

Amend CSSB 1952 as follows:

(1) In SECTION 8A.01 of the bill, in proposed Subchapter S, Chapter 5, Water Code, between Sections 5.851 and 5.852 (House Committee Printing page 174, between lines 26 and 27), insert the following:

Sec. 5.8515. DEFINITION. In this subchapter, "permit" means a permit, approval, registration, or other form of authorization required by law for a person to engage in an action.

(2) In SECTION 8A.01 of the bill, in proposed Subsection (b), Section 5.852, Water Code (House Committee Printing page 175, line 4), strike "5.854" and substitute "5.853".

(3) In SECTION 8A.01 of the bill, in proposed Subsection (c), Section 5.852, Water Code, between "review" and "a" (House Committee Printing page 175, line 5), insert "and for copying".

(4) In SECTION 8A.01 of the bill, in proposed Section 5.853, Water Code, following Subsection (c) (House Committee Printing page 176, between lines 6 and 7), insert the following:

(d) An applicant for a permit under Chapter 382, Health and Safety Code, shall also publish notice of the preliminary decision in an alternative language newspaper as required by commission rule. This requirement is waived if such a publication does not exist or if the publisher refuses to publish notice.

(5) In SECTION 8A.01 of the bill, in proposed Subsection (b), Section 5.855, Water Code (House Committee Printing page 177, line 4), strike "statement" and substitute "fact sheet".

(6) At the end of ARTICLE 8A of the bill (House Committee Printing page 177, between lines 5 and 6), insert the following:

SECTION 8A.02. The changes in law made by this article apply only to an application for a permit that is filed with the Texas Commission on Environmental Quality on or after September 1, 2003. An application for a permit that is filed before that date is governed by the law in effect on the date it was filed, and that law is continued for that purpose.

(7) In SECTION 8B.01 of the bill, in proposed Subsection (d), Section 5.132, Water Code (House Committee Printing page 178, line 10), strike "the comments" and substitute "written comments".

(8) In SECTION 8B.03 of the bill, in proposed Subsection

(a), Section 5.5515, Water Code (House Committee Printing page 180, line 10), strike "the notice" and substitute "notice".

(9) In SECTION 8B.03 of the bill, at the end of proposed Section 5.5515, Water Code (House Committee Printing page 181, between lines 4 and 5), insert the following:

(d) An applicant for a permit under Chapter 382, Health and Safety Code, shall also publish notice of the preliminary decision in an alternative language newspaper as required by commission rule. This requirement is waived if such a publication does not exist or if the publisher refuses to publish notice.

(10) In the recital to SECTION 8B.09 of the bill, between "(d-1)-(d-9)" and "to" (House Committee Printing page 183, line 10), insert "and (g)".

(11) In SECTION 8B.09 of the bill, in amended Subsection (c), Section 5.556, Water Code (House Committee Printing page 183, line 22), strike "(d-1)-(d-5)" and substitute "(d-1)-(d-7)".

(12) In SECTION 8B.09 of the bill, in amended Subsection (c), Section 5.556, Water Code (House Committee Printing page 183, lines 23 and 24), strike "commission's office of hearings examiners" and substitute "State Office of Administrative Hearings".

(13) In SECTION 8B.09 of the bill, in amended Section 5.556, Water Code (House Committee Printing page 185, lines 16-23), strike Subsection (d-7) and substitute the following:

(d-7) A group or association may be an affected person if it is composed of one or more members who would otherwise have standing to request a hearing in their own right, the interests the group or association seeks to protect are germane to the organization's purpose, and neither the claim asserted nor the relief requested requires the participation of the individual members. A governmental entity with authority under state law over issues relating to the permit application may be an affected person. The commission by rule shall establish criteria for determining whether a group, association, or governmental entity is an affected person.

(14) In SECTION 8B.09 of the bill, in proposed Subsection (d-8), Section 5.556, Water Code (House Committee Printing page 185, line 25), strike "commission's office of hearings examiners"

and substitute "State Office of Administrative Hearings".

(15) In SECTION 8B.09 of the bill, at the end of amended Section 5.556, Water Code (House Committee Printing page 186, between lines 8 and 9), insert the following:

(g) Notice of a contested case hearing granted under this subchapter shall be mailed to the applicant, the office of public interest counsel, the executive director, and the persons whose hearing requests have been granted. Public notice of a contested case hearing is not required.

(16) In SECTION 8B.10 of the bill, in amended Subsection (d), Section 26.028, Water Code (House Committee Printing page 187, lines 1-15), strike Subdivisions (3), (4), and (5) and substitute the following:

(3) for NPDES permits, notice and the opportunity to request a public meeting shall be given in compliance with NPDES program requirements, and the commission shall consider and respond to all timely received and significant written public comment; and

(4) the commission determines that an applicant's compliance history for the preceding five years [~~under the method for evaluating compliance history developed by the commission under Section 5.754~~] raises no issues regarding the applicant's ability to comply with a material term of its permit.

(17) Strike SECTION 8B.12 of the bill (House Committee Printing page 188, line 21, through page 189, line 19) and substitute the following:

SECTION 8B.12. Section 361.088, Health and Safety Code, is amended by amending Subsection (e) and adding Subsection (h) to read as follows:

(e) After complying with Sections 5.5515-5.555 [~~5.552-5.555~~], Water Code, the commission, without providing an opportunity for a contested case hearing, may act on an application to renew a permit for:

(1) storage of hazardous waste in containers, tanks, or other closed vessels if the waste:

(A) was generated on-site; and

(B) does not include waste generated from other waste transported to the site; [~~and~~]

(2) processing of hazardous waste if:
(A) the waste was generated on-site;
(B) the waste does not include waste generated from other waste transported to the site; and
(C) the processing does not include thermal processing; or

(3) treatment, storage, or disposal of solid waste if the renewal application does not include any changes to authorization provided by the existing permit.

(h) The commission may act on an application for a new permit, Class 3 modification, or major amendment for post-closure care or corrective action at a solid waste management facility if notice and opportunity to request a nonadjudicative hearing under Subchapter S, Chapter 5, Water Code, have been given.

(18) In SECTION 8B.17 of the bill, in amended Section 382.05191, Health and Safety Code (House Committee Printing page 191, lines 20-26), strike Subsection (a) and substitute the following:

(a) An applicant for a permit under Section 382.05183, 382.05185(c) or (d), 382.05186, or 382.0519 shall publish notice, including notice of the opportunity for nonadjudicative hearing [~~of intent to obtain the permit~~] in accordance with Subchapter S, Chapter 5, Water Code [~~Section 382.056~~]. An applicant for a permit under Section 382.05186(b) shall publish notice, including notice of an opportunity for nonadjudicative hearing under Section 382.05197.

(19) In SECTION 8B.20 of the bill, in proposed Subsection (a-1), Section 382.056, Health and Safety Code (House Committee Printing page 194, line 18), strike "notice but" and substitute "notice, but".

(20) In SECTION 8B.20 of the bill, in proposed Subsection (a-1), Section 382.056, Health and Safety Code (House Committee Printing page 194, line 20), strike "(e)" and substitute "(o)".

(21) In SECTION 8B.20 of the bill, in amended Section 382.056, Health and Safety Code (House Committee Printing page 194, line 21, through page 195, line 6), strike Subsection (a-2) and substitute the following:

(a-2) An application for a permit amendment under this section is not subject to notice or contested case hearing if the total emissions increase from all facilities authorized under the amended permit will meet the de minimis criteria established by commission rule and the emissions will not change in character. An application for a permit amendment for a facility affected by Section 382.020 is not subject to notice or contested case hearing if the total emissions increase from all facilities authorized under the permit amendment is not significant and will not change in character. A finding under this subsection that a total emissions increase is not significant must be made in the same manner as a finding made under Section 382.05196.

(22) Strike SECTION 8B.26 of the bill (House Committee Printing page 197, line 27, through page 198, line 5), and substitute the following:

SECTION 8B.26. Sections 361.534(b), 382.0518(h) and (i), 382.05191(b) and (c), 382.05197(b) and (c), 382.056(b)-(n) and (p), and 382.058, Health and Safety Code, are repealed.

SECTION 8B.27. The changes in law made by this article apply only to an application for a permit that is filed with the Texas Commission on Environmental Quality on or after September 1, 2003. An application for a permit that is filed before that date is governed by the law in effect on the date it was filed, and that law is continued for that purpose.

(23) At the end of ARTICLE 8C of the bill (House Committee Printing page 207, between lines 25 and 26), insert the following:

SECTION 8C.15. (a) The changes in law made by this article apply only to an action taken by the Texas Commission on Environmental Quality on or after the effective date of this article.

(b) This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2003.