

BILL ANALYSIS

S.B. 1756
By: Uresti
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that certain business and investments in the state are being diverted to competitor states due to the current backlog of applications for air permits from the Texas Commission on Environmental Quality (TCEQ). The parties further contend that this backlog is ultimately slowing down economic growth in Texas and that TCEQ needs to expand its expedited permit processing capability. S.B. 1756 seeks to remedy this issue by providing for the expedited processing of certain applications for permits under the Texas Clean Air Act.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTIONS 1 and 2 of this bill.

ANALYSIS

S.B. 1756 amends the Health and Safety Code to authorize an applicant, in a manner prescribed by the Texas Commission on Environmental Quality (TCEQ), to request the expedited processing of an application filed under the Texas Clean Air Act if the applicant demonstrates that the purpose of the application will benefit the economy of this state or an area of this state. The bill authorizes the executive director of TCEQ to grant an expedited processing request if the executive director determines that granting the request will benefit the economy of this state or an area of this state.

S.B. 1756 specifies that the expediting of an application under these provisions does not affect a contested case hearing or applicable federal, state, and regulatory requirements, including the notice, opportunity for a public hearing, and submission of public comment required under the Texas Clean Air Act. The bill authorizes TCEQ by rule to add a surcharge to an application fee assessed under the Texas Clean Air Act for an expedited application in an amount sufficient to cover the expenses incurred by the expediting, including overtime, contract labor, and other costs. The bill authorizes TCEQ to authorize the use of overtime or contract labor to process expedited applications, specifies that overtime or contract labor is not included in the calculation of the number of full-time equivalent TCEQ employees allotted under other law, and authorizes TCEQ to pay for compensatory time, overtime, or contract labor used to implement these provisions.

S.B. 1756 requires a rule adopted under these provisions to be consistent with the Administrative Procedure Act and requires such an adopted rule regarding notice to include a provision to require an indication that the application is being proceeded in an expedited manner. The bill requires TCEQ to adopt rules necessary to implement the bill's provisions as soon as practicable after the bill's effective date.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.