

BILL ANALYSIS

C.S.S.B. 1003
By: Fraser
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, the Water Code requires the Texas Commission on Environmental Quality (TCEQ) to impose certain penalties relating to deleterious practices relating to rock crushers and certain concrete plants. Interested parties observe that TCEQ needs additional regulatory tools to effectively regulate rock crushers and certain concrete plants in Texas. C.S.S.B. 1003 seeks to address these concerns by amending the Texas Clean Air Act with regard to penalties for, and emergency orders suspending, the operation of a rock crusher or certain concrete plants without a current permit.

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

C.S.S.B. 1003 amends the Water Code to authorize the Texas Commission on Environmental Quality (TCEQ) to assess a penalty for operating a rock crusher or a concrete plant that performs wet batching, dry batching, or central mixing without a preconstruction permit required under the Texas Clean Air Act or for any other violation within the jurisdiction of TCEQ if a person operating the facility holds any type of permit issued by TCEQ other than the permit required for the facility. The bill authorizes, rather than requires, TCEQ to issue an emergency order suspending operations of a facility that is operating without the permit.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.S.B. 1003 differs from the original by authorizing the Texas Commission on Environmental Quality (TCEQ) to assess a penalty for operating a rock crusher or a concrete plant that performs wet batching, dry batching, or central mixing without a preconstruction permit required under the Texas Clean Air Act or for any other violation within the jurisdiction of TCEQ if a person operating the facility holds any type of permit issued by TCEQ other than the permit required for the facility, whereas the original authorizes TCEQ to impose a penalty of not greater than \$10,000 for each violation of operating such a facility without the required preconstruction permit if a person that is permitted to operate the facility notifies TCEQ before the date of the expiration of the permit that the person intends to operate the facility past that date.

C.S.S.B. 1003 omits a provision included in the original authorizing TCEQ to consider each day that such a facility is operated without the required permit a separate violation for the purposes of imposing a penalty.