

## **BILL ANALYSIS**

Senate Research Center  
80R8247 SMH-D

C.S.S.B. 1673  
By: Averitt  
Natural Resources  
4/3/2007  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current law, when there is a major amendment to an air quality permit, the permit is subject to public notice, but a major amendment review and a renewal of an air quality permit cannot be conducted at the same time. The public notice process for a major amendment can be lengthy and expensive for the Texas Commission on Environmental Quality (TCEQ). Furthermore, if a major amendment is submitted shortly before a permit expires, TCEQ is essentially conducting the same review process twice.

C.S.S.B. 1673 provides that if a preconstruction permit amendment requires public notice, the permit is required to be reviewed by TCEQ within the next three years, and the applicant does not object to having the permit subjected to review at that time TCEQ is authorized to review the entire permit at that time.

### **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 382.055(a), Health and Safety Code, as follows:

- (a) Provides that a preconstruction permit issued by the Texas Commission on Environmental Quality (TCEQ) on or after December 1, 1991, is subject to review every 10 years after the date of issuance or on the filing of an application for an amendment to the permit if the applicant is subject to Section 382.056 (Notice of Intent to Obtain Permit or Permit Review; Hearing), the application is filed with TCEQ not more than three years before the date the permit is scheduled to expire, and the applicant does not object to having the permit subjected to review at that time. Authorizes, for cause, a preconstruction permit issued by TCEQ on or after December 1, 1991, for a facility at a nonfederal source to contain a provision requiring the permit to be renewed at the end of the period specified by the permit, which is prohibited from exceeding 10 years, rather than at a period of between five and ten years

SECTION 2. Effective date: upon passage or September 1, 2007.