

By: Collier

H.B. No. 1006

A BILL TO BE ENTITLED

AN ACT

relating to changes to an application for an environmental permit  
before a contested case hearing on the application.

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

SECTION 1. Section 2003.047, Government Code, is amended by  
adding Subsection (d-1) to read as follows:

(d-1) An applicant whose application has been referred for a  
contested case hearing to be held in accordance with this section  
may not request changes to the application after the 31st day before  
the date scheduled for the preliminary hearing on the application.  
If an applicant chooses to not proceed with the preliminary hearing  
on the application on or before the 31st day before the date  
scheduled for the preliminary hearing, the applicant must withdraw  
the application with or without prejudice in accordance with  
commission rule. If an applicant who has withdrawn an application  
without prejudice subsequently resubmits a revised application,  
the applicant must comply with applicable notice and other  
requirements in effect on the date the revised application is  
submitted to the commission. This subsection does not apply to a  
change made to an application for which:

(1) a preliminary hearing has been held and parties to  
the hearing have been named;

(2) all parties to the hearing have agreed in writing  
to the proposed changes; and

1           (3) the applicant has complied with applicable notice  
2 requirements.

3           SECTION 2. Section 382.0291(d), Health and Safety Code, is  
4 repealed.

5           SECTION 3. The changes in law made by this Act apply only to  
6 an application for the issuance or amendment of a permit pending  
7 before the Texas Commission on Environmental Quality on or after  
8 the effective date of this Act.

9           SECTION 4. This Act takes effect September 1, 2019.