

BILL ANALYSIS

Senate Research Center

H.B. 2518
By: Kuempel (Haywood)
Natural Resources
5/11/2001
Engrossed

DIGEST AND PURPOSE

Currently, the owner or operator of a facility is required to obtain a permit for the construction or modification of the facility and the Texas Natural Resource Conservation Commission (TNRCC) is allowed to issue a permit amendment if the facility is using the best available control technology. However, there are concerns that some of the provisions governing the permit amendment process are ambiguous because it is unclear if some modifications require going through the notification and hearing process again. By allowing TNRCC to issue permit amendments to certain approved applicants, older plants could be encouraged to make modifications that would improve emissions without having to go through the tedious notification and hearing process if their total increase in emissions meets TNRCC's de minimus criteria. H.B. 2518 excludes permit amendments from public notice and hearing requirements under certain conditions.

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 382.0516, Health and Safety Code, to require the Texas Natural Resource Conservation Commission (commission) to send notice of an application for a construction permit for a facility that may emit air contaminants to the state senator and representative who represent the area in which the facility is or will be located.

SECTION 2. Amends Section 382.0518, Health and Safety Code, by amending Subsections (a), (b), (d), (e), and (h), and adding Subsection (i), as follows:

(a) Requires a person planning the construction or modification of a facility that may emit air contaminants to obtain a permit or permit amendment from the commission.

(b) Makes conforming changes.

(d) Makes conforming changes.

(e) Makes conforming changes.

(h) Provides that Section 382.056 does not apply to an applicant for a permit amendment under this section if the total emissions increase from all facilities authorized under the amended permit will meet the de minimus criteria defined by commission rule and will not change in character. Provides that for a facility affected by Section 382.020, Section 382.056 does not apply to an applicant for a permit amendment under this section if the total emissions increase from all facilities authorized under the permit amendment is not significant and will not change in character. Requires, in this subsection, a finding that a total emissions increase is not significant to be made as provided under Section 382.05196 for a finding under that section. Deletes text

regarding a reference to a permit in this section.

(i) Requires the commission, in considering a permit amendment under this section, to consider any adjudicated decision or compliance proceeding within the five years before the date on which the application was filed that addressed the applicant's past performance and compliance with the laws of this state, another state, or the United States governing air contaminants or with the terms of any permit or order issued by the commission.

SECTION 3. Amends Sections 382.056(a) and (g), Health and Safety Code, to add an exception and to make conforming changes.

SECTION 4. Provides that the changes in law made by this Act apply to an application for an amendment to a permit issued by the commission for a facility that may emit air contaminants that is: pending before the commission on September 1, 2001, or filed with the commission on or after September 1, 2001.

SECTION 5. Effective date: September 1, 2001.