

By: Estes

S.B. No. 1268

A BILL TO BE ENTITLED

AN ACT

relating to the commencement of construction of a project following the filing of a final decision to issue an air quality permit or permit amendment for the project.

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

SECTION 1. Section 382.004, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) To the extent permissible under federal law and notwithstanding Section 382.0518, a person who submits an application for a permit or permit amendment [~~for a modification of or a lesser change to an existing facility~~] under this subtitle may, at the person's own risk, begin construction related to the application after the application is submitted and before the commission has issued the permit or permit amendment if:

(1) the application is for a permit or permit amendment for a modification of or a lesser change to an existing facility; or

(2) the executive director has filed with the chief clerk of the commission under Section 382.056 a final decision to issue the permit or permit amendment.

(c) Construction begun under Subsection (a)(2) may not begin earlier than the 30th day after the date the final decision is filed and must be consistent with the final draft permit. A

1 facility for which construction begins under Subsection (a)(2) may
2 not begin operation until the permit or permit amendment has been
3 finally issued.

4 SECTION 2. Section 382.056(1), Health and Safety Code, is
5 amended to read as follows:

6 (1) The executive director, in accordance with procedures
7 adopted by the commission by rule, shall file with the chief clerk
8 of the commission a final decision that includes a response to each
9 relevant and material public comment on the preliminary decision
10 filed during the public comment period.

11 SECTION 3. The changes in law made by this Act apply only to
12 an application for a permit or permit amendment for which a final
13 decision is filed with the chief clerk of the Texas Commission on
14 Environmental Quality on or after the effective date of this Act.
15 An application for a permit or permit amendment for which a final
16 decision was filed before the effective date of this Act is governed
17 by the law in effect on the date of filing, and that law is continued
18 in effect for that purpose.

19 SECTION 4. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2015.