

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 22, 2013**

**TO:** Honorable Patricia Harless, Chair, House Committee on Environmental Regulation

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2292** by González, Mary (Relating to the notice requirements for the issuance, renewal, or amendment of certain environmental permits issued by the Texas Commission on Environmental Quality.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would apply to National Pollutant Discharge Elimination System (NPDES) permits, Class I injection well permits, hazardous waste management facility permits, New Source Review air permits (NSR), and Federal Operating air permits (FOP). The bill would require applicants for these permits to mail Notice of Receipt and Intent (NORI) to obtain permit to each owner and occupant of real property located 5 miles or less from the facility that is the subject of the permit. The Texas Commission on Environmental Quality (TCEQ), by rule, would establish the form and content of the notice, pursuant to the information required by the bill. The bill also would provide an exception for the notice requirements for permits for land application of Class B sludge.

The bill would require that the new mailed notice requirements would apply to an application for a permit, permit amendment, or permit renewal that is filed with TCEQ on or after September 1, 2013. Applications filed before that date continue to be governed by current law.

The bill would take effect September 1, 2013.

The TCEQ reports that the agency already provides mailed notice for certain permits, and applicants are required to provide notices in various cases. The bill would require that notices be mailed to additional recipients. This would result in an increase in the TCEQ's workload in both the air permitting and water permitting areas. This analysis assumes that TCEQ would handle the increased workload using existing appropriations out of the General Revenue-Dedicated Clean Air Account No. 153 and the Clean Air Account No. 151, and that the costs required to complete the additional mailings required by the bill would not be significant relative to the water and air permitting programs.

**Local Government Impact**

TCEQ reported that if a local or other governmental entity is an applicant for a permit subject to the requirements of this bill, the entity could incur significant costs associated with mailing notice to the owners or occupants of real property located five (5) miles or less from the facility.

The Texas Municipal League reported that costs to cities, which include printing and mailing notices and also identifying those to whom notice would be provided, would vary depending on the number of houses in the prescribed area and may be significant for some municipalities.

**Source Agencies:** 582 Commission on Environmental Quality

**LBB Staff:** UP, SZ, ZS, TL, KKR