

AN ACT

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

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

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

Sec. 382.004. CONSTRUCTION WHILE PERMIT AMENDMENT APPLICATION PENDING. (a) To the extent permissible under federal law, ~~[and]~~ notwithstanding Section 382.0518, and except as provided by Subsection (c), a person who submits an application for a 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 executive director has issued a draft permit including the permit amendment ~~[the application is submitted and before the commission has issued the permit]~~.

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

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

President of the Senate

Speaker of the House

I certify that H.B. No. 2726 was passed by the House on May 7, 2019, by the following vote: Yeas 102, Nays 46, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 2726 on May 23, 2019, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2726 on May 26, 2019, by the following vote: Yeas 113, Nays 30, 1 present, not voting.

Chief Clerk of the House

H.B. No. 2726

I certify that H.B. No. 2726 was passed by the Senate, with amendments, on May 20, 2019, by the following vote: Yeas 21, Nays 10; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2726 on May 26, 2019, by the following vote: Yeas 20, Nays 11.

Secretary of the Senate

APPROVED: _____

Date

Governor