

By: Martinez

H.B. No. 4063

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the location and operation of certain concrete crushing
3 facilities.

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

5 SECTION 1. Section 382.065, Health and Safety Code, is
6 amended by amending Subsection (b) and adding Subsection (e) to
7 read as follows:

8 (b) Subsection (a) does not apply to a concrete crushing
9 facility:

10 (1) at a location for which commission authorization
11 for the operation of a concrete crushing facility was in effect on
12 September 1, 2001;

13 (2) at a location that satisfies the distance
14 requirements of Subsection (a) at the time the application for the
15 initial authorization for the operation of that facility at that
16 location is filed with the commission, provided that the
17 authorization is granted and maintained, regardless of whether a
18 single or multifamily residence, school, or place of worship is
19 subsequently built or put to use within 440 yards of the facility;
20 [~~or~~]

21 (3) that:

22 (A) uses a concrete crusher:

23 (i) in the manufacture of products that
24 contain recycled materials; and

1 (ii) that is located in an enclosed
2 building; and

3 (B) is located:

4 (i) within 25 miles of an international
5 border; and

6 (ii) in a municipality with a population of
7 not less than 6,100 but not more than 20,000; or

8 (4) that:

9 (A) is located in a county with a population of
10 less than 50,000; and

11 (B) operates at a location:

12 (i) for not more than 90 days; and

13 (ii) only between the hours of 8 a.m. and 6
14 p.m.

15 (e) The commission shall impose a condition for the
16 authorization for the operation of a concrete crushing facility to
17 which the exception provided by Subsection (b)(4) applies that the
18 owner or operator of the facility must remove the aggregate
19 produced by the facility from the location of the facility not later
20 than the 30th day after the date of the expiration of the
21 authorization.

22 SECTION 2. Section 382.065(b), Health and Safety Code, as
23 amended by this Act, and Section 382.065(e) of that code, as added
24 by this Act, apply only to a permit to operate a concrete crushing
25 facility the application for which is filed on or after the
26 effective date of this Act. A permit the application for which is
27 filed before the effective date of this Act is governed by the law

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1 in effect on the date of filing, and that law is continued in effect
2 for that purpose.

3 SECTION 3. This Act takes effect September 1, 2019.