

BILL ANALYSIS

Senate Research Center

S.B. 785
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Natural Resources
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

At the end of the 78th Legislature, Regular Session, 2003, the governor created the Advisory Committee on Rock Crushers and Quarries which was charged with studying the permitting process for rock crushers and quarries. Current law seeks only to protect air quality in the permitting process by limiting emissions through measures specified in the permit. Similarly, protection of water quality is addressed in a limited fashion through the issuance of a stormwater discharge permit.

As proposed, S.B. 785 requires a quarry permit to be obtained before quarry operations begin. The quarry permit includes a site plan, assessing the environmental soundness of the proposed operation, including a report from an independent hydrologist; a blasting plan, including a requirement that all blasting be monitored with a seismograph or vibration monitor; and a requirement that quarry operators properly construct and maintain all access driveways, acceleration/deceleration lanes, and turn lanes when needed so that the site entrances are safe for the traveling public.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 2 (Section 390.011, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Subtitle C, Title 5, Health and Safety Code, to read as follows:

SUBTITLE C. AIR AND ENVIRONMENTAL QUALITY

SECTION 2. Amends Subtitle C, Title 5, Health and Safety Code, by adding Chapter 390, as follows:

CHAPTER 390. QUARRY PERMIT

Sec. 390.001. DEFINITIONS. Defines "aggregates," "commission," "operator," "pit," and "quarry."

Sec. 390.002. APPLICABILITY. Provides that this chapter applies only to a quarry that begins operation on or after September 1, 2005.

Sec. 390.003. QUARRY PERMIT REQUIRED. Requires an operator to apply for a quarry permit from the Texas Commission on Environmental Quality (commission) before the operator may create or begin operating a quarry.

Sec. 390.004. APPLICATION PROCEDURE. (a) Sets forth what plans, permits, reports, proof, and information must be included in the application for a quarry permit.

(b) Requires an application fee of \$1,000 to accompany the application.

(c) Requires the commission, if it denies an application, to notify the applicant in writing, specifying any defects in the application. Authorizes an applicant denied a permit to submit a modified application.

(d) Prohibits a decision by the commission on an application for a quarry permit from being contested.

Sec. 390.005. NOTICE TO CERTAIN OFFICIALS. Requires the commission, on receipt of an application for a quarry permit, to send notice of the application to certain officials who represent the area in which the quarry will be located.

Sec. 390.006. HYDROLOGIST REPORT. Requires the operator of a quarry to have the hydrologist report required to be included in the application periodically updated to ensure that no damage is being done to any surrounding water source.

Sec. 390.007. TRAFFIC SAFETY. (a) Requires the operator of a quarry to adhere to all Texas Department of Transportation rules relating to safe movement of normal highway traffic.

(b) Requires the operator to have all access driveway permits held by the operator periodically updated.

Sec. 390.008. BLASTING RECORD. (a) Requires the operator, if blasting is conducted in a quarry, to keep a blasting record that includes certain information.

(b) Requires the operator to maintain the blasting records for a period of two years after detonation.

(c) Requires the operator to maintain the blasting records at the quarry site.

(d) Requires the operator to make the blasting records available for inspection by the commission.

Sec. 390.009. BOND REQUIRED; RECLAMATION. (a) Requires the operator of a quarry to post bond in the amount of \$1,000 for each acre of land that will be affected by operations of the quarry on a two-year forward basis.

(b) Requires the operator, after the affected land is reclaimed, to notify the commission of the completion of the reclamation, after which the bond on the parcel may be released.

(c) Requires the operator, except as provided by Subsection (d), to complete the reclamation of affected lands no later than three years after the date of cessation of quarry operations.

(d) Provides that the operator may request and the commission may authorize additional time to complete a reclamation.

Sec. 390.010. CIVIL PENALTY; INJUNCTION. (a) Sets forth the monetary civil penalties for violation for this chapter.

(b) Requires the attorney general, at the request of the commission, to bring suit for injunctive relief to restrain a continuing violation of this chapter, to recover a civil penalty as provided by Subsection (a), or both.

Sec. 390.011. RULES. Authorizes the commission to adopt rules to implement this chapter.

SECTION 3. Effective date: September 1, 2005.