

## **BILL ANALYSIS**

Senate Research Center  
80R12284 SMH-D

S.B. 1958  
By: Shapleigh  
Natural Resources  
4/12/2007  
As Filed

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

The process of ensuring compliance with environmental regulations of this state through the use of air quality permits and renewal needs to be improved to gain better compliance with the permit requirements.

As proposed, S.B. 1958 authorizes the Texas Commission on Environmental Quality to deny an air quality application, or renewal, if the applicant has been found to be in noncompliance 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 that the applicant is making satisfactory progress in cleaning up or removing the contaminant from the site as determined by the entity with jurisdiction over the cleanup or removal, or proof of financial responsibility.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

[While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

SECTION 1. Amends Subchapter C, Chapter 382, Health and Safety Code, by adding Sections 382.0592 and 382.0593, as follows:

Sec. 382.0592. RESTRICTION ON ISSUANCE OR RENEWAL OF PERMIT IF APPLICANT IS NOT IN COMPLIANCE WITH CLEANUP OBLIGATIONS. (a) Defines "contaminant."

(b) Prohibits the Texas Natural Resource Conservation Commission (TNRCC) from issuing or renewing a permit under this chapter if the applicant has been determined by an order of an agency belonging to the federal government, any state or 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 that the applicant is making satisfactory progress in cleaning up or removing the contaminant from the site as determined by the entity with jurisdiction over the cleanup or removal, or proof of financial responsibility showing to TNRCC that the applicant has the ability to pay the costs of cleaning up or removing the contaminant from the site.

(c) Requires TNRCC to consult the United States Environmental Protection Agency (EPA) to determine whether an applicant is subject to an order described by Subsection (b) (order) pertaining to cleaning up or removing a contaminant from a site located in another state.

(d) Requires an application for the issuance or renewal of a permit under this chapter to disclose any order to which the applicant is subject, or state that the applicant is not subject to an order.

Sec. 382.0593. PERMIT DENIAL OR AMENDMENT. Authorizes TNRCC to deny or amend a permit, a permit amendment, or a permit renewal under this chapter if TNRCC finds, after notice and hearing, that the applicant or permit holder has a compliance history that is in the lowest classification under Sections 5.753 (Standard for Evaluating Compliance History) and 5.754 (Classification and Use of Compliance), Water Code, and rules adopted and procedures developed under those sections, submits a false or misleading statement in connection with an application submitted to the commission or its officers or employees, whether the statement is made in the application itself or in a written instrument relating to the application, or is indebted to this state or a political subdivision of this state for a penalty or delinquent tax or fee.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.