

BILL ANALYSIS

H.B. 3251
By: Chisum
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The permitting process associated with certain electric generating facilities is believed by some observers to be too slow and expensive. Interested parties contend that this delay and expense is often caused by contested cases that are referred by the Texas Commission on Environmental Quality (TCEQ) to the State Office of Administrative Hearings before being returned to TCEQ for a final decision.

H.B. 3251 seeks to address this issue by directing TCEQ to process permits in compliance with federal agency rules for certain federal operating permits. Such a change would allow for the same public participation required by federal agencies and other states; reduce costs to the state and to the consumer; speed up the permitting process; provide a more realistic opportunity for installation of pollution control equipment by federal deadlines; and accelerate emission reductions across the state.

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

H.B. 3251 amends the Health and Safety Code to require the Texas Commission on Environmental Quality (TCEQ) to provide an opportunity for a public hearing and the submission of public comment and to send notice of a decision on an application for a permit amendment application required under the Texas Clean Air Act for an electric generating facility that is seeking such authorization to comply with federal law in the same manner as provided by provisions of state law relating to a hearing for a federal operating permit. The bill authorizes a person affected by a decision of TCEQ to issue or deny a permit to move for rehearing and entitles the person to judicial review.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.