

AN ACT

relating to an exemption for certain quarries from regulation as aggregate production operations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 28A.001(1), Water Code, is amended to read as follows:

(1) "Aggregate production operation" means the site from which aggregates are being or have been removed or extracted from the earth, including the entire areas of extraction, stripped areas, haulage ramps, and the land on which the plant processing the raw materials is located, exclusive of any land owned or leased by the responsible party not being currently used in the production of aggregates. For the purposes of this chapter, the term "aggregate production operation" does not include:

(A) a site at which the materials that are being removed or extracted from the earth are used or processed at the same site or at a related site under the control of the same responsible party for the production of cement or lightweight aggregates, or in a lime kiln;

(B) a temporary site that is being used solely to provide aggregate products for use in a public works project involving the Texas Department of Transportation or a local governmental entity;

(C) an extraction area from which all raw

1 material is extracted for use as fill or for other construction uses
2 at the same or a contiguous site; [~~or~~]

3 (D) a site at which the materials that are being
4 removed or extracted from the earth are used or processed for use in
5 the construction, modification, or expansion of a solid waste
6 facility at the site or another location; or

7 (E) a site at which:

8 (i) the materials being removed or
9 extracted from the earth are specialty or terrazo-type stone
10 removed or extracted exclusively for decorative or artistic uses;
11 and

12 (ii) the portion of the specialty or
13 terrazo-type stone horizon that is exposed for current production
14 for commercial sale in the site does not exceed five acres.

15 SECTION 2. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 2582 was passed by the House on April 20, 2017, by the following vote: Yeas 144, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2582 was passed by the Senate on May 12, 2017, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor