

BILL ANALYSIS

Senate Research Center

S.B. 1953
By: Armbrister
Natural Resources
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As Filed

DIGEST

Currently, the Texas Natural Resource Conservation Commission has procedures for an application to issue, amend, or renew a permit for which a public notice and an opportunity for public hearing is required by or allowed under Chapters 26 or 27 or requires by or allowed under Chapter 361 or 382, Health and Safety Code. This bill adds a chapter to the Water Code regarding environmental permitting procedures.

PURPOSE

As proposed, S.B. 1953 sets forth provisions regarding certain environmental permitting procedures of the Texas Natural Resource Conservation Commission.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Natural Resource Conservation Commission in SECTION 1 (Sections 5.371(b)-(e), and 5.374(a) and (e), Water Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 5, Water Code, by adding Subchapter J, as follows:

SUBCHAPTER J. ENVIRONMENTAL PERMITTING PROCEDURES

Sec. 5.371. GENERAL PERMITTING PROCEDURES. Sets forth procedures for an application to issue, amend, or renew a permit for which public notice and opportunity for public hearing is required by or allowed under certain chapters.

Sec. 5.372. ISSUANCE OF PERMIT, DRAFT PERMIT, OR NOTICE OF INTENT TO DENY. Sets forth provisions regarding the issuance of a permit, draft permit, or notice of intent to deny a permit.

Sec. 5.373. RECORD OF PROPOSED DECISION FOR DRAFT PERMIT. Sets forth provisions regarding a record of proposed decision prepared for a draft permit.

Sec. 5.374. NOTICE OF INITIAL DETERMINATION; COMMENTS AND REQUESTS FOR HEARING. Sets forth provisions regarding public notices for each draft permit or notice of intent to deny that is prepared by an applicant.

Sec. 5.375. PUBLIC HEARINGS. Outlines provisions for public hearing on a ruling on a permit issuance or denial.

Sec. 5.376. FINAL DECISION OF EXECUTIVE DIRECTOR. Sets forth the procedure for a final decision on certain applications.

Sec. 5.377. PETITION FOR COMMISSION REVIEW. Requires the Texas Natural Conservation Commission (commission) to review the executive director's decision on a permit application as provided by this section. Authorizes certain persons to file a petition for review with the commission. Sets forth provisions regarding the filing and content of the

petition.

Sec. 5.378. COMMISSION REVIEW. Outlines procedures for commission review of the petition.

Sec. 5.379. MOTION TO RECONSIDER. Sets forth certain provisions regarding a motion or reconsider a final order of the commission.

Sec. 5.380. JUDICIAL REVIEW OF COMMISSION PERMIT DECISIONS. Sets forth provisions regarding judicial review of a commission's permit decision.

SECTION 2. Amends Sections 361.0833(a), (c), (d), (f) and (g), Health and Safety Code, to authorize the commission to order the applicant for a permit for a new hazardous waste management facility to pay reasonable costs an interested person incurred in presenting to the commission information described by Subsection (b), pertinent to the question of the issuance of the permit. Makes conforming and nonsubstantive changes.

SECTION 3. Amends Chapter 2001I, Government Code, by adding Section 2001.227, as follows:

Sec. 2001.227. CERTAIN ENVIRONMENTAL PERMITS. Provides that Subchapters C-H do not apply to a permit application required to be filed with the commission for an authorization under Chapters 26 and 27, Water Code, or Chapter 361 or 382, Health and Safety Code, of the application is subject to Chapter 5J, Water Code.

SECTION 4. (a) Effective date: September 1, 1997.

(b) Requires the Texas Natural Resource Conservation Commission to adopt rules under Chapter 5J, Water Code, as added by this Act, not later than January 1, 1998.

(c) Provides that the rules adopted under Chapter 5J, Water Code do not apply to certain subject matters. Provides that Chapter 5J applies to the subject matter in place of the reference law.

(d) Provides that the change in law made this Act does not apply to an application that is pending on the effective date of the rules adopted under Chapter 5J, Water Code, as added by this Act.

(e) Sets forth the procedures to make application under Chapter 5J, Water Code, prospective.

SECTION 5. Emergency clause.

Effective date: 90 days after adjournment.