

BILL ANALYSIS

Senate Research Center
78R1696 SGA-D

S.B. 397
By: Shapleigh
Natural Resources
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As Filed

DIGEST AND PURPOSE

Currently, the Texas Commission on Environmental Quality (TCEQ) issues air quality permits to companies that may emit toxic substances into the environment. However there is no requirement that these companies prove that they have the financial resources to cover a clean-up, if emissions do affect the environment or the public health. In the past, unsafe levels of emissions have caused health concerns that a near-bankrupt corporation could not properly address. As proposed, S.B. 397 requires TCEQ to hold a public hearing on the issuance, renewal, or amendment of an application for an air quality permit if the Environmental Protection Agency has named the applicant as a potentially responsible party for environmental contamination.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 382.056, Health and Safety Code, by amending Subsection (o) and adding Subsection (o-1), as follows:

(o) Requires the Texas Commission on Environmental Quality (TCEQ) to hold a hearing on an application for the issuance, amendment, or renewal of a permit if the Administrator of the United States Environmental Protection Agency has designated the applicant a potentially responsible party under Section 9607(a), Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Section 9607(a)).

(o-1) Requires the executive director of TCEQ, for a public hearing required under Subdivision (o)(2), to provide notice of the hearing in the manner described by Subsection (a) and hold the hearing in the community in which the facility or federal source that is the subject of the application is located or proposed to be located in order to inform the public about the application for the issuance, amendment, or renewal of the permit and obtain public input.

SECTION 2. (a) Effective date: September 1, 2003.

(b) Makes application of this Act prospective.