

1-1 By: Staples S.B. No. 1740
1-2 (In the Senate - Filed March 11, 2005; March 30, 2005, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 20, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 0; April 20, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1740 By: Staples

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to construction activities allowed while an application is
1-11 pending with the Texas Commission on Environmental Quality.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter A, Chapter 382, Health and Safety
1-14 Code, is amended by adding Section 382.004 to read as follows:

1-15 Sec. 382.004. CONSTRUCTION WHILE PERMIT APPLICATION
1-16 PENDING. (a) To the extent permissible under federal law and
1-17 notwithstanding Section 382.0518, a person who submits an
1-18 application for a permit for a modification of or a lesser change to
1-19 an existing facility under this subtitle may, at the person's own
1-20 risk, begin construction related to the application after the
1-21 application is submitted and before the commission has issued the
1-22 permit.

1-23 (b) The commission may not consider construction begun
1-24 under this section in determining whether to grant the permit
1-25 sought in the application.

1-26 SECTION 2. Section 382.004, Health and Safety Code, as
1-27 added by this Act, applies only to an application for a permit
1-28 issued by the Texas Commission on Environmental Quality that is
1-29 submitted to the commission on or after the effective date of this
1-30 Act. An application submitted before the effective date of this Act
1-31 is governed by the law in effect on the date the application was
1-32 submitted and that law is continued in effect for that purpose.

1-33 SECTION 3. This Act takes effect September 1, 2005.

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