

BILL ANALYSIS

C.S.H.B. 2726
By: Kuempel
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under state law, a person who submits an application for a permit for a modification of or a lesser change to an existing facility under the Texas Clean Air Act could, at their own risk, begin construction related to the application before the permit is issued. However, it has been noted that because of how the EPA has interpreted that statute, it was unable to be implemented as intended. C.S.H.B. 2726 seeks to revise the statutory authorization.

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 1 of this bill.

ANALYSIS

C.S.H.B. 2726 amends the Health and Safety Code to revise the authorization for a person who submits an application for a permit for a modification of or a lesser change to an existing facility under the Texas Clean Air Act to begin construction related to the application before the Texas Commission on Environmental Quality (TCEQ) has issued the permit at the person's own risk by authorizing a person who submits an application for a permit amendment to begin construction related to the application after the executive director of TCEQ has issued a draft permit including the permit amendment at the person's own risk. The bill requires TCEQ to adopt rules to implement provisions relating to such authorization.

EFFECTIVE DATE

January 1, 2020.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2726 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the issuer of the applicable draft permit from TCEQ to the executive director of TCEQ and includes a provision requiring TCEQ to adopt applicable rules.

The substitute postpones the bill's effective date.