

By: Cohen

H.B. No. 1740

A BILL TO BE ENTITLED

AN ACT

relating to the requirements for preconstruction permit renewals.

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

SECTION 1. Section 382.055, Health and Safety Code, is amended by amending Subsection (e) and adding Subsections (e-1), (e-2), and (e-3) to read as follows:

(e) The commission shall impose as a condition for renewal of a preconstruction permit only those requirements the commission determines to be economically reasonable and technically practicable considering the age of the facility and the effect of its emissions on the surrounding area.

(e-1) The commission may not impose requirements under Subsection (e) more stringent than those of the existing permit unless the commission determines that:

(1) the requirements are necessary to avoid a condition of air pollution;

(2) the requirements are necessary ~~[or]~~ to ensure compliance with otherwise applicable federal or state air quality control requirements; or

(3) the facility is permitted to emit an air contaminant that has the potential to produce adverse health effects or odors and is listed on the commission's air pollutant watch list for a specified geographic area in which the facility is located.

1 (e-2) The authority of the commission under Subsection
2 (e-1)(3) to impose a more stringent requirement on a facility
3 applies only to requirements applicable to an air contaminant that
4 is listed on the air pollutant watch list for the specific
5 geographic area in which the facility is located.

6 (e-3) The commission may not impose requirements under
7 Subsection (e) less stringent than those of the existing permit
8 unless the commission determines that a proposed change will meet
9 the requirements of Sections 382.0518 and 382.0541.

10 SECTION 2. Section 382.055(e-1), Health and Safety Code, as
11 added by this Act, applies only to an application for a
12 preconstruction permit renewal that is submitted to the Texas
13 Commission on Environmental Quality on or after the effective date
14 of this Act. A preconstruction permit renewal application that is
15 submitted to the commission before the effective date of this Act is
16 governed by the law in effect when the application was submitted,
17 and the former law is continued in effect for that purpose.

18 SECTION 3. This Act takes effect September 1, 2007.