

BILL ANALYSIS

C.S.H.B. 2582
By: Sheffield
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that a recent enhancement of regulatory authority over certain aggregate production operations has subjected certain small business operators of stone quarries from which material is extracted for decorative or artistic uses to costly regulatory fees. The parties argue that the nature of such quarries makes regulation of the quarries as aggregate production operations unnecessary. C.S.H.B. 2582 seeks to address this issue by providing for an exemption for certain quarries from regulation as aggregate production operations.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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.H.B. 2582 amends the Water Code to exclude from the term "aggregate production operation" for purposes of provisions relating to the registration and inspection of certain such operations a site at which the materials being removed or extracted from the earth are specialty or terrazo-type stone removed or extracted exclusively for decorative or artistic uses and at which the portion of the specialty or terrazo-type stone horizon that is exposed for current production for commercial sale in the site does not exceed five acres.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2582 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 28A.001(1), Water Code, is amended to read as follows:
(1) "Aggregate production operation"

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 28A.001(1), Water Code, is amended to read as follows:
(1) "Aggregate production operation"

85R 23287

17.102.887

Substitute Document Number: 85R 22818

means the site from which aggregates are being or have been removed or extracted from the earth, including the entire areas of extraction, stripped areas, haulage ramps, and the land on which the plant processing the raw materials is located, exclusive of any land owned or leased by the responsible party not being currently used in the production of aggregates. For the purposes of this chapter, the term "aggregate production operation" does not include:

(A) a site at which the materials that are being removed or extracted from the earth are used or processed at the same site or at a related site under the control of the same responsible party for the production of cement or lightweight aggregates, or in a lime kiln;

(B) a temporary site that is being used solely to provide aggregate products for use in a public works project involving the Texas Department of Transportation or a local governmental entity;

(C) an extraction area from which all raw material is extracted for use as fill or for other construction uses at the same or a contiguous site; ~~[or]~~

(D) a site at which the materials that are being removed or extracted from the earth are used or processed for use in the construction, modification, or expansion of a solid waste facility at the site or another location; or

(E) an extraction area from which:

(i) marble or granite material is extracted for decorative or artistic uses; and

(ii) the average amount of riprap removed per year in the preceding 10-year period is less than 1,500 tons.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

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(C) an extraction area from which all raw material is extracted for use as fill or for other construction uses at the same or a contiguous site; ~~[or]~~

(D) a site at which the materials that are being removed or extracted from the earth are used or processed for use in the construction, modification, or expansion of a solid waste facility at the site or another location; or

(E) a site at which:

(i) the materials being removed or extracted from the earth are specialty or terrazo-type stone removed or extracted exclusively for decorative or artistic uses; and

(ii) the portion of the specialty or terrazo-type stone horizon that is exposed for current production for commercial sale in the site does not exceed five acres.

SECTION 2. Same as introduced version.