

BILL ANALYSIS

H.B. 44
By: Chisum
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The federal Clean Air Act requires that a small business advisory panel exist in a state with delegation of federal air programs. However, no similar panel is required for water programs in the federal Clean Water Act, though small businesses face similar obstacles complying with water as well as air programs.

HB 44 expands the scope of the advisory panel for the Small Business Stationary Source Assistance Program, and accordingly changes the program's name to the Small Business Compliance Assistance Program. This measure will allow the panel to advise the Texas Commission on Environmental Quality on storm water programs, in addition to air programs, as they affect small business

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Transfers Section 382.0365, Health and Safety Code, to Subchapter D, Chapter 5, Water Code, redesignating it as Section 5.135, Water Code. The redesignated section changes the name of the Small Business Stationary Source Assistance Program to the Small Business Compliance Assistance Program and makes related conforming changes. The section encourages cooperation between small businesses and other persons to achieve compliance with applicable water quality and solid waste laws, in addition to air quality laws. It also adds water pollution and improper disposal of solid waste to the list of mechanisms to assist small businesses with pollution prevention and the prevention and detection of accidental releases. References to federal law are updated. Stipulates that rules necessary to implement this section must comply with Section 507 of the Clean Air Act, as amended. The definition of "program" is changed to mean the small business compliance assistance program and a definition for "small business" is added.

SECTION 2. Makes conforming changes.

EFFECTIVE DATE

September 1, 2003.

EXPLANATION OF AMENDMENTS