

Amend CSSB 12 (Senate committee printing) by adding the following appropriately numbered article and renumbering the subsequent articles of the bill accordingly:

ARTICLE __. PERMITS UNDER CLEAN AIR ACT

SECTION __.01. Subchapter C, Chapter 382, Health and Safety Code, is amended by adding Sections 382.0592 and 382.0593 to read as follows:

Sec. 382.0592. 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:

(1) proof that the applicant is making satisfactory progress in cleaning up or removing the contaminant from the site as determined by the entity with jurisdiction over the cleanup or removal; or

(2) 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) The commission shall consult the United States Environmental Protection Agency to determine whether an applicant is subject to an order described by Subsection (b) pertaining to cleaning up or removing a contaminant from a site located in another state.

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

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

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

Sec. 382.0593. PERMIT DENIAL OR AMENDMENT. The commission may deny or amend a permit, a permit amendment, or a permit renewal if the commission finds, after notice and hearing, that:

(1) there is good cause to do so for reasons pertaining to public health or air pollution;

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

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

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

SECTION __.02. Sections 382.0592 and 382.0593, Health and Safety Code, as added by this article, apply only to an application for a permit, permit amendment, or permit renewal that is filed with the Texas Commission on Environmental Quality under Chapter 382, Health and Safety Code, on or after the effective date of this article. An application for a permit, permit amendment, or permit renewal that is filed with the commission under that chapter before the effective date of this article is governed by the law in effect on the date the application is filed, and that law is continued in effect for that purpose.

SECTION __.03. This article takes effect September 1, 2007.