

BILL ANALYSIS

C.S.H.B. 555
By: Chisum
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The 77th Texas Legislature amended the notice provisions of the Texas Clean Air Act (TCAA), as they apply to the relocation of portable facilities. The intent of the legislation was to provide an exemption from the TCAA's notice requirements for the relocation of a portable facility to a site if the portable facility had been located at the site during the previous two years. Instead, the language that was included in the final legislation has the opposite effect, requiring notice only if no portable facility had been located at the site within the prior two years.

Rules drafted by the Texas Commission on Environmental Quality (TCEQ) provide for a public notice exemption for portable facilities that relocate to a site after a prolonged absence (over 24 months). However, they also require public notice for the relocation of a portable facility to a site where the plant has been located at any time during the past two (2) years. Essentially the rules require notice for short-term relocations and exempt portable facilities from public notice when they are relocated to a site that has been vacant for several years. This puts an undue burden on the owners and operators of portable facilities as most are required to provide public notice every time they relocate their facility to a previous site.

CSHB 555 clarifies that a portable facility relocated to a site where a portable facility permitted by TCEQ has been located at any time within two years, is exempt from the permitting requirements of §382.056.

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: Stipulates that a portable facility relocated to a site where a portable facility permitted by TCEQ has been located at any time within two years, is exempt from the permitting requirements of §382.056, Health & Safety

EFFECTIVE DATE

Immediately if it receives a vote of two-thirds of the members. If it does not receive the two-thirds vote, the effective date is September 1, 2003

COMPARISON OF ORIGINAL TO SUBSTITUTE

The committee substitute rewords the language intended to amend §382.056(R)(1), Health & Safety, to clarify the intent of the bill.