

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1710
By: Staples
Natural Resources
4/14/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current Texas law gives the Texas Commission on Environmental Quality (TCEQ) authority to make rules prohibiting outdoor burning. TCEQ uses this authority to eliminate all open burning, regardless of the location of the burn, the substance being burned, or the impact on public health.

C.S.S.B. 1710 requires TCEQ to adopt rules which allow burning of certain materials in ambient air quality attainment areas.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 (Section 382.018, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 382.018, Health and Safety Code, as follows:

Sec. 382.018. **OUTDOOR BURNING OF WASTE AND COMBUSTIBLE MATERIAL.** (a) Creates this subsection from existing text.

(b) Requires the Texas Commission on Environmental Quality (TCEQ), by rule, to authorize outdoor burning of waste, if the waste consists of certain foliage and is burned in an area that meets the national ambient air quality standards and on the property on which it was generated by the owner of the property or any other person authorized by the owner.

(c) Prohibits rules adopted under Subsection (b) from requiring prior TCEQ approval of the burning or authorizing the burning only when no practical alternative to burning exists.

SECTION 2. Effective date: September 1, 2005.