

By: Deuell

S.B. No. 1819

A BILL TO BE ENTITLED

AN ACT

relating to the location of a sand mine; authorizing an administrative penalty.

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

SECTION 1. The heading to Chapter 28A, Water Code, is amended to read as follows:

~~CHAPTER 28A. [REGISTRATION AND INSPECTION OF CERTAIN]~~ AGGREGATE
PRODUCTION OPERATIONS

SECTION 2. Chapter 28A, Water Code, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. LOCATION OF SAND MINE

Sec. 28A.071. LOCATION OF SAND MINE. A person may not extract sand from the earth through a mining operation unless the site of the mining operation is more than three miles from the boundary of any property included in an identifiable unincorporated community that uses groundwater from an aquifer for all or part of its drinking water.

Sec. 28A.072. CIVIL ACTION. (a) A person may bring a civil action against a person who violates Section 28A.071 if the person bringing the civil action resides in a location or owns a place of business that is less than three miles from the site of the sand mine.

(b) In addition to any other remedy provided by law, a person who brings an action under this section may seek injunctive

1 relief and actual damages sustained by the person.

2 (c) A plaintiff who prevails in an action brought under this
3 section is entitled to recover the amount of actual damages, if any,
4 as well as reasonable attorney's fees and court costs.

5 SECTION 3. Section 28A.102, Water Code, is amended to read
6 as follows:

7 Sec. 28A.102. PENALTIES [~~PENALTY~~]. (a) The commission may
8 assess a penalty of not less than \$5,000 and not more than \$10,000
9 for each year in which an aggregate production operation operates
10 without being registered under this chapter. The total penalty
11 under this section may not exceed \$25,000 for an aggregate
12 production operation that is operated in three or more years
13 without being registered.

14 (b) The commission may assess an administrative penalty
15 under Chapter 7 for a violation of Section 28A.071.

16 SECTION 4. The change in law made by this Act applies only
17 to an extraction that takes place on or after the effective date of
18 this Act. An extraction that takes place before the effective date
19 of this Act is governed by the law in effect on the date of the
20 extraction, and the former law is continued in effect for that
21 purpose.

22 SECTION 5. This Act takes effect September 1, 2013.