

By: Zaffirini

S.B. No. 1719

A BILL TO BE ENTITLED

AN ACT

relating to the permitting processes of the Texas Commission on Environmental Quality.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS

SECTION 1. Section 361.064, Health and Safety Code, is amended by adding Subsections (c), (d), and (e), to read as follows:

(c) The commission may impose penalties on any applicant who files an application in bad faith, with the amount of the penalty to be determined by rulemaking considering the nature of the bad faith conduct, the harm caused by the conduct, and any prior violations by the applicant in determining the penalty.

(d) The commission shall impose reasonable fees for filing amendments to permits, except that the first amendment filed for the same application shall not have any associated filing fees. Such fees shall be based on the actual cost to the commission to process the amendments.

(e) Notwithstanding any other provision of law, any fees associated with an application for a permit under Section 361.061 shall be adjusted annually by the commission to reflect the cost of inflation as determined by the consumer price index.

SECTION 2. Subsection 361.089(f), Health and Safety Code, is repealed.

SECTION 3. Section 361.089, Health and Safety Code, is amended by adding Subsections (f) and (g) and amending Subsection

1 (e)(2) to read as follows:

2 (e) The commission may deny an original or renewal permit if
3 it is found, after notice and hearing, that:

4 (1) the applicant or permit holder has a compliance
5 history that is classified as unsatisfactory according to
6 commission standards under Sections 5.753 and 5.754, Water Code,
7 and rules adopted and procedures developed under those sections;

8 [~~(2) the permit holder or applicant made a false or
9 misleading statement in connection with an original or renewal
10 application, either in the formal application or in any other
11 written instrument relating to the application submitted to the
12 commission, its officers, or its employees;~~]

13 (2) the permit holder or applicant is indebted to the
14 state for fees, payment of penalties, or taxes imposed by
15 this title or by a rule of the commission; or

16 (3) the permit holder or applicant is unable to ensure
17 that the management of the hazardous waste management facility
18 conforms or will conform to this title and the rules of the
19 commission.

20 (f) The commission shall deny an original or renewal permit
21 if it is found, after notice and hearing, that the permit holder or
22 applicant made a materially false or misleading statement in
23 connection with an original or renewal application, either in the
24 formal application or any other written instrument relating to the
25 application submitted to the commission, its officers, or its
26 employees.

27 (g) The commission shall deny an original or renewal permit:

1 (1) if the permit holder or applicant files more than
2 three amendments to the same application; or

3 (2) five years after the day the application for a
4 permit is submitted if the application is not administratively
5 complete under Section [361.068](#).

6 (h) For purposes of this section, the terms "permit holder"
7 and "applicant" include each member of a partnership or association
8 and, with respect to a corporation, each officer and the owner or
9 owners of a majority of the corporate stock, provided such partner
10 or owner controls at least 20 percent of the permit holder or
11 applicant and at least 20 percent of another business which
12 operates a solid waste management facility.

13 SECTION 4. This act takes effect September 1, 2023.