

CHAPTER 293

H.B. No. 528

AN ACT

relating to prohibiting certain lead smelting plants from locating within a certain distance from residences.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 3.27, Texas Clean Air Act (Article 4477-5, Vernon's Texas Civil Statutes), is amended by adding Subsection (k) to read as follows:

*(k) The board may not grant a construction permit for a new lead smelting plant at a site located within 3,000 feet of the residence of any individual and at which lead smelting operations have not been conducted before the effective date of this subsection. This subsection does not apply to a modification of a lead smelting plant in operation on the effective date of this Act, to a new lead smelting plant or modification of a plant with the capacity to produce not more than 200 pounds of lead each hour, or to a lead smelting plant that, when the plant began operation, was located more than 3,000 feet from the nearest residence. In this subsection, "lead smelting plant" means a facility operated as a smeltery for the processing of lead.*

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 29, 1987, by a non-record vote. Passed by the Senate on May 30, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 11, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.