

By: Kuempel

H.B. No. 2726

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the commencement of construction of a project following  
3 the issuance of a draft permit for a permit amendment to an air  
4 quality permit.

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

6 SECTION 1. Section 382.004, Health and Safety Code, is  
7 amended to read as follows:

8 Sec. 382.004. CONSTRUCTION WHILE PERMIT AMENDMENT  
9 APPLICATION PENDING. (a) To the extent permissible under federal  
10 law, ~~[and]~~ notwithstanding Section 382.0518, and except as provided  
11 by Subsection (c), a person who submits an application for a permit  
12 amendment ~~[for a modification of or a lesser change to an existing~~  
13 ~~facility under this subtitle]~~ may, at the person's own risk, begin  
14 construction related to the application after the executive  
15 director has issued a draft permit including the permit amendment  
16 ~~[the application is submitted and before the commission has issued~~  
17 ~~the permit]~~.

18 (b) The commission may not consider construction begun  
19 under this section in determining whether to grant the permit  
20 amendment sought in the application.

21 (c) A person may not begin construction under this section  
22 if the facility that is the subject of the permit amendment is a  
23 concrete batch plant located within 880 yards of a property that is  
24 used as a residence.

1        (d) The commission shall adopt rules to implement this  
2 section.

3        SECTION 2. The changes in law made by this Act apply only to  
4 an application for a permit amendment filed with the Texas  
5 Commission on Environmental Quality on or after the effective date  
6 of this Act. An application for a permit amendment filed before the  
7 effective date of this Act is governed by the law in effect on the  
8 date of filing, and that law is continued in effect for that  
9 purpose.

10       SECTION 3. This Act takes effect January 1, 2020.