

BILL ANALYSIS

Senate Research Center

S.B. 1710
By: Staples
Natural Resources
7/8/2005
Enrolled

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current Texas law gives the Texas Commission on Environmental Quality (TCEQ) authority to make rules prohibiting outdoor burning. TCEQ uses this authority to eliminate all open burning, regardless of the location of the burn, the substance being burned, or the impact on public health.

S.B. 1710 requires TCEQ to adopt rules which allow burning of certain materials in ambient air quality attainment areas.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 (Section 382.018, Health and Safety Code) of this bill.

Rulemaking authority previously granted to the Texas Commission on Environmental Quality is modified in SECTION 1 (Section 382.018, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 382.018, Health and Safety Code, as follows:

Sec. 382.018. **OUTDOOR BURNING OF WASTE AND COMBUSTIBLE MATERIAL.** (a) Authorizes the Texas Commission on Environmental Quality (TCEQ), by rule, except as provided by Subsections (b) and (d), to control and prohibit the outdoor of burning waste and combustible material and to include requirements concerning the particular method to be used to control or abate the emission of air contaminants resulting from that burning.

(b) Requires TCEQ, by rule, to authorize outdoor burning of waste, if the waste consists of certain foliage, is burned in an area that meets the national ambient air quality standards and that does not contain any part of a city that does not meet such standards, and on the property on which it was generated by the owner of the property or any other person authorized by the owner.

(c) Prohibits rules adopted under Subsection (b) from requiring prior TCEQ approval of the burning or authorizing the burning only when no practical alternative to burning exists.

(d) Prohibits TCEQ from controlling or prohibiting outdoor burning of waste consisting of certain foliage if the person burning the waste is doing so at a certain site.

(e) Requires the fire department employee who will supervise a burning under Subsection (d)(1)(D) to notify TCEQ of each burning supervised by the employee, and requires TCEQ to provide the employee with information on practical alternatives to burning.

SECTION 2. Effective date: September 1, 2005.