

**SUBJECT:** Suspending and penalizing operation of unpermitted concrete plants

**COMMITTEE:** Environmental Regulation — favorable, without amendment

**VOTE:** 7 ayes — Chisum, Kuempel, Bosse, Dukes, Geren, Howard, Zbranek  
0 nays  
2 absent — Bonnen, Uher

**SENATE VOTE:** On final passage, April 25 — voice vote

**WITNESSES:** None

**BACKGROUND:** The Texas Clean Air Act requires a rock crusher or concrete plant to obtain a preconstruction permit before beginning to operate.

**DIGEST:** SB 1390 would amend the Water Code to require the Texas Natural Resources Conservation Commission (TNRCC) to issue an emergency order suspending operations of a rock crusher or concrete plant performing wet batching, dry batching, or central mixing without a required permit.

The bill also would specify a \$10,000 penalty for a rock crusher or concrete plant performing these operations without the required permit. Each day of a continuing violation would be a separate violation for penalty purposes.

The changes added by this bill would apply only to a violation that occurred on or after the effective date of this bill. A violation that occurred before that date would be governed by the law in effect at the time the violation occurred, and the former law would be continued in effect for that purpose.

The bill would take effect September 1, 2001.

**SUPPORTERS  
SAY:**

SB 1390 would help protect the health and safety of Texans, particularly those who work in rock crushing and concrete plants. An increasing number of concrete plants and rock crushing operations recently have begun operating without obtaining the required permits from TNRCC. Plants that do not have permits are not inspected and often do not comply with statutory and administrative guidelines for worker safety, water pollution, and air emissions.

This bill would discourage plants from operating without permits by providing a stiff penalty for each day a plant operates without the required permits. Under current law, it is often more profitable to take the chance of being discovered operating a plant without a permit than it is to obtain a permit, because there are no significant penalties. Some operations see the risk of being caught as a cost of doing business.

**OPPONENTS  
SAY:**

No apparent opposition.