

**House Bill 2726**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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.

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

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

SENATE VERSION (IE)

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 an aggregate production operation or a concrete batch plant located within 880 yards of a building that is used as a single or multifamily residence, school, or hospital. [FA1]

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

SECTION 2. Same as House version.

CONFERENCE

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HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

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

SECTION 3. Same as House version.