

## **BILL ANALYSIS**

Senate Research Center  
77R4184 MI-F

S.B. 1390  
By: Brown, J. E. "Buster"  
Natural Resources  
3/19/2001  
As Filed

### **DIGEST AND PURPOSE**

Currently there are several concrete batch plants operating in Texas without the necessary operating permits. As proposed, S.B. 1390 directs the Texas Natural Resource Conservation Commission (TNRCC) to impose penalties and immediately shut down operations at a facility that lacks the required permits.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 5L, Water Code, by adding Section 5.5145, as follows:

Sec. 5.5145. EMERGENCY ORDER CONCERNING OPERATION OF CONCRETE PLANT WITHOUT PERMIT. Requires the Texas Natural Resource Conservation Commission (commission) to issue an emergency order under this subchapter suspending operations of a concrete plant that performs wet batching, dry batching, or central mixing and is required to obtain a permit under Section 382.0518 (Preconstruction Permit), Health and Safety Code, and is operating without the necessary permit.

SECTION 2. Amends Section 7.052, Water Code, by adding Subsection (b), relettering existing Subsection (b) as Subsection (c), and amending and relettering existing Subsection (c) as Subsection (d), to provide that the amount of the penalty for operating a concrete plant that performs wet batching, dry batching, or central mixing, is required to obtain a permit under Section 382.0518, Health and Safety Code, and is operating without the required permit is \$10,000. Provides that each day that a continuing violation occurs is a separate violation. Makes a conforming change.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2001.