

By: M. Gonzalez of El Paso

H.B. No. 2292

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the notice requirements for the issuance, renewal, or
3 amendment of certain environmental permits issued by the Texas
4 Commission on Environmental Quality.

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

6 SECTION 1. Section 361.080(b), Health and Safety Code, is
7 amended to read as follows:

8 (b) Notice for a hearing session held under this section
9 shall be provided in accordance with Section 361.0791 of this code
10 and Section 5.5525, Water Code.

11 SECTION 2. Section 361.082(c), Health and Safety Code, is
12 amended to read as follows:

13 (c) The commission by rule shall establish procedures for
14 public notice and public hearing. At a minimum, the rules shall
15 include the public notice requirements set forth in Section 361.081
16 of this code and Section 5.5525, Water Code.

17 SECTION 3. Section 361.121(c), Health and Safety Code, is
18 amended to read as follows:

19 (c) The notice and hearing provisions of Subchapter M,
20 Chapter 5, Water Code, other than Section 5.5525 [~~as added by~~
21 ~~Chapter 1350, Acts of the 76th Legislature, Regular Session, 1999~~],
22 apply to an application under this section for a permit, a permit
23 amendment, or a permit renewal. In addition, at the time published
24 notice of intent to obtain a permit is required under Section 5.552,

1 Water Code, an applicant for a permit, permit amendment, or permit
2 renewal under this section must notify by registered or certified
3 mail each owner of land located within one-quarter mile of the
4 proposed land application unit who lives on that land of the intent
5 to obtain the permit, amendment, or renewal. Notice to landowners
6 must include the information required by Section 5.552(c), Water
7 Code, and information regarding the anticipated date of the first
8 application of the sludge to the proposed land application unit. An
9 owner of land located within one-quarter mile of the proposed land
10 application unit who lives on that land is an affected person for
11 purposes of Section 5.115, Water Code.

12 SECTION 4. Section 5.551(a), Water Code, is amended to read
13 as follows:

14 (a) Except as provided by Section 5.5525, this ~~[This]~~
15 subchapter establishes procedures for providing public notice, an
16 opportunity for public comment, and an opportunity for public
17 hearing under Subchapters C-H, Chapter 2001, Government Code,
18 regarding commission actions relating to a permit issued under
19 Chapter 26 or 27 of this code or Chapter 361, Health and Safety
20 Code. This subchapter is procedural and does not expand or restrict
21 the types of commission actions for which public notice, an
22 opportunity for public comment, and an opportunity for public
23 hearing are provided under Chapter 26 or 27 of this code or Chapter
24 361, Health and Safety Code.

25 SECTION 5. Subchapter M, Chapter 5, Water Code, is amended
26 by adding Section 5.5525 to read as follows:

27 Sec. 5.5525. MAILED NOTICE OF INTENT TO OBTAIN PERMIT. (a)

1 This section applies to an application to the commission for:

2 (1) a national pollutant discharge elimination system
3 permit under Chapter 26;

4 (2) a Class I injection well permit under Chapter 27;

5 (3) a hazardous waste management facility permit under
6 Chapter 361, Health and Safety Code;

7 (4) a preconstruction permit under Chapter 382, Health
8 and Safety Code; and

9 (5) a federal operating permit under Chapter 382,
10 Health and Safety Code.

11 (b) An applicant shall mail notice of intent to obtain a
12 permit to each owner or occupant of real property located five miles
13 or less from the facility that is the subject of the permit. The
14 commission by rule shall establish the form and content of the
15 notice. The notice must include the information required by
16 Section 5.552(c).

17 (c) In addition to providing notice under Subsection (b),
18 the applicant shall comply with any applicable public notice
19 requirements under this subchapter, Chapters 26 and 27 of this
20 code, Chapters 361 and 382, Health and Safety Code, and rules
21 adopted under those chapters.

22 SECTION 6. The changes in law made by this Act apply only to
23 an application for a permit, permit amendment, or permit renewal
24 that is filed with the Texas Commission on Environmental Quality on
25 or after September 1, 2013. An application for a permit, permit
26 amendment, or permit renewal that is filed before that date is
27 governed by the law in effect on the date the application is filed,

1 and that law is continued in effect for that purpose.

2 SECTION 7. This Act takes effect September 1, 2013.