

By: Zwiener

H.B. No. 2422

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of aggregate production operations by the commissioners court in certain counties.

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. REGULATION [~~REGISTRATION AND INSPECTION~~] OF CERTAIN
AGGREGATE PRODUCTION OPERATIONS

SECTION 2. Section 28A.001(1), Water Code, is amended to read as follows:

(1) "Aggregate production operation" 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" includes a quarry producing 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

1 aggregates, or in a lime kiln;

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

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

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

13 (E) a site at which:

14 (i) the materials being removed or
15 extracted from the earth are specialty or terrazzo-type
16 [~~terrazo-type~~] stone removed or extracted exclusively for
17 decorative or artistic uses; and

18 (ii) the portion of the specialty or
19 terrazzo-type [~~terrazo-type~~] stone horizon that is exposed for
20 current production for commercial sale in the site does not exceed
21 five acres.

22 SECTION 3. The heading to Subchapter B, Chapter 28A, Water
23 Code, is amended to read as follows:

24 SUBCHAPTER B. REGISTRATION, ~~[AND]~~ INSPECTION, AND OPERATION

25 SECTION 4. Subchapter B, Chapter 28A, Water Code, is
26 amended by adding Section 28A.055 to read as follows:

27 Sec. 28A.055. LOCATION OF AGGREGATE PRODUCTION OPERATIONS

1 IN CERTAIN COUNTIES. (a) This section applies only to:

2 (1) a county with a population of 500,000 or more; or

3 (2) a county that:

4 (A) is adjacent to a county with a population of
5 500,000 or more; and

6 (B) according to the most recent federal
7 decennial census, had population growth of more than 30 percent
8 during the decade preceding the most recent federal decennial
9 census.

10 (b) The county commissioners court by order may prohibit the
11 construction or expansion of an aggregate production operation at a
12 location less than one mile from a residence, school, place of
13 worship, hospital, or land platted for residential development and
14 may establish conditions on the construction or expansion of an
15 aggregate production operation for other locations in the county
16 based on development patterns of the county, distance of an
17 operation from a roadway, traffic conditions, emission of dust from
18 an operation, or public safety.

19 (c) An order adopted under this section may not result in a
20 prohibition on the construction or expansion of aggregate
21 production operations in the county.

22 SECTION 5. The changes in law made by this Act apply only to
23 the construction or expansion of an aggregate production operation
24 that begins on or after the effective date of this Act. The
25 construction or expansion of an aggregate production operation that
26 begins before the effective date of this Act is governed by the law
27 in effect immediately before the effective date of this Act, and the

1 former law is continued in effect for that purpose.

2 SECTION 6. This Act takes effect September 1, 2021.