

BILL ANALYSIS

C.S.H.B. 1252
By: Bonnen
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, a preconstruction permit for an air emission source issued on or after December 1, 1991, is subject to review and renewal every ten years. For cause, the Texas Commission on Environmental Quality (TCEQ) may establish permit terms between five and ten years.

Applications to amend permits may require similar review of the permit and may be subject to public notice requirements. Adjusting the renewal schedule to coincide with an amendment under appropriate circumstances will make more efficient use of the resources of the TCEQ without reducing the opportunity for public input. Additional flexibility in establishing permit renewal schedules will also enable TCEQ to more adequately address issues such as compliance history in considering permit terms and conditions.

C.S.H.B. 1252 allows the TCEQ to do a complete permit renewal if a preconstruction permit comes up for a major amendment within the last three years of the permit.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1252 amends the Health and Safety Code to provide that a preconstruction permit issued on or after December 1, 1991, is subject to review on the filing of an application for an amendment to the permit, if the applicant is subject to provisions of the Texas Clean Air Act relating to public notice, the application is filed within three years of the expiration of the permit and the applicant does not object to having the permit subjected to review at that time.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute conforms the original bill to Legislative Council drafting standards. The substitute adds the condition that the applicant does not object to having the permit reviewed at the time the application is open for an amendment. The substitute removes changes to statute in the original bill that provided that a preconstruction permit issued on or after December 1, 1991, for a facility at a nonfederal source may contain a provision requiring the permit to be renewed at a period as determined by the commission but no longer than 10 years, rather than at a period of between five and ten years.