

BILL ANALYSIS

Senate Research Center
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S.B. 793
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Natural Resources & Economic Development
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, concrete crushing facilities are prohibited from operating within 440 yards of a building that is being used as a single or multifamily residence, a school, or a place of worship. The current prohibition providing a distance of concrete crushing facilities from certain places still leaves other outdoor areas in communities vulnerable to health risks associated with those facilities.

S.B. 793 extends the distance that a concrete crushing facility may operate from certain places, and includes places of business where employees perform outdoor labor, parks, or outdoor recreational facilities in the existing prohibition.

As proposed, S.B. 793 amends current law relating to restrictions on the location and operation of concrete crushing facilities.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Commission on Environmental Quality is modified in SECTION 1 (Section 382.065, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 382.065, Health and Safety Code, by amending Subsections (a) and (b) and adding Subsection (a-1), as follows:

(a) Requires the Texas Commission on Environmental Quality (TCEQ) to by rule prohibit the operation of a concrete crushing facility within 440 yards of the following types of building or facilities:

- (1) creates Subdivision (1) from existing text;
- (2) a place of business where employees of the business perform outdoor work near the concrete crushing facility; or
- (3) a park or other outdoor recreational facility, including a playing field. Deletes existing text relating to a building in use as a certain entity at the time the application for a permit to operate the facility at a site near the residence, school, or place of worship is filed with TCEQ.

(a-1) Provides that the measurement of distance for purposes of this section is the shortest distance between the concrete crushing facility and a building, place of business, or outdoor recreational facility described by Subsection (a). Deletes existing text requiring that the measurement of distance for purposes of this subsection be taken from the point on the concrete crushing facility that is nearest to the residence, school, or place of worship toward the point on the residence, school, or place of worship that is nearest the concrete crushing facility.

(b) Provides that a rule adopted under this section, rather than Subsection (a), does not apply to certain concrete crushing facilities.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2017.