

By: Williams

S.B. No. 1235

A BILL TO BE ENTITLED

1 AN ACT

2 relating to contested case hearings regarding applications for  
3 certain environmental permits.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Sections 5.556(a) and (d), Water Code, are  
6 amended to read as follows:

7 (a) A person may request that the commission reconsider the  
8 executive director's decision or hold a contested case hearing. A  
9 request must be filed with the commission during the period  
10 provided by commission rule. A person may file with the commission  
11 a request for a contested case hearing only after transmittal of the  
12 executive director's response to public comments.

13 (d) The commission may not refer an issue to the State  
14 Office of Administrative Hearings for a hearing unless the  
15 commission determines that the issue:

16 (1) involves a disputed question of fact;

17 (2) was raised during the public comment period; ~~and~~

18 (3) is relevant and material to the decision on the  
19 application;

20 (4) is a specified, identified, technical dispute  
21 regarding the facts concerning the application or a draft permit  
22 rather than an expression of generalized public health or  
23 environmental concerns or objections; and

24 (5) remains unresolved following the executive

1 director's technical review of, and consideration of public  
2 comments on, the application.

3 SECTION 2. (a) This Act takes effect September 1, 2003.

4 (b) The changes in law made by this Act apply only to an  
5 application for a permit, permit amendment, or permit renewal that  
6 is filed with the Texas Commission on Environmental Quality on or  
7 after the effective date of this Act. An application for a permit,  
8 permit amendment, or permit renewal that is filed with the  
9 commission before the effective date of this Act is governed by the  
10 law in effect on the date the application is filed, and that law is  
11 continued in effect for that purpose.