

1 AN ACT
2 relating to penalties for, and emergency orders suspending, the
3 operation of a rock crusher or certain concrete plants without a
4 current permit under the Texas Clean Air Act.

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

6 SECTION 1. Section 7.052, Water Code, is amended by
7 amending Subsection (b) and adding Subsection (b-3) to read as
8 follows:

9 (b) Except as provided by Subsection (b-3), the [The] amount
10 of the penalty for operating a rock crusher or a concrete plant that
11 performs wet batching, dry batching, or central mixing, that is
12 required to obtain a permit under Section 382.0518, Health and
13 Safety Code, and that is operating without the required permit is
14 \$10,000. Each day that a continuing violation occurs is a separate
15 violation.

16 (b-3) If a person operating a facility as described by
17 Subsection (b) holds any type of permit issued by the commission
18 other than the permit required for the facility, the commission may
19 assess a penalty under Subsection (b) or (c).

20 SECTION 2. Section 5.5145, Water Code, is amended to read as
21 follows:

22 Sec. 5.5145. EMERGENCY ORDER CONCERNING OPERATION OF ROCK
23 CRUSHER OR CONCRETE PLANT WITHOUT PERMIT. The commission may
24 [~~shall~~] issue an emergency order under this subchapter suspending

34
ee
c.c.d.

S.B. No. 1003

1 operations of a rock crusher or a concrete plant that performs wet
2 batching, dry batching, or central mixing and is required to obtain
3 a permit under Section 382.0518, Health and Safety Code, and is
4 operating without the necessary permit.

5 SECTION 3. The change in law made by this Act to Section
6 7.052, Water Code, applies only to a violation that occurs on or
7 after the effective date of this Act. A violation that occurs
8 before the effective date of this Act is governed by the law in
9 effect on the date the violation occurred, and the former law is
10 continued in effect for that purpose.

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2011.

48
ee
...

S.B. No. 1003

David Newkum
President of the Senate

Joe Straus
Speaker of the House

I hereby certify that S.B. No. 1003 passed the Senate on March 31, 2011, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 27, 2011, by the following vote: Yeas 31, Nays 0.

Patsy Saw
Secretary of the Senate

I hereby certify that S.B. No. 1003 passed the House, with amendment, on May 25, 2011, by the following vote: Yeas 147, Nays 0, one present not voting.

Robert Haney
Chief Clerk of the House

Approved:

17 Jun '11
Date

RICK PERRY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
O'CLOCK

JUN 17 2011
[Signature]
Secretary of State