

BILL ANALYSIS

Senate Research Center
84R3219 SLB-D

H.B. 912
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Agriculture, Water & Rural Affairs
5/19/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerned parties report that it has become increasingly expensive and time-consuming for many communities to navigate the Texas Commission on Environmental Quality (TCEQ) permitting process for wastewater discharge permits. Delays in the permitting process could hinder the state's ability to effectively and responsibly manage population growth as more people move to Texas. Many believe that the time and expense of the permitting process drive up the cost of providing wastewater treatment and, therefore, the utility rates paid by Texas citizens. Parties that may be negatively impacted or affected by a proposed wastewater discharge permit are rightfully permitted by law to protest such a permit and have their concerns brought to the attention of TCEQ. However, in some cases municipalities have used the law to protest another municipality's wastewater discharge permit, which puts TCEQ in a difficult position by pitting one division of government against another. Clear guidelines for the dismissal of protests filed by a municipality are needed to speed the permitting process and save TCEQ, municipalities, and taxpayers time, money, and effort. H.B. 912 seeks to provide this clarity.

H.B. 912 amends current law relating to the dismissal of protests against certain decisions and actions of the Texas Commission on Environmental Quality regarding wastewater discharge permits.

[**Note:** While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 26, Water Code, by adding Section 26.0284, as follows:

Sec. 26.0284. DISMISSAL OF CERTAIN PROTESTS. (a) Defines, in this section, "protest" to mean:

- (1) a request that the Texas Natural Resource Conservation Commission (TNRCC) hold a contested case hearing on an application for a wastewater discharge permit;
- (2) a request that TNRCC reconsider the executive director's decision to issue a wastewater discharge permit;
- (3) a motion requesting that TNRCC overturn the executive director's issuance of a wastewater discharge permit; or
- (4) a motion requesting that TNRCC review its decision denying a request for a contested case hearing on an application for a wastewater discharge

permit or approving an application for a wastewater discharge permit after a contested case hearing has been conducted.

(b) Requires TNRCC to dismiss a protest if the protest is filed by a municipality that is subject to less stringent wastewater treatment requirements than the requirements established by the permit.

SECTION 2. Provides that the changes in law made by this Act apply only to a request or motion filed with the Texas Commission on Environmental Quality on or after the effective date of this Act. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2015.