

BILL ANALYSIS

C.S.H.B. 5151
By: Wilson
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that aggregate production and operations can cause environmental harm and that the extraction process can disturb natural habitats, impact flora and fauna, and carry the risk of quarry runoff, all of which can devastate aquatic ecosystems. The bill author has also informed the committee that, while the state is in great need of aggregate production, the state's natural parks and fisheries need to be protected from adverse effects of such production. C.S.H.B. 5151 seeks to address this issue by prohibiting the Texas Commission on Environmental Quality from issuing a permit or permit amendment or authorizing the use of a standard permit for a facility used for the production or crushing of aggregates that is proposed to be located within a certain area.

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. 5151 amends the Health and Safety Code to prohibit the Texas Commission on Environmental Quality from issuing a permit or permit amendment or authorizing the use of a standard permit for a facility used for the production or crushing of aggregates, as defined by Water Code provisions relating to certain aggregate production operations, that is proposed to be located within:

- four miles of a lake that:
 - is owned or operated by a river authority; and
 - supports a national fish hatchery;
- four miles of an entrance to a state park that:
 - is owned or operated by the Parks and Wildlife Department; and
 - contains a cavern dedicated as a National Natural Landmark in 1971; and
- two miles of a youth camp:
 - founded in 1975; and
 - licensed by the Department of State Health Services.

The prohibition expressly does not apply to a facility operating under a permit issued or authorization to use a standard permit granted on or before January 1, 2025.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 5151 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced prohibited mines, quarries, or rock crushing facilities at any site at a certain location, the substitute instead prohibits the Texas Commission on Environmental Quality from issuing a permit or permit amendment or authorizing the use of a standard permit for a facility used for the production or crushing of aggregates, as defined by Water Code provisions relating to certain aggregate production operations, that is proposed to be located at such a location. Whereas the introduced exempted from its prohibition a site that was legally operating as a mine, quarry, or rock crushing facility on or before January 1, 2025, the substitute exempts from its prohibition a facility operating under a permit issued or authorization to use a standard permit granted on or before such a date. With respect to the bill's specification that such a location is within, in part, four miles of an entrance to a state park that is operated by the Parks and Wildlife Department (TPWD), the substitute provides, as an alternative to such operation by TPWD, ownership of the park by TPWD, whereas the introduced did provide this alternative.