

## **BILL ANALYSIS**

S.B. 2354  
By: Zaffirini  
Environmental Regulation  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Concerns have been raised over confusion caused by recently enacted legislation regarding the timeline for review of a ruling, order, or decision on a matter delegated to the executive director of the Texas Commission on Environmental Quality (TCEQ). Specifically, it has been suggested that the legislation sought to remedy a duplicative set of petition filing circumstances by delaying the requirement for petition filing until after TCEQ had acted on any timely filed motion to overturn, but that the legislation inadvertently resulted in confusion as to which judicial appeals processes were governed by the new procedure. S.B. 2354 seeks to address these concerns by clarifying certain timelines relating to judicial review of TCEQ acts.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 2354 amends the Health and Safety Code to standardize the time in which the following petitions are required to be filed by conforming to the time required by Water Code provisions relating to judicial review of Texas Commission on Environmental Quality (TCEQ) acts:

- a petition under the Solid Waste Disposal Act by a person affected by a ruling, order, decision, or other act of TCEQ to appeal the act;
- a petition under the Solid Waste Disposal Act by a person subject to a TCEQ administrative order concerning imminent and substantial endangerment to appeal the order; and
- a petition under the Texas Clean Air Act by a person affected by a ruling, order, decision, or other act of TCEQ or of the TCEQ executive director, as applicable, to appeal the act.

S.B. 2354 amends the Water Code to specify that the authorization for a person affected by a ruling, order, or decision on a matter delegated to the TCEQ executive director to file, after exhausting any administrative remedies, a petition to review, set aside, modify, or suspend the ruling, order, or decision by a certain deadline applies notwithstanding another provision of law to the contrary.

### **EFFECTIVE DATE**

September 1, 2019.