

## I. Overview

Texas - Senate Bill 1591 (75th Legislature) provides the Texas Natural Resource Conservation Commission the authority to exempt an applicant from a requirement of a statute or commission rule related to the control or abatement of pollution if the applicant applies an alternative method or standard that is at least as protective of the environment and is not inconsistent with federal law.

## II. Requirements for Environmental Performance

Texas - Proposed alternatives must be: 1) At least as protective of the environment; and 2) Not inconsistent with federal law. **Currently, the agency is considering a policy that would require an alternative to result in a benefit (e.g., economic, environmental, etc.).**

## III. Stakeholder Process

Texas - Senate Bill 1591 does not specifically address a stakeholder process. However, the bill does require the rules to provide for public participation.

## IV. Waiver Authority

Texas - Senate Bill 1591 specifically allows for exemption from State statutes and commission (meaning Texas Natural Resource Conservation Commission) rules. The legislation specifically excludes from exemption those applications that are inconsistent with federal law. In addition, the legislation specifically excludes from exemption those statutes or regulations for storing, handling, processing, or disposing of low-level radioactive materials.

## V. Termination

Texas - If the order is terminated by the recipient, the recipient shall be in compliance with all existing TNRCC and statutory requirements at the time of termination. If the order is terminated by the TNRCC, a reasonable grace period may be granted to allow the recipient to come into full compliance with all applicable requirements (this is currently included in the proposed rule and was not specifically addressed in the legislation).