

## **BILL ANALYSIS**

Senate Research Center  
85R13897 SLB-D

H.B. 4181  
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Natural Resources & Economic Development  
5/11/2017  
Engrossed

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

Interested parties contend that the sending of certain notices under the Texas Clean Air Act by postal mail leads to increased costs and delays. H.B. 4181 seeks to address this issue by providing for the sending of such notices by electronic communication.

H.B. 4181 amends the Health and Safety Code to authorize the notice provided by the Texas Commission on Environmental Quality (TCEQ) to the holder of a preconstruction permit under the Texas Clean Air Act that the permit is scheduled for review to be sent by electronic communication if TCEQ develops a system that reliably replaces registered or certified mail as a means of verifying receipt of the notice. The bill gives TCEQ or its designee the option of sending notice of a proposed final action on a federal operating permit to the applicant and other applicable persons by electronic communication as an alternative to sending the notice by first-class mail.

H.B. 4181 amends current law relating to the electronic transmission of certain notice required for air quality permits.

### **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, Health and Safety Code, by amending Subsections (c) and (h) and adding Subsection (c-1), as follows:

(c) Requires the Texas Commission on Environmental Quality (TCEQ), not less than 180 days before the date on which the renewal application is due, to provide written notice to the permit holder, by registered or certified mail or as provided by Subsection (c-1), rather than by registered or certified mail, that the permit is scheduled for review in accordance with this section.

(c-1) Authorizes a notice under Subsection (c) to be sent by electronic communication if TCEQ develops a system that reliably replaces registered or certified mail as a means of verifying receipt of the notice.

(h) Requires the preconstruction permit, if the holder of a permit to whom TCEQ has mailed or otherwise sent notice under this section does not apply for renewal of that permit by the date specified by TCEQ under this section, to expire at the end of the period described in Subsection (a) (relating to a preconstruction permit issued or renewed by TCEQ being subject to certain review).

SECTION 2. Amends Section 382.0562(a), Health and Safety Code, as follows:

(a) Requires TCEQ or its designee to send notice of a proposed final action on a federal operating permit by first-class mail or electronic communication to the applicant and all persons who comment during the public comment period or at the public hearing.

SECTION 3. Effective date: September 1, 2017.