

BILL ANALYSIS

S.B. 471
By: Springer
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

With the population growth in Texas over the last decade, there has been commensurate growth in manufacturing and increased use of precious resources. This use of finite resources calls for appropriate oversight to ensure access to these resources for current and future generations. Vexatious complaints cost the Texas Commission on Environmental Quality (TCEQ) time and resources that detract from legitimate violations that need investigation. S.B. 471 seeks to provide the TCEQ with protection against unnecessary impediments that may arise out of multiple complaints by the same individual for which TCEQ finds no infraction by relieving the TCEQ of the obligation of having to investigate certain complaints.

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. 471 amends the Water Code to establish that the Texas Commission on Environmental Quality (TCEQ) is not required to investigate the following complaints:

- a complaint that may be addressed during other TCEQ activities; or
- a complaint that was filed by an individual when there is not a reasonable probability that the TCEQ can substantiate the complaint and either:
 - the complaint is repetitious or redundant of other complaints concerning the same site investigated in the preceding 12 months that were not substantiated by the TCEQ; or
 - the complainant has filed in the preceding seven years at least five complaints that were not substantiated by the TCEQ.

The bill establishes that the TCEQ is not required to provide to a complainant who files a complaint described by the bill a copy of TCEQ policies and procedures relating to complaint investigation and resolution or notice of the investigation's status. The bill applies only to a complaint filed on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.