

## **BILL ANALYSIS**

Senate Research Center  
78R6234 SMH-F

S.B. 1235  
By: Williams  
Natural Resources  
4/5/2003  
As Filed

### **DIGEST AND PURPOSE**

As proposed, S.B. 1235 clarifies that a contested case hearing request regarding an application for an environmental permit must be supported by the identification of specific technical disputes as to the facts supporting the application or draft permit. S.B. 1235 also states that the Texas Commission on Environmental Quality may only address hearing requests that are filed in response to the executive director's Response to Comments. Such requests would require the identification of specific technical issues that remain after the executive director has considered the public comments and previously identified factual issues.

### **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 Sections 5.556 (a) and (d), Water Code, as follows:

- (a) Authorizes person to file with the Texas Commission on Environmental Quality (TCEQ) a request for a contested case hearing only after transmittal of the executive director's response to public comments.
- (d) Prohibits TCEQ from referring an issue to the State Office of Administrative Hearings for a hearing unless TCEQ determines that the issue meets certain requirements.

SECTION 2. (a) Effective date: September 1, 2003.

- (b) Makes application of this Act prospective.