

BILL ANALYSIS

S.B. 1399
By: Schwertner
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

A protectiveness review is an analysis the Texas Commission on Environmental Quality uses to evaluate the protectiveness of air quality permits. S.B. 1399 seeks to codify the review with respect to standard permits for concrete batch plants and would require a review to be conducted at least once every six years. The bill would also subject such permits to renewal every six years.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 3 of this bill.

ANALYSIS

S.B. 1399 amends the Health and Safety Code to require the Texas Commission on Environmental Quality (TCEQ), with regard to an air quality standard permit issued for a permanent concrete plant that performs wet batching, dry batching, or central mixing, to conduct a protectiveness review of the permit at least once every six years, including by reviewing available background concentrations of air pollutants. The bill requires the TCEQ, if it amends the permit after such a 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 the TCEQ that provides facility operators a reasonable amount of time to comply with the amended permit. 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. The bill revises the requirement that an application for the issuance of an air quality standard permit for concrete batch plants include a certain plot plan by replacing the reference to an application for the issuance of a permit with a reference to an application for an authorization to use a permit.

S.B. 1399 requires the TCEQ, not later than March 1, 2024, to adopt rules necessary to implement the bill's provisions. The bill authorizes the TCEQ, after the bill's effective date, to allow the continuation of an authorization to use a permit issued before such date until the date the authorization would have been eligible for renewal under the law in effect immediately before the bill's effective date, and the bill continues the former law in effect for that purpose.

EFFECTIVE DATE

September 1, 2023.