

BILL ANALYSIS

Senate Research Center
79R4862 SMH-D

S.B. 667
By: Shapleigh
Natural Resources
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

As proposed, S.B. 667 attempts to facilitate better compliance with environmental regulations in this state by ensuring that an applicant for an air quality permit or renewal is in compliance with all regulations, and has the financial means to pay for any outstanding liabilities.

This bill allows the Texas Commission on Environmental Quality to deny an air quality application, or renewal, if that applicant has been found to be in noncompliance with a cleanup order, unless the applicant submits proof of financial responsibility showing the ability to pay for the costs of cleanup.

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 Subchapter C, Chapter 382, Health and Safety Code, by adding Sections 382.059 and 382.0592, as follows:

Sec. 382.059. RESTRICTION ON ISSUANCE OR RENEWAL OF PERMIT IF APPLICANT IS NOT IN COMPLIANCE WITH CLEANUP OBLIGATIONS. (a) Defines "contaminant."

(b) Prohibits the Texas Commission on Environmental Quality (commission), notwithstanding the other provisions of this chapter, from issuing or renewing a permit under this chapter if the applicant has been determined by an order of an agency of the federal government, an agency of this state or another state, a local government, or a court to not be in compliance with an obligation to clean up or remove a contaminant from a site located in this state or another state unless the applicant submits proof of financial responsibility showing to the satisfaction of the commission that the applicant has the ability to pay the costs of cleaning up or removing the contaminant from the site.

(c) Requires an application for the issuance or renewal of a permit under this chapter to provide certain information.

Sec. 382.0592. PERMIT DENIAL OR AMENDMENT. Authorizes the commission to deny or amend a permit, a permit amendment, or a permit renewal if the commission produces certain findings after the notice and hearing.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.