

1-1 By: Fraser S.B. No. 1003
1-2 (In the Senate - Filed February 28, 2011; March 16, 2011,
1-3 read first time and referred to Committee on Natural Resources;
1-4 March 23, 2011, reported favorably by the following vote: Yeas 8,
1-5 Nays 0; March 23, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to penalties for, and emergency orders suspending, the
1-9 operation of a rock crusher or certain concrete plants without a
1-10 current permit under the Texas Clean Air Act.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 7.052, Water Code, is amended by
1-13 amending Subsection (b) and adding Subsection (b-3) to read as
1-14 follows:

1-15 (b) Except as provided by Subsection (b-3), the [The] amount
1-16 of the penalty for operating a rock crusher or a concrete plant that
1-17 performs wet batching, dry batching, or central mixing, that is
1-18 required to obtain a permit under Section 382.0518, Health and
1-19 Safety Code, and that is operating without the required permit is
1-20 \$10,000. Each day that a continuing violation occurs is a separate
1-21 violation.

1-22 (b-3) If a person that is permitted to operate a facility as
1-23 described by Subsection (b) notifies the commission before the date
1-24 of the expiration of the permit that the person intends to operate
1-25 the facility past that date, the commission may impose a penalty of
1-26 not greater than \$10,000 for each violation. The commission may
1-27 consider each day that the facility is operated without the
1-28 required permit a separate violation for the purposes of imposing a
1-29 penalty.

1-30 SECTION 2. Section 5.5145, Water Code, is amended to read as
1-31 follows:

1-32 Sec. 5.5145. EMERGENCY ORDER CONCERNING OPERATION OF ROCK
1-33 CRUSHER OR CONCRETE PLANT WITHOUT PERMIT. The commission may
1-34 [shall] issue an emergency order under this subchapter suspending
1-35 operations of a rock crusher or a concrete plant that performs wet
1-36 batching, dry batching, or central mixing and is required to obtain
1-37 a permit under Section 382.0518, Health and Safety Code, and is
1-38 operating without the necessary permit.

1-39 SECTION 3. The change in law made by this Act to Section
1-40 7.052, Water Code, applies only to a violation that occurs on or
1-41 after the effective date of this Act. A violation that occurs
1-42 before the effective date of this Act is governed by the law in
1-43 effect on the date the violation occurred, and the former law is
1-44 continued in effect for that purpose.

1-45 SECTION 4. This Act takes effect immediately if it receives
1-46 a vote of two-thirds of all the members elected to each house, as
1-47 provided by Section 39, Article III, Texas Constitution. If this
1-48 Act does not receive the vote necessary for immediate effect, this
1-49 Act takes effect September 1, 2011.

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