

BILL ANALYSIS

Senate Research Center

S.B. 1399
By: Schwertner
Natural Resources & Economic Development
6/13/2023
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1399 would codify the Texas Commission on Environmental Quality's (TCEQ) Protectiveness Review, the analysis the agency uses to evaluate the protectiveness of air quality permits. It would prescribe an updated Protectiveness Review every six years. S.B. 1399 would also require a standard permit to be renewed every six years rather than the current 10 years.

(Original Author's/Sponsor's Statement of Intent)

S.B. 1399 amends current law relating to the renewal and review of standard permits for certain concrete plants.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 3 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 382.05195, Health and Safety Code, by adding Subsection (e-1) and amending Subsection (k), as follows:

(e-1) Provides that this subsection applies only to a standard permit issued under Section 382.05195 (Standard Permit) that authorizes the operation of a permanent concrete plant that performs wet batching, dry batching, or central mixing, as defined by the Texas Commission on Environmental Quality (TCEQ). Requires TCEQ at least once every six years to conduct a protectiveness review of the permit regarding the operation of a permanent concrete plant described by this subsection, including by reviewing available background concentrations of air pollutants. Requires TCEQ, if TCEQ amends the permit after a protectiveness review, to allow facilities authorized to emit air contaminants under the permit as it read before the amendment to continue to operate until a date provided by TCEQ under Subsection (f) (relating to requiring a facility authorized to emit air contaminants under a standard permit to comply with an amendment to the standard permit beginning on a certain date) that provides facility operators a reasonable amount of time to comply with the amended permit. Provides that each authorization to use a permit is subject to review at least once every six years to determine whether the authority to operate the facility authorized by the permit should be renewed.

(k) Requires that an application for an authorization to use, rather than for the issuance of, a standard permit under this section for a concrete plant that performs wet batching, dry batching, or central mixing, including a permanent, temporary, or specialty concrete batch plant, as defined by TCEQ, include a plot plan that clearly shows certain information.

SECTION 2. Amends Section 382.05198, Health and Safety Code, by amending Subsection (c) and adding Subsection (d), as follows:

(c) Requires that an application for an authorization to use, rather than for the issuance of, a standard permit under Section 382.05198 (Standard Permit for Certain Concrete Plants) include a plot plan that meets the requirements of Section 382.05195(k).

(d) Requires TCEQ, at least once every six years, to conduct a protectiveness review of a standard permit issued under this section, including by reviewing available background concentrations of air pollutants. Requires TCEQ, if TCEQ amends a permit after a protectiveness review, to allow facilities authorized to emit air contaminants under the permit as it read before the amendment to continue to operate until a date provided by TCEQ that provides facility operators a reasonable amount of time to comply with the amended permit. Provides that each authorization to use a standard permit issued under this section is subject to review at least once every six years to determine whether the authority to operate the facility authorized by the permit should be renewed.

SECTION 3. (a) Requires TCEQ, not later than March 1, 2024, to adopt rules necessary to implement the changes in law made by this Act.

(b) Authorizes TCEQ, after the effective date of this Act, notwithstanding the changes in law made by this Act, to allow the continuation of an authorization to use a permit issued before the effective date of this Act until the date the authorization would have been eligible for renewal under the law in effect immediately before the effective date of this Act, and provides that the former law is continued in effect for that purpose.

SECTION 4. Effective date: September 1, 2023.