

## **BILL ANALYSIS**

S.B. 1740  
By: Staples  
Environmental Regulation  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Current law requires applicants seeking an air permit amendment to obtain a final decision on the permit from the Texas Commission on Environmental Quality (TCEQ) before beginning construction. At times, applicants need to alter or replace equipment on a deadline. Waiting for a final decision on an amendment application places companies on tight schedules and jeopardizes continued operations.

Senate Bill 1740 authorizes applicants seeking a permit amendment to begin construction prior to a final decision by the TCEQ. It specifies that the applicant assumes responsibility for proceeding before receiving a final decision, and prohibits the TCEQ from considering construction efforts when evaluating the merits of the amendment application.

### **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**

Senate Bill 1740 amends the Health and Safety Code to authorize a person who submits an application for an air permit for a modification of or a lesser change to an existing facility, at the person's own risk, to begin construction related to the application after the application is submitted and before the Texas Commission on Environmental Quality (TCEQ) has issued the permit, to the extent permissible under federal law.

The bill prohibits the TCEQ from considering construction begun under these provisions in determining whether to grant the permit modification sought in the application.

### **EFFECTIVE DATE**

September 1, 2005.