

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 4, 2005

TO: Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: SB667 by Shapleigh (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.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would prohibit the Texas Commission on Environmental Quality (TCEQ) from issuing or renewing any air quality permit to a regulated entity which has an order issued against them by the federal government, any state or local government, or court for failure to comply with an obligation to clean up or remove a contaminant as defined in the Solid Waste Disposal Act unless the applicant submits proof of financial responsibility and ability for cleanup. The bill also would provide the TCEQ with the authority to deny or amend a permit, amendment, or renewal if the following conditions apply: 1) it finds after notice and hearing that a good cause relating to public health, pollution, or land use exists; 2) the applicant has poor compliance history; 3) the applicant makes false claims pertaining to the application; 4) or the applicant owes a penalty or delinquent tax or fee to the state or its political subdivisions.

Although the bill would require rulemaking by the TCEQ and could require the agency to perform additional inspections to ensure cleanups have been completed, any additional costs to the agency are expected to be absorbed using existing agency resources.

Local Government Impact

Assuming local governments would comply with state and federal law, as well as court orders, no significant fiscal implication to units of local government is anticipated.

Source Agencies: 582 Commission on Environmental Quality

LBB Staff: JOB, WK, ZS, TL