

BILL ANALYSIS

Senate Research Center
78R8031 JTS-F

H.B. 555
By: Chisum (Armbrister)
Natural Resources
4-10-2003
Engrossed

DIGEST AND PURPOSE

The 77th Texas Legislature amended the notice provisions of the Texas Clean Air Act (TCAA), as they apply to the relocation of portable facilities. The intent of the legislation was to provide an exemption from the TCAA's notice requirements for the relocation of a portable facility to a site if the portable facility had been located at the site during the previous two years. Instead, the language that was included in the final legislation has the opposite effect, requiring notice only if no portable facility had been located at the site within the prior two years.

Rules drafted by the Texas Commission on Environmental Quality (TCEQ) provide for a public notice exemption for portable facilities that relocate to a site after a prolonged absence (over 24 months). However, they also require public notice for the relocation of a portable facility to a site where the plant has been located at any time during the past two years. Essentially the rules require notice for short-term relocations and exempt portable facilities from public notice when they are relocated to a site that has been vacant for several years. This puts an undue burden on the owners and operators of portable facilities as most are required to provide public notice every time they relocate their facility to a previous site.

H.B. 555 clarifies that a portable facility relocated to a site where a portable facility permitted by TCEQ has been located at any time within the previous two years, is exempt from the permitting requirements of Section 382.056.

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 382.056(r), Health and Safety Code, to provide that this section does not apply to the relocation or change of location of a portable facility to a site where a portable facility permitted by the Texas Commission on Environmental Quality has been located at any time during the previous two years. Deletes existing text relating to the location of a portable facility.

SECTION 2. Effective date: upon passage or September 1, 2003.