

By: Bonnen

H.B. No. 1252

Substitute the following for H.B. No. 1252:

By: West

C.S.H.B. No. 1252

A BILL TO BE ENTITLED

AN ACT

relating to the period after which a preconstruction permit issued or renewed by the Texas Commission on Environmental Quality under the Texas Clean Air Act is subject to review.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 382.055(a), Health and Safety Code, is amended to read as follows:

(a) A preconstruction permit issued or renewed by the commission is subject to review to determine whether the authority to operate should be renewed according to the following schedule:

(1) a preconstruction permit issued before December 1, 1991, is subject to review not later than 15 years after the date of issuance;

(2) a preconstruction permit issued on or after December 1, 1991, is subject to review:

(A) every 10 years after the date of issuance; or
(B) on the filing of an application for an amendment to the permit, if:

(i) the applicant is subject to Section 382.056;

(ii) the application is filed with the commission not more than three years before the date the permit is scheduled to expire; and

(iii) the applicant does not object to

1 having the permit subjected to review at that time; and

2 (3) for cause, a preconstruction permit issued on or
3 after December 1, 1991, for a facility at a nonfederal source may
4 contain a provision requiring the permit to be renewed at a period
5 of between five and 10 years.

6 SECTION 2. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2007.