

By: Collier

H.B. No. 860

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 If an applicant who has withdrawn an application without prejudice subsequently resubmits a revised application, the applicant must comply with applicable notice and other requirements in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4 repealed.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, 2021.