

By: Alvarado

S.B. No. 1176

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to a request by a member of the legislature for an  
3 opportunity for public comment on certain air permits.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 382.056, Health and Safety Code, is  
6 amended by amending Subsections (g) and (g-1) and adding  
7 Subsections (g-2) and (g-3) to read as follows:

8 (g) If, in response to the notice published under Subsection  
9 (a) for a permit or permit amendment under Section 382.0518 or a  
10 permit renewal review under Section 382.055, a person requests  
11 during the period provided by commission rule that the commission  
12 hold a public hearing and the request is not withdrawn before the  
13 date the preliminary decision is issued, the applicant shall  
14 publish notice of the preliminary decision in a newspaper, and the  
15 commission shall seek public comment on the preliminary decision.  
16 The commission shall consider the request for public hearing under  
17 the procedures provided by Subsections (i)-(n).

18 (g-1) Except as provided by Subsection (g-2), the [The]  
19 commission may not seek further public comment or hold a public  
20 hearing under the procedures provided by Subsections (i)-(n) in  
21 response to a request for a public hearing on an amendment,  
22 modification, or renewal that would not result in an increase in  
23 allowable emissions and would not result in the emission of an air  
24 contaminant not previously emitted.

1        (g-2) The commission shall seek public comment under the  
2 procedures provided by Subsections (i)-(l) regarding an amendment,  
3 modification, or renewal described by Subsection (g-1) if the  
4 commission receives a request for a public comment period from a  
5 member of the legislature who represents the general area in which  
6 the facility is located or proposed to be located.

7        (g-3) [~~g-1~~] The notice of intent required by Subsection  
8 (a) and the notice of the preliminary decision described by  
9 Subsection (g) may be consolidated into one notice if:

10            (1) not later than the 15th day after the date the  
11 application for which the notice is required is received, the  
12 commission determines the application to be administratively  
13 complete; and

14            (2) the preliminary decision and draft permit related  
15 to the application are available at the time of the commission's  
16 determination under Subdivision (1).

17        SECTION 2. Section 382.056(g-2), Health and Safety Code, as  
18 added by this Act, applies only to an application for a permit,  
19 permit amendment, or permit renewal that is filed with the Texas  
20 Commission on Environmental Quality on or after the effective date  
21 of this Act. An application for a permit, permit amendment, or  
22 permit renewal filed before the effective date of this Act is  
23 governed by the law in effect on the date of filing, and that law is  
24 continued in effect for that purpose.

25        SECTION 3. This Act takes effect September 1, 2025.