

SENATE AMENDMENTS

2nd Printing

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.

ADOPTED

MAY 19 2019

Henry Spaw Campbell
Secretary of the Senate

FLOOR AMENDMENT NO. 1

1 Amend H.B. No. 2726 (senate committee printing) in SECTION 1
2 of the bill by striking added Section 382.004(c), Health and Safety
3 Code (page 1, lines 41 through 44), and substituting the following:

4 (c) A person may not begin construction under this section
5 if the facility that is the subject of the permit amendment is an
6 aggregate production operation or a concrete batch plant located
7 within 880 yards of a building that is used as a single or
8 multifamily residence, school, or hospital.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 21, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2726 by Kuempel (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.),
As Passed 2nd House

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code to permit a person that submits an application for a permit amendment to begin work related to the application after the Texas Commission on Environmental Quality has issued a draft permit including the permit amendment for the exception of the construction of facilities within 880 yards of a residence. Based on the analysis of the Texas Commission on Environmental Quality, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 582 Commission on Environmental Quality

LBB Staff: WP, SZ, GDz

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 11, 2019

TO: Honorable Brian Birdwell, Chair, Senate Committee on Natural Resources & Economic Development

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2726 by Kuempel (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.),
As Engrossed

<p>No significant fiscal implication to the State is anticipated.</p>

The bill would amend the Health and Safety Code to permit a person that submits an application for a permit amendment to begin work related to the application after the Texas Commission on Environmental Quality has issued a draft permit including the permit amendment for the exception of the construction of facilities within 880 yards of a residence. Based on the analysis of the Texas Commission on Environmental Quality, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

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Source Agencies: 582 Commission on Environmental Quality

LBB Staff: WP, SZ, GDz

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 5, 2019

TO: Honorable J. M. Lozano, Chair, House Committee on Environmental Regulation

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2726 by Kuempel (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.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

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Local Government Impact

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Source Agencies: 582 Commission on Environmental Quality

LBB Staff: WP, SZ, GDz

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 25, 2019

TO: Honorable J. M. Lozano, Chair, House Committee on Environmental Regulation

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2726 by Kuempel (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.),
As Introduced

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code to permit a person that submits an application for a permit amendment to begin work related to the application after the Texas Commission on Environmental Quality has issued a draft permit including the permit amendment. Based on the analysis of the Texas Commission on Environmental Quality, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 582 Commission on Environmental Quality

LBB Staff: WP, SZ, GDz