

BILL ANALYSIS

Senate Research Center
88R3222 MP-D

S.B. 1399
By: Schwertner
Natural Resources & Economic Development
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As Filed

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.

As proposed, S.B. 1399 amends current law relating to the renewal and review of certain air quality permits.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 4 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 382.05195(e), (f), and (k), Health and Safety Code, as follows:

(e) Requires the Texas Commission on Environmental Quality (TCEQ) to evaluate the protectiveness of each standard permit issued under Section 382.05195 (Standard Permit) at least once every six years. 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 should be renewed.

(f) Requires TCEQ to require a facility authorized to emit air contaminants under a standard permit to comply with an amendment to the standard permit beginning on a date that is not later than the date the facility's authorization to use the standard permit is renewed, rather than on the date the facility's authorization to use the standard permit is renewed or the date TCEQ otherwise provides.

(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(c), Health and Safety Code, 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).

SECTION 3. Amends Section 382.055(a), Health and Safety Code, as follows:

(a) Provides that a preconstruction permit issued or renewed by TCEQ is subject to review to determine whether the authority to operate should be renewed according to the following schedule:

(1) makes no changes to this subdivision;

(2) a preconstruction permit issued on or after December 1, 1991, is subject to review:

(A) every six years, rather than every 10 years, after the date of issuance;
or

(B) makes no changes to this paragraph; and

(3) for cause, a preconstruction permit issued on or after December 1, 1991, for a facility at a nonfederal source is authorized to contain a provision requiring the permit to be renewed at a period of between five and six years, rather than 10 years.

SECTION 4. (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 Sections 382.05195 and 382.055, Health and Safety Code, to authorize the use of a permit or authorization to use a permit issued before the effective date of this Act until the date the permit or authorization would have been eligible for renewal under the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 5. Effective date: September 1, 2023.