

By: Staples

S.B. No. 1740

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to construction activities allowed while an application is  
3 pending with the Texas Commission on Environmental Quality.

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

5 SECTION 1. Subchapter A, Chapter 382, Health and Safety  
6 Code, is amended by adding Section 382.004 to read as follows:

7 Sec. 382.004. CONSTRUCTION WHILE PERMIT APPLICATION  
8 PENDING. (a) To the extent permissible under federal law and  
9 notwithstanding Section 382.0518, a person who submits an  
10 application for a permit for a modification of or a lesser change to  
11 an existing facility under this subtitle may, at the person's own  
12 risk, begin construction related to the application after the  
13 application is submitted and before the commission has issued the  
14 permit.

15 (b) The commission may not consider construction begun  
16 under this section in determining whether to grant the permit  
17 sought in the application.

18 SECTION 2. Section 382.004, Health and Safety Code, as  
19 added by this Act, applies only to an application for a permit  
20 issued by the Texas Commission on Environmental Quality that is  
21 submitted to the commission on or after the effective date of this  
22 Act. An application submitted before the effective date of this Act  
23 is governed by the law in effect on the date the application was  
24 submitted and that law is continued in effect for that purpose.

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