

By: Christian

H.B. No. 3480

A BILL TO BE ENTITLED

AN ACT

relating to the stringency of requirements imposed by the Texas Commission on Environmental Quality.

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

SECTION 1. Section 5.102, Water Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding any other law, the commission may not impose a standard or requirement to regulate an activity under the commission's jurisdiction that is more stringent than the minimum acceptable standard or requirement under the applicable federal law or a regulation adopted by the United States Environmental Protection Agency to regulate the same activity.

SECTION 2. Section 382.0173(d), Health and Safety Code, is amended to read as follows:

(d) This section applies only while the federal rules cited in this section are enforceable. The ~~and does not limit the authority of the~~ commission may not ~~to~~ implement more stringent emissions control requirements than are required by federal law.

SECTION 3. Section 26.357(b), Water Code, is amended to read as follows:

(b) The commission may not impose standards or rules more stringent than the federal requirements ~~[unless the commission determines that more stringent standards or rules are necessary to protect human health or the environment]~~.

1 SECTION 4. Section 27.020, Water Code, is amended to read as  
2 follows:

3 Sec. 27.020. MINING OF SULFUR. The commission is  
4 authorized to develop a regulatory program with respect to the  
5 injection of fluid associated with the mining of sulfur by the  
6 Frasch process in accordance with the provisions of this chapter.  
7 The commission may not impose any requirements more stringent than  
8 those promulgated by the administrator of the United States  
9 Environmental Protection Agency pursuant to the federal Safe  
10 Drinking Water Act, 42 U.S.C. 300h et seq., as amended[~~, unless the~~  
11 ~~commission determines that more stringent regulations are~~  
12 ~~necessary to protect human health or the environment]~~.

13 SECTION 5. (a) Not later than September 1, 2012, the Texas  
14 Commission on Environmental Quality shall adopt rules to comply  
15 with Section 5.102, Water Code, as amended by this Act.

16 (b) A rule or policy of the Texas Commission on  
17 Environmental Quality that does not meet the requirements of  
18 Section 5.102, Water Code, as amended by this Act, remains in effect  
19 only until the earlier of:

20 (1) the date the rule or policy is revised by the  
21 commission under Subsection (a) of this section; or

22 (2) September 1, 2012.

23 SECTION 6. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect September 1, 2011.