

By: Wilson

H.B. No. 4247

A BILL TO BE ENTITLED

AN ACT

relating to the operation of rock and concrete crushing facilities at certain locations.

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

SECTION 1. Section 382.065, Health and Safety Code, is amended to read as follows:

Sec. 382.065. CERTAIN LOCATIONS FOR OPERATING ROCK OR CONCRETE CRUSHING FACILITY PROHIBITED. (a) The commission by rule shall prohibit the operation of a rock or concrete crushing facility within 880 [~~440~~] yards of a building in use as a single or multifamily residence, school, place of worship, or hospital at the time the application for a permit to operate the facility at a site near the residence, school, place of worship, or hospital is filed with the commission.

(a-1) The measurement of distance for purposes of Subsection (a) [~~this subsection~~] shall be taken from the point on the rock or concrete crushing facility that is nearest to the residence, school, place of worship, or hospital toward the point on the residence, school, place of worship, or hospital that is nearest the rock or concrete crushing facility. If a rock or concrete crushing facility is to be located on a property that is also used or to be used for aggregate production, the measurement of distance shall be taken from the property line of the property used or to be used for aggregate production.

1 (b) Subsection (a) does not apply to a rock or concrete
2 crushing facility:

3 (1) at a location for which commission authorization
4 for the operation of a rock or concrete crushing facility was in
5 effect on September 1, 2001;

6 (2) at a location that satisfies the distance
7 requirements of Subsection (a) at the time the application for the
8 initial authorization for the operation of that facility at that
9 location is filed with the commission, provided that the
10 authorization is granted and maintained, regardless of whether a
11 single or multifamily residence, school, place of worship, or
12 hospital is subsequently built or put to use within 880 [~~440~~] yards
13 of the facility; or

14 (3) that:

15 (A) uses a concrete crusher:

16 (i) in the manufacture of products that
17 contain recycled materials; and

18 (ii) that is located in an enclosed
19 building; and

20 (B) is located:

21 (i) within 25 miles of an international
22 border; and

23 (ii) in a municipality with a population of
24 not less than 6,100 but not more than 20,000.

25 (c) [~~Except as provided by Subsection (d),~~] Subsection (a)
26 does not apply to a rock or concrete crushing facility that:

27 (1) is engaged in crushing rock, concrete, and other

1 materials produced by the demolition of a structure at the location
2 of the structure and the rock, concrete, and other materials are
3 being crushed primarily for use at that location;

4 (2) operates at that location for not more than 180
5 days;

6 (3) the commission determines will cause no adverse
7 environmental or health effects by operating at that location; and

8 (4) complies with conditions stated in commission
9 rules, including operating conditions.

10 ~~[(d) Notwithstanding Subsection (c), Subsection (a) applies~~
11 ~~to a concrete crushing facility in a county with a population of 3.3~~
12 ~~million or more or in a county adjacent to such a county.]~~

13 SECTION 2. The change in law made by this Act applies only
14 to an application for a permit to operate a rock or concrete
15 crushing facility that is filed on or after the effective date of
16 this Act. An application for a permit filed before the effective
17 date of this Act is governed by the law in effect on the date of
18 filing, and that law is continued in effect for that purpose.

19 SECTION 3. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2019.