

BILL ANALYSIS

Senate Research Center

S.B. 1665
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Natural Resources
4/16/2005
As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current Texas law authorizes the Texas Commission on Environmental Quality (TCEQ) to prohibit consolidated burning of waste and combustible material. Residents of a subdivision outside of an incorporated city who wish to create a central site for a consolidated brush burn have not been allowed to do so under current TCEQ rules.

As proposed, S.B. 1665 prohibits TCEQ from controlling or prohibiting outdoor burning of specific foliage, contingent upon certain provisions.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Commission on Environmental Quality is modified in SECTION 1 (Section 382.018, [presumed to be in the Health and Safety Code]) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 382.018, [presumed to be the Health and Safety Code], as follows:

(a) Authorizes the Texas Commission on Environmental Quality (TCEQ), except as provided by Subsection (b), by rule, to control and prohibit the outdoor burning of waste and combustible material and to include requirements concerning the particular method to be used to control or abate the emission of air contaminants resulting from that burning.

(b) Prohibits TCEQ from controlling or prohibiting outdoor burning of waste consisting of certain foliage, if the person burning the waste is doing so in a county with a population of less than 175,000, and at a site used for consolidated burning of waste; located outside a municipality; and supervised at the time of the burning by an employee of a fire department who is part of the fire protection personnel and is acting in the scope of the person's employment.

SECTION 2. Effective date: September 1, 2005.