

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, a person who submits an
11 application for a permit amendment [~~for a modification of or a~~
12 ~~lesser change to an existing facility under this subtitle~~] may, at
13 the person's own risk, begin construction related to the
14 application after the commission has issued a draft permit
15 including the permit amendment [~~the application is submitted and~~
16 ~~before the commission has issued the permit~~].

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

20 SECTION 2. The changes in law made by this Act apply only to
21 an application for a permit amendment filed with the Texas
22 Commission on Environmental Quality on or after the effective date
23 of this Act. An application for a permit amendment filed before the
24 effective date of this Act is governed by the law in effect on the

1 date of filing, and that law is continued in effect for that
2 purpose.

3 SECTION 3. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2019.