

By: Zaffirini

S.B. No. 1990

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) This section only applies to an environmental permit governed by Texas Water Code Chapter 26 or 27 or Texas Health and Safety Code Chapter 361 or 382. An applicant whose environmental permit application has been referred for a contested case hearing to be held in accordance with this section may not request or make changes to the application, other than changes to correct clerical errors or update other non-technical information in the application, after the 31st day before the date scheduled for the preliminary hearing on the application. If an applicant chooses not to proceed with the preliminary hearing on the application after 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 If an applicant who has withdrawn an application without prejudice subsequently resubmits a revised application, the applicant must comply with applicable notice and other requirements in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

1 for which:

2 (1) all timely requests for a contested case hearing
3 have been denied by the commission or withdrawn prior to the
4 preliminary hearing;

5 (2) a preliminary hearing has been held and parties to
6 the hearing have been named;

7 (3) all parties to the hearing have agreed in writing
8 to the proposed changes; and

9 (4) the applicant has complied with applicable notice
10 requirements.

11 SECTION 2. Section [382.0291\(d\)](#), Health and Safety Code, is
12 repealed.

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

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