

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) Notwithstanding Sec. 385.0518, a person who submits
9 an application for a permit to modify an existing facility under
10 this subtitle may, at the person's own risk, begin construction
11 related to the application after the application is submitted and
12 before the commission has issued the permit.

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

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

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