

Chapter 381

H.B. No. 4181

AN ACT

relating to the electronic transmission of certain notice required for air quality permits.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 382.055, Health and Safety Code, is amended by amending Subsections (c) and (h) and adding Subsection (c-1) to read as follows:

(c) Not less than 180 days before the date on which the renewal application is due, the commission shall provide written notice to the permit holder, by registered or certified mail or as provided by Subsection (c-1), that the permit is scheduled for review in accordance with this section. The notice must include a description of the procedure for filing a renewal application and the information to be included in the application.

(c-1) A notice under Subsection (c) may be sent by electronic communication if the commission develops a system that reliably replaces registered or certified mail as a means of verifying receipt of the notice.

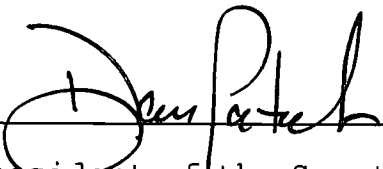
(h) If the holder of a preconstruction permit to whom the commission has mailed or otherwise sent notice under this section does not apply for renewal of that permit by the date specified by the commission under this section, the permit shall expire at the end of the period described in Subsection (a).

SECTION 2. Section 382.0562(a), Health and Safety Code, is

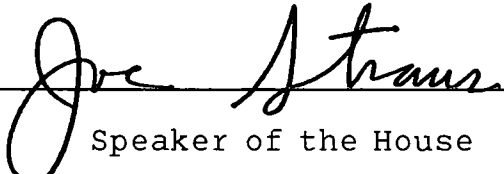
1 amended to read as follows:

2 (a) The commission or its designee shall send notice of a
3 proposed final action on a federal operating permit by first-class
4 mail or electronic communication to the applicant and all persons
5 who comment during the public comment period or at the public
6 hearing. The notice shall include a response to any comment
7 submitted during the public comment period and shall identify any
8 change in the conditions of the draft permit and the reasons for the
9 change.

10 SECTION 3. This Act takes effect September 1, 2017.

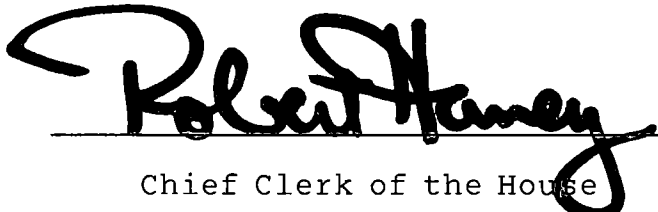


President of the Senate



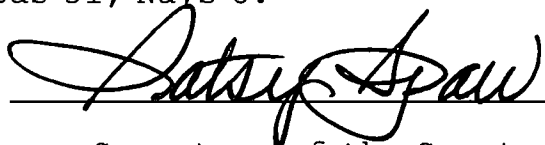
Speaker of the House

I certify that H.B. No. 4181 was passed by the House on April 20, 2017, by the following vote: Yeas 144, Nays 0, 2 present, not voting.



Chief Clerk of the House

I certify that H.B. No. 4181 was passed by the Senate on May 19, 2017, by the following vote: Yeas 31, Nays 0.



Secretary of the Senate


APPROVED: 5 - 31 - 2017

Date



Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:00 AM O'CLOCK

JUN 01 2017


Secretary of State

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 11, 2017

TO: Honorable Craig Estes, Chair, Senate Committee on Natural Resources & Economic Development

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB4181** by Perez (Relating to the electronic transmission of certain notice required for air quality permits.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend Texas Health and Safety Code, Section 382.055 to allow the Texas Commission on Environmental Quality (TCEQ) to provide renewal notice to a new source review permittee by electronic communication if TCEQ develops a system that reliably replaces registered or certified mail as a means of verifying receipt of the notice. The bill would amend Texas Health and Safety Code, Section 382.0562(a) to allow TCEQ or a designee to send notice of a proposed final action on a federal operating permit to the federal operating permittee and all persons who comment during the public comment period or at the public hearing through electronic communication.

The air permitting program at TCEQ currently has a system that allows notice to be sent via electronic communication with a reliable means to verify receipt of the notice, satisfying the provisions of the bill. TCEQ anticipates the ability to implement the electronic notice for new source review renewals as referenced in the bill and estimates that implementing the provisions of the bill could be accomplished using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 582 Commission on Environmental Quality

LBB Staff: UP, SZ, MW, MSO, PM

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 7, 2017

TO: Honorable Joseph Pickett, Chair, House Committee on Environmental Regulation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB4181** by Perez (Relating to the electronic transmission of certain notice required for air quality permits.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend Texas Health and Safety Code, Section 382.055 to allow the Texas Commission on Environmental Quality (TCEQ) to provide renewal notice to a new source review permittee by electronic communication if TCEQ develops a system that reliably replaces registered or certified mail as a means of verifying receipt of the notice. The bill would amend Texas Health and Safety Code, Section 382.0562(a) to allow TCEQ or a designee to send notice of a proposed final action on a federal operating permit to the federal operating permittee and all persons who comment during the public comment period or at the public hearing through electronic communication.

The air permitting program at TCEQ currently has a system that allows notice to be sent via electronic communication with a reliable means to verify receipt of the notice, satisfying the provisions of the bill. TCEQ anticipates the ability to implement the electronic notice for new source review renewals as referenced in the bill and estimates that implementing the provisions of the bill could be accomplished using existing resources.

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