

By: Shapleigh

S.B. No. 667

A BILL TO BE ENTITLED

AN ACT

relating to certain circumstances under which the Texas Commission on Environmental Quality is required or authorized to deny or amend a permit under the Texas Clean Air Act.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 382, Health and Safety Code, is amended by adding Sections 382.059 and 382.0592 to read as follows:

Sec. 382.059. RESTRICTION ON ISSUANCE OR RENEWAL OF PERMIT IF APPLICANT IS NOT IN COMPLIANCE WITH CLEANUP OBLIGATIONS. (a) In this section, "contaminant" has the meaning assigned by Section 361.601.

(b) Notwithstanding the other provisions of this chapter, the commission may not issue or renew a permit under this chapter if the applicant has been determined by an order of an agency of the federal government, an agency of this state or another state, a local government, or a court to not be in compliance with an obligation to clean up or remove a contaminant from a site located in this state or another state unless the applicant submits proof of financial responsibility showing to the satisfaction of the commission that the applicant has the ability to pay the costs of cleaning up or removing the contaminant from the site.

(c) An application for the issuance or renewal of a permit under this chapter must:

1 (1) disclose any order described by Subsection (b) to
2 which the applicant is subject; or

3 (2) state that the applicant is not subject to an order
4 described by Subsection (b).

5 Sec. 382.0592. PERMIT DENIAL OR AMENDMENT. The commission
6 may deny or amend a permit, a permit amendment, or a permit renewal
7 if the commission finds, after notice and hearing, that:

8 (1) there is good cause to do so for reasons pertaining
9 to public health, air or water pollution, or land use;

10 (2) the applicant or permit holder has a compliance
11 history that is in the lowest classification under Sections 5.753
12 and 5.754, Water Code, and rules adopted and procedures developed
13 under those sections;

14 (3) the applicant or permit holder made a false or
15 misleading statement in connection with an application submitted to
16 the commission or its officers or employees, whether the statement
17 is made in the application itself or in a written instrument
18 relating to the application; or

19 (4) the applicant or permit holder is indebted to this
20 state or a political subdivision of this state for a penalty or a
21 delinquent tax or fee.

22 SECTION 2. The change in law made by this Act applies only
23 to an application for a permit, permit amendment, or permit renewal
24 that is filed with the Texas Commission on Environmental Quality
25 under Chapter 382, Health and Safety Code, on or after the effective
26 date of this Act. An application for a permit, permit amendment, or
27 permit renewal that is filed with the commission under that chapter

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1 before the effective date of this Act is governed by the law in
2 effect on the date the application is filed, and that law is
3 continued in effect for that purpose.

4 SECTION 3. This Act takes effect September 1, 2005.