

BILL ANALYSIS

Senate Research Center

S.B. 1046
By: Truan
Natural Resources
-97
As Filed

DIGEST

Currently, Texas law regarding public notice requirements with which the Texas Natural Resource Conservation Commission must comply varies widely among such program areas as water quality, air quality, solid waste, and hazardous waste. This inconsistency has created confusion among some public officials and citizens who are concerned with applications and other actions of the commission. This bill would set uniform standards for public notices, including notice of the filing of an application and notice before action is taken on an application, clear standards for informing the public concerning the application and deadlines, where such notice is to be published, and persons who are to be informed by mail. S.B. 1046 also requires uniform notice of enforcement actions contemplated by the commission.

PURPOSE

As proposed, S.B. 1046 establishes uniform notice procedures for potential licensing actions and enforcement actions by the Texas Natural Resource Conservation Commission.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Natural Resource Commission under SECTION 1 (Sections 5.123 and 5.124, Water Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 5D, Water Code, by adding Sections 5.123 and 5.124, as follows:

Sec. 5.123. UNIFORM NOTICE OF POTENTIAL LICENSING ACTIONS. Requires the Texas Natural Resource Conservation Commission (commission), not later than December 1, 1997, by rule, to establish requirements for public notice of an application filed with the commission for any permit, renewal, or amendment. Requires the commission, to the extent practicable, to adopt for all programs uniform notice requirements that are consistent with federal law and with the legislative goals for notice in state law. Requires the notice, whenever appropriate, to be in English and Spanish. Authorizes the commission to provide notice under this section for any application and sets forth provisions regarding notice for an application. Authorizes the commission to provide for notice to any person the commission identifies as potentially having an interest in the commission's decision. Sets forth requirements regarding notice under Subsection (b). Sets forth requirements for the applicant with regarding to any notice required by this section or commission rule. Sets forth requirements for an applicant providing notice by the placement of a sign at the location of the activity or facility that is the subject of the application for certain applications. Defines "permit."

Sec. 5.124. UNIFORM NOTICE OF ENFORCEMENT ACTIONS. Requires the commission, not later than December 1, 1997, by rule, to establish requirements for public notice of potential enforcement actions. Authorizes the commission to provide for notice of any commission action to enforce state law, a commission rule, or a permit or order issued by the commission. Requires the commission to provide notice for certain enforcement actions. Requires the commission, with regard to notice required by this section or by commission rule, by rule, to require an entity regulated by the commission to provide certain

information. Defines "permit."

SECTION 2. Effective date: September 1, 1997.

Makes application of this Act prospective to December 1, 1997.

SECTION 3. Emergency clause.