

By: Creighton, Buckingham

S.B. No. 2125

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the regulation of aggregate production operation by the
3 Texas Commission on Environmental Quality; increasing an
4 administrative penalty.

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

6 SECTION 1. Section 7.052, Water Code, is amended by adding
7 Subsection (b-5) to read as follows:

8 (b-5) The amount of the penalty against a facility operator
9 for operating an aggregate production operation, as defined by
10 Section 28A.001, in violation of a permit issued by the commission
11 under Section 26.027 or 26.040 of this code or under Section
12 382.051, Health and Safety Code, may not exceed \$50,000 a day for
13 each day a violation continues.

14 SECTION 2. Section 7.069, Water Code, is amended by
15 amending Subsection (a) and adding Subsection (c) to read as
16 follows:

17 (a) Except as provided by Subsections [~~Subsection~~] (b) and
18 (c), a penalty collected under this subchapter shall be deposited
19 to the credit of the general revenue fund.

20 (c) A penalty collected under Section 7.052(b-5) shall be
21 paid to the commission and deposited to the credit of the water
22 resources management account and that money may be used only to
23 implement Chapter 28A.

24 SECTION 3. Section 28A.053(a), Water Code, is amended to

1 read as follows:

2 (a) The commission shall inspect each active aggregate
3 production operation in this state for compliance with applicable
4 environmental laws and rules under the jurisdiction of the
5 commission at least once every two [~~three~~] years.

6 SECTION 4. (a) The change in law made by this Act to Section
7 7.052, Water Code, applies only to a violation that occurs on or
8 after the effective date of this Act. For purposes of this section,
9 a violation occurs before the effective date of this Act if any
10 element of the violation occurs before that date.

11 (b) A violation that occurs before the effective date of
12 this Act is governed by the law in effect on the date of the
13 violation, and the former law is continued in effect for that
14 purpose.

15 SECTION 5. This Act takes effect September 1, 2019.