

BILL ANALYSIS

Senate Research Center

S.B. 688
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Natural Resources
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As Filed

DIGEST AND PURPOSE

Currently, the Texas Natural Resource Conservation Commission (TNRCC) is responsible for publishing and paying for public notices of standard and multiple plant permits for air emissions. While TNRCC was clearly intended to pay for notice of standard air permits, notice of individual permit applications is generally paid for by applicants. S.B. 688 shifts the notice requirement for multiple plant permits from TNRCC to the applicant.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Natural Resource Conservation Commission in SECTION 2 (Section 382.05197, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 382.05194, Health and Safety Code, by deleting Subsections (d)-(f) and redesignating Subsections (g)-(i), as follows:

Deletes Subsection (d) regarding the Texas Natural Resource Conservation Commission (TNRCC) publishing notice of a proposed multiple plant permit for existing facilities in the Texas Register and in one or more statewide or regional newspapers designated by TNRCC.

Deletes Subsection (e) regarding TNRCC holding a public meeting for existing facilities to provide additional opportunity for public comment.

Deletes Subsection (f) regarding TNRCC issuing a written response to any public comments related to the issuance of a multiple plant permit (permit) for existing facilities.

SECTION 2. Amends Chapter 382, Health and Safety Code, by adding Section 382.05197, as follows:

Sec. 382.05197. MULTIPLE PLANT PERMIT: NOTICE AND HEARING. (a) Requires an applicant for a permit under Section 382.05194 to publish notice of intent to obtain the permit in accordance with Section 382.056 except that the notice of a proposed permit for existing facilities is required to be published in one or more statewide or regional newspapers that provide reasonable notice throughout the state. Requires the notice to be published in a newspaper of general circulation in the area to be affected, if the permit for existing facilities will be effective for only part of the state. Authorizes TNRCC by rule to require that additional notice be given.

(b) Authorizes TNRCC to authorize an applicant for a permit for an existing facility that constitutes or is part of a small business stationary source as defined in Section 382.0365(g)(2) to provide notice using an alternative means if TNRCC finds that the proposed method will result in equal or better communication with the public, considering the effectiveness of the notice in reaching potentially affected persons, cost,

and consistency with federal requirements.

(c) Requires TNRCC to provide an opportunity for a public hearing and the submission of public comment and send notice of a decision on an application for a permit under Section 382.05194 in the same manner as provided by Sections 382.0561 and 382.0562.

(d) Authorizes a person affected by a decision of TNRCC to issue or deny a permit to move for rehearing and entitles the person to judicial review under Section 382.032.

SECTION 3. Effective date: upon passage or September 1, 2001.