

BILL ANALYSIS

Senate Research Center

H.B. 3019
By: Allen (Sponsor)
Natural Resources
5-16-97
Engrossed

DIGEST

The Texas Clean Air Act currently requires a person to obtain a permit from the Texas Natural Resource Conservation Commission (commission) before beginning work on the construction of a new facility or modification of an existing facility which may emit air contaminants. The Texas Clean Air Act also currently allows the commission to grant exemptions if there will not be a significant contribution of air contaminants to the atmosphere. The commission and its predecessor agency, the Texas Air Control Board, interpreted this section to apply to both changes at existing facilities as well as construction of new facilities, such as small businesses with insignificant air emissions. However, recent reviews of the language in Section 382.057 by the commission have raised the question whether it, in fact, does apply to both existing facilities as well as new facilities.

H.B. 3019 would clarify that the commission may grant an exemption for changes made to an existing facility and may grant an exemption for construction of a new facility until September 1, 1999, provided that there will not be a significant contribution of air contaminants to the atmosphere.

PURPOSE

As proposed, H.B. 3019 clarifies that the Texas Natural Resource Conservation Commission may grant an exemption for changes made to an existing facility and may grant an exemption for construction of a new facility until September 1, 1999, provided that there will not be a significant contribution of air contaminants to the atmosphere.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 382.057, Health and Safety Code, to authorize the commission, if it is found on investigation that such changes or types of facilities will not make a significant contribution of air contaminants to the atmosphere and consistent with Section 382.0511, by rule, to exempt from the requirements of Section 382.0518 changes to another facility requested under or authorized by commission rule before September 1, 1999. Prohibits anything in this section, rather than this subsection, from being construed to limit the commission's general power to control the state's air quality under Section 382.011(a). Makes conforming changes.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.