

SUBJECT: Increasing penalties for not registering certain aggregate operations

COMMITTEE: Environmental Regulation — favorable, without amendment

VOTE: 7 ayes — Lozano, E. Thompson, Blanco, Kuempel, Morrison, J. Turner,
Zwiener

0 nays

2 absent — Kacal, Reynolds

WITNESSES: For — Rob Van Til, Texas Aggregates and Concrete Association; Grant Dean, Texas Environmental Protection Coalition; (*Registered, but did not testify*: Carolyn Brittin and Tracy Schieffer, AGC of Texas; Amber Clowney, Toni Lott and Kim Ahrens, Boerne to Bergheim Coalition for a Clean Environment; Beth Cubriel, Black Mountain Sand; Tara Snowden, Capitol Aggregates, Inc.; David Parker, CRH Texas Materials; Aimee Bertrand, Harris County Commissioners Court; Margo Cardwell, LafargeHolcim; Michael Stewart, Lattimore Materials Company; Cyrus Reed, Lone Star Chapter Sierra Club; David Drewa, Preserve Our Hill Country Environment; Adrian Shelley, Public Citizen; David Perkins, Texas Aggregates and Concrete Association; Mia Hutchens, Texas Association of Business; Jen Ramos, Texas Young Democrats; Shannon Heep, Texas Power and Energy Conference; and 17 individuals)

Against — (*Registered, but did not testify*: Patrick Haggerty, Jobe Materials; Clint Hackney, Precast Concrete Manufacturers of Texas; Fred Heldenfels; Lynette Lucas; Mohan Rao;)

On — (*Registered, but did not testify*: Bryan Sinclair, Texas Commission on Environmental Quality)

BACKGROUND: Water Code sec. 28A.102 establishes the penalties the Texas Commission on Environmental Quality may assess for the failure of an aggregate production operation to register itself. Fines are at least \$5,000 and no more than \$10,000 for each year the operation is not registered, with a

maximum total penalty of no more than \$25,000 for an aggregate production operation that is operated in three or more years without being registered.

Concerns have been raised that current fines are insufficient to incentivize compliance with registration of aggregate production operators.

DIGEST: HB 907 would increase penalties for failure of an aggregate production operation to register with the Texas Commission on Environmental Quality. The minimum penalty would increase from \$5,000 per year to \$10,000. The maximum penalty would increase from \$10,000 per year to \$20,000. The maximum total penalty for three or more years of noncompliance would increase from \$25,000 to \$50,000.

The bill would take effect September 1, 2019.