

1-1 By: Williams S.B. No. 1235
1-2 (In the Senate - Filed March 12, 2003; March 19, 2003, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 22, 2003, reported favorably by the following vote: Yeas 9,
1-5 Nays 1; April 22, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to contested case hearings regarding applications for
1-9 certain environmental permits.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsections (a) and (d), Section 5.556, Water
1-12 Code, are amended to read as follows:

1-13 (a) A person may request that the commission reconsider the
1-14 executive director's decision or hold a contested case hearing. A
1-15 request must be filed with the commission during the period
1-16 provided by commission rule. A person may file with the commission
1-17 a request for a contested case hearing only after transmittal of the
1-18 executive director's response to public comments.

1-19 (d) The commission may not refer an issue to the State
1-20 Office of Administrative Hearings for a hearing unless the
1-21 commission determines that the issue:

1-22 (1) involves a disputed question of fact;

1-23 (2) was raised during the public comment period; ~~and~~

1-24 (3) is relevant and material to the decision on the
1-25 application;

1-26 (4) is a specified, identified, technical dispute
1-27 regarding the facts concerning the application or a draft permit
1-28 rather than an expression of generalized public health or
1-29 environmental concerns or objections; and

1-30 (5) remains unresolved following the executive
1-31 director's technical review of, and consideration of public
1-32 comments on, the application.

1-33 SECTION 2. (a) This Act takes effect September 1, 2003.

1-34 (b) The changes in law made by this Act apply only to an
1-35 application for a permit, permit amendment, or permit renewal that
1-36 is filed with the Texas Commission on Environmental Quality on or
1-37 after the effective date of this Act. An application for a permit,
1-38 permit amendment, or permit renewal that is filed with the
1-39 commission before the effective date of this Act is governed by the
1-40 law in effect on the date the application is filed, and that law is
1-41 continued in effect for that purpose.

1-42 * * * * *