

By: Fraser

S.B. No. 1003

A BILL TO BE ENTITLED

AN ACT

1
2 relating to penalties for, and emergency orders suspending, the
3 operation of a rock crusher or certain concrete plants without a
4 current permit under the Texas Clean Air Act.

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

6 SECTION 1. Section 7.052, Water Code, is amended by
7 amending Subsection (b) and adding Subsection (b-3) to read as
8 follows:

9 (b) Except as provided by Subsection (b-3), the ~~[The]~~ amount
10 of the penalty for operating a rock crusher or a concrete plant that
11 performs wet batching, dry batching, or central mixing, that is
12 required to obtain a permit under Section 382.0518, Health and
13 Safety Code, and that is operating without the required permit is
14 \$10,000. Each day that a continuing violation occurs is a separate
15 violation.

16 (b-3) If a person that is permitted to operate a facility as
17 described by Subsection (b) notifies the commission before the date
18 of the expiration of the permit that the person intends to operate
19 the facility past that date, the commission may impose a penalty of
20 not greater than \$10,000 for each violation. The commission may
21 consider each day that the facility is operated without the
22 required permit a separate violation for the purposes of imposing a
23 penalty.

24 SECTION 2. Section 5.5145, Water Code, is amended to read as

1 follows:

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

9 SECTION 3. The change in law made by this Act to Section
10 7.052, Water Code, applies only to a violation that occurs on or
11 after the effective date of this Act. A violation that occurs
12 before the effective date of this Act is governed by the law in
13 effect on the date the violation occurred, and the former law is
14 continued in effect for that purpose.

15 SECTION 4. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2011.