement necessary for the safe operation of vehicles at quarry entrances and exits.

The bill requires the operator, if blasting is conducted in a quarry, to maintain a blasting record that includes certain information.

The bill sets forth civil penalties for violation of the chapter of the Health and Safety Code added by this Act.

The bill amends the Water Code to provide that the commission has general jurisdiction over the responsibilities assigned to the commission by the chapter of the Health and Safety Code added by this Act. The bill requires the commission to issue an emergency order suspending operations of a quarry or other facility that is required to obtain a permit under Chapter 391, Health and Safety Code, and is operating without the necessary permit. The bill provides that the amount of the penalty for operating a quarry that is required to obtain a permit and that is operating without the required permit is \$10,000. The bill provides that each day that a continuing violation occurs is a separate violation.

**EFFECTIVE DATE**

September 1, 2007.