

## **BILL ANALYSIS**

S.B. 1710  
By: Staples  
Environmental Regulation  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Current Texas law gives the Texas Commission on Environmental Quality (TCEQ) authority to make rules prohibiting outdoor burning. The 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.

Senate Bill 1710 requires the TCEQ to adopt rules to allow burning of plant materials in ambient air quality attainment areas.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 of this bill.

### **ANALYSIS**

Senate Bill 1710 amends the Health and Safety Code to require the Texas Commission on Environmental Quality to authorize, by rule, the outdoor burning of waste if the waste consists of trees, brush, grass, leaves, branch trimmings, or other plant growth. The waste may only be burned in an air quality attainment area on the property on which the waste was generated and by the owner of the property or any other person authorized by the owner.

The bill prohibits the rules from requiring prior commission approval of the burning and may not authorize the burning only when no practical alternative to burning exists.

### **EFFECTIVE DATE**

September 1, 2005