

1-1 By: Schwertner, et al. S.B. No. 1397
1-2 (In the Senate - Filed March 1, 2023; March 16, 2023, read
1-3 first time and referred to Committee on Natural Resources &
1-4 Economic Development; April 11, 2023, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 9,
1-6 Nays 0; April 11, 2023, sent to printer.)

1-7 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|----------|-----|--------|-----|
| 1-8 | | | | |
| 1-9 | <u>X</u> | | | |
| 1-10 | <u>X</u> | | | |
| 1-11 | <u>X</u> | | | |
| 1-12 | <u>X</u> | | | |
| 1-13 | <u>X</u> | | | |
| 1-14 | <u>X</u> | | | |
| 1-15 | <u>X</u> | | | |
| 1-16 | <u>X</u> | | | |
| 1-17 | <u>X</u> | | | |

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1397 By: Hancock

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the continuation and functions of the Texas Commission
1-22 on Environmental Quality.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 361.0666(d), Health and Safety Code, is
1-25 amended to read as follows:

1-26 (d) The published notice may not be smaller than 96.8 square
1-27 centimeters or 15 square inches, with the shortest dimension not
1-28 less than 7.5 centimeters or 3 inches. The notice must contain at
1-29 least the following information:

1-30 (1) the permit application number;

1-31 (2) the applicant's name; and

1-32 (3) the proposed location of the facility[~~, and~~

1-33 [~~(4) the location and availability of copies of the~~
1-34 ~~application].~~

1-35 SECTION 2. Section 361.0791(f), Health and Safety Code, is
1-36 amended to read as follows:

1-37 (f) The published notice may not be smaller than 96.8 square
1-38 centimeters or 15 square inches with the shortest dimension at
1-39 least 7.6 centimeters or three inches and shall contain, at a
1-40 minimum, the following information:

1-41 (1) the permit application number;

1-42 (2) the applicant's name; and

1-43 (3) the proposed location of the facility[~~, and~~

1-44 [~~(4) the location and availability of copies of the~~
1-45 ~~permit application].~~

1-46 SECTION 3. Section 382.05101, Health and Safety Code, is
1-47 amended to read as follows:

1-48 Sec. 382.05101. DE MINIMIS AIR CONTAMINANTS. The
1-49 commission may develop by rule the criteria to establish a de
1-50 minimis level of air contaminants for facilities or groups of
1-51 facilities below which the following types of permits are not
1-52 required:

1-53 (1) a permit under Section 382.0518 or 382.0519;

1-54 (2) [~~7~~] a standard permit under Section 382.05195,
1-55 [~~or~~] 382.05198, or 382.051985; or

1-56 (3) [~~7~~~~or~~] a permit by rule under Section 382.05196 [~~is~~
1-57 ~~not required~~].

1-58 SECTION 4. Section 382.0511(c), Health and Safety Code, is
1-59 amended to read as follows:

1-60 (c) The commission may authorize changes in a federal source

2-1 to proceed before the owner or operator obtains a federal operating
 2-2 permit or revisions to a federal operating permit if:
 2-3 (1) the changes are de minimis under Section
 2-4 382.05101; or
 2-5 (2) the owner or operator:
 2-6 (A) has obtained a preconstruction permit or
 2-7 permit amendment required by Section 382.0518; or
 2-8 (B) is operating under:
 2-9 (i) a standard permit under Section
 2-10 382.05195, ~~or~~ 382.05198, or 382.051985;
 2-11 (ii) a permit by rule under Section
 2-12 382.05196; or
 2-13 (iii) an exemption allowed under Section
 2-14 382.057.

2-15 SECTION 5. Subchapter C, Chapter 382, Health and Safety
 2-16 Code, is amended by adding Section 382.051985 to read as follows:

2-17 Sec. 382.051985. STANDARD PERMIT FOR CERTAIN TEMPORARY
 2-18 CONCRETE PLANTS FOR PUBLIC WORKS. (a) The commission shall issue a
 2-19 standard permit that meets the requirements of Section 382.05195
 2-20 for a temporary concrete plant that performs wet batching, dry
 2-21 batching, or central mixing to support a public works project. A
 2-22 plant operating under the permit:

2-23 (1) may not support a project that is not related to
 2-24 the public works project; and

2-25 (2) must be located in or contiguous to the
 2-26 right-of-way of the public works project.

2-27 (b) A plant permitted under this section may occupy a
 2-28 designated site for not more than 180 consecutive days or to supply
 2-29 material for a single project, but not other unrelated projects.

2-30 SECTION 6. Section 382.056, Health and Safety Code, is
 2-31 amended by amending Subsection (b) and adding Subsection (k-2) to
 2-32 read as follows:

2-33 (b) The notice must include:

2-34 (1) a description of the location or proposed location
 2-35 of the facility or federal source;

2-36 (2) ~~[the location at which a copy of the application is~~
 2-37 ~~available for review and copying as provided by Subsection (d),~~

2-38 ~~[(3)]~~ a description, including a telephone number, of
 2-39 the manner in which the commission may be contacted for further
 2-40 information;

2-41 (3) ~~[(4)]~~ a description, including a telephone
 2-42 number, of the manner in which the applicant may be contacted for
 2-43 further information;

2-44 (4) ~~[(5)]~~ a description of the procedural rights and
 2-45 obligations of the public, printed in a font style or size that
 2-46 clearly provides emphasis and distinguishes it from the remainder
 2-47 of the notice, that includes a statement that a person who may be
 2-48 affected by emissions of air contaminants from the facility,
 2-49 proposed facility, or federal source is entitled to request a
 2-50 hearing from the commission;

2-51 (5) ~~[(6)]~~ a description of the procedure by which a
 2-52 person may be placed on a mailing list in order to receive
 2-53 additional information about the application;

2-54 (6) ~~[(7)]~~ the time and location of any public meeting
 2-55 to be held under Subsection (e); and

2-56 (7) ~~[(8)]~~ any other information the commission by rule
 2-57 requires.

2-58 (k-2) Notwithstanding any other law, if the commission
 2-59 holds a public meeting for a permit application for which
 2-60 consolidated notice was issued under this subchapter, the
 2-61 commission shall hold open the public comment period and the period
 2-62 for which a contested case hearing may be requested for the permit
 2-63 application for at least 36 hours after the end of the meeting.

2-64 SECTION 7. Section 5.014, Water Code, is amended to read as
 2-65 follows:

2-66 Sec. 5.014. SUNSET PROVISION. The Texas Commission on
 2-67 Environmental Quality is subject to Chapter 325, Government Code
 2-68 (Texas Sunset Act). Unless continued in existence as provided by
 2-69 that chapter, the commission is abolished ~~[and this chapter~~

3-1 ~~expires~~ September 1, 2035 [~~2023~~].

3-2 SECTION 8. Section 5.0535, Water Code, is amended by
3-3 amending Subsection (b) and adding Subsection (d) to read as
3-4 follows:

3-5 (b) The training program must provide the person with
3-6 information regarding:

3-7 (1) the law governing [~~legislation that created the~~]
3-8 commission operations;

3-9 (2) the programs, functions, rules, and budget of
3-10 [~~operated by~~] the commission;

3-11 (3) the scope of and limitations on the rulemaking
3-12 authority of the commission [~~the role and functions of the~~
3-13 ~~commission~~];

3-14 (4) [~~the rules of the commission, with an emphasis on~~
3-15 ~~the rules that relate to disciplinary and investigatory authority,~~
3-16 [~~5) the current budget for the commission,~~

3-17 [~~6) the results of the most recent formal audit~~
3-18 [~~significant internal and external audits~~] of the commission;

3-19 (5) [~~7) the requirements of:~~

3-20 (A) laws relating to [~~the~~] open meetings, [~~law,~~
3-21 ~~Chapter 551, Government Code,~~

3-22 [~~B) the~~] public information, [~~law, Chapter 552,~~
3-23 ~~Government Code,~~

3-24 [~~C) the~~] administrative procedure, and
3-25 disclosing conflicts-of-interest [~~law, Chapter 2001, Government~~
3-26 ~~Code, and~~

3-27 [~~D) other laws relating to public officials,~~
3-28 ~~including conflict-of-interest laws~~]; and

3-29 (B) other laws applicable to members of a state
3-30 policy-making body in performing their duties; and

3-31 (6) [~~8) any applicable ethics policies adopted by~~
3-32 the commission or the Texas Ethics Commission.

3-33 (d) The executive director shall create a training manual
3-34 that includes the information required by Subsection (b). The
3-35 executive director shall distribute a copy of the training manual
3-36 annually to each member of the commission. Each member of the
3-37 commission shall sign and submit to the executive director a
3-38 statement acknowledging that the member received and has reviewed
3-39 the training manual.

3-40 SECTION 9. Section 5.113, Water Code, is amended to read as
3-41 follows:

3-42 Sec. 5.113. COMMISSION AND STAFF RESPONSIBILITY POLICY.
3-43 The commission shall develop and implement policies that clearly
3-44 separate the policy-making [~~the respective~~] responsibilities of
3-45 the commission and the management responsibilities of the executive
3-46 director and the staff of the commission.

3-47 SECTION 10. The heading to Section 5.129, Water Code, is
3-48 amended to read as follows:

3-49 Sec. 5.129. SUMMARY OF AND INFORMATION PROVIDED BY [~~FOR~~]
3-50 PUBLIC NOTICES.

3-51 SECTION 11. Section 5.129, Water Code, is amended by
3-52 amending Subsection (a) and adding Subsection (a-1) to read as
3-53 follows:

3-54 (a) The commission by rule shall provide for each public
3-55 notice issued or published by the commission or by a person under
3-56 the jurisdiction of the commission as required by law or by
3-57 commission rule to include:

3-58 (1) at the beginning of the notice a succinct
3-59 statement of the subject of the notice; and

3-60 (2) to the extent applicable, the name of the permit
3-61 applicant, the type of permit applied for, and the location of each
3-62 proposed or existing site subject to the proposed permit.

3-63 (a-1) Rules adopted under this section [~~The rules~~] must
3-64 provide that a summary statement must be designed to inform the
3-65 reader of the subject matter of the notice without having to read
3-66 the entire text of the notice.

3-67 SECTION 12. Subchapter D, Chapter 5, Water Code, is amended
3-68 by adding Section 5.136 to read as follows:

3-69 Sec. 5.136. COMMUNITY OUTREACH. The commission shall

4-1 provide outreach and education to the public on participating in
4-2 the permitting process under the air, waste, and water programs
4-3 within the commission's jurisdiction.

4-4 SECTION 13. Subchapter E, Chapter 5, Water Code, is amended
4-5 by adding Section 5.1734 to read as follows:

4-6 Sec. 5.1734. ELECTRONIC POSTING OF PERMIT APPLICATIONS.

4-7 (a) The commission shall post on its website at the time a permit
4-8 application becomes administratively complete:

4-9 (1) the permit application and any associated
4-10 materials; and

4-11 (2) for a permit application under Subchapter D,
4-12 Chapter 11, any map accompanying the permit application.

4-13 (b) If a permit application is revised or amended after the
4-14 permit application has become administratively complete, the
4-15 commission shall post on its website the revised or amended permit
4-16 application.

4-17 (c) The commission may exempt any associated materials from
4-18 being posted on its website under Subsection (a) if the commission
4-19 determines that:

4-20 (1) posting the materials on the website would be
4-21 unduly burdensome; or

4-22 (2) the materials are too large to be posted on the
4-23 website.

4-24 (d) Notwithstanding any other law, the commission shall
4-25 require each applicant for a permit, permit amendment, or permit
4-26 renewal that requires notice be published to include in the notice
4-27 the address of the website where the public can access information
4-28 about the permit as described by Subsection (a).

4-29 (e) In implementing this section, the commission shall
4-30 consider and accommodate residents of each area affected by a
4-31 proposed permit, permit amendment, or permit renewal who may need
4-32 assistance accessing the application and associated materials
4-33 because of a lack of access to Internet services, particularly when
4-34 there is a heightened public interest or in response to public
4-35 comment.

4-36 (f) The posting of a permit application under this section
4-37 is in lieu of a requirement that a physical copy of the permit be
4-38 made available in a public place.

4-39 SECTION 14. Section 5.552(c), Water Code, is amended to
4-40 read as follows:

4-41 (c) The commission by rule shall establish the form and
4-42 content of the notice. The notice must include:

4-43 (1) the location and nature of the proposed activity;

4-44 (2) ~~the location at which a copy of the application is~~
4-45 ~~available for review and copying as provided by Subsection (e),~~

4-46 ~~[(3)] a description, including a telephone number, of~~
4-47 the manner in which a person may contact the commission for further
4-48 information;

4-49 (3) ~~[(4)] a description, including a telephone~~
4-50 number, of the manner in which a person may contact the applicant
4-51 for further information;

4-52 (4) ~~[(5)] a description of the procedural rights and~~
4-53 obligations of the public, printed in a font style or size that
4-54 clearly provides emphasis and distinguishes it from the remainder
4-55 of the notice;

4-56 (5) ~~[(6)] a description of the procedure by which a~~
4-57 person may be placed on a mailing list in order to receive
4-58 additional information about the application;

4-59 (6) ~~[(7)] the time and location of any public meeting~~
4-60 to be held under Subsection (f); and

4-61 (7) ~~[(8)] any other information the commission by rule~~
4-62 requires.

4-63 SECTION 15. Chapter 5, Water Code, is amended by adding
4-64 Subchapter M-1 to read as follows:

4-65 SUBCHAPTER M-1. PERMITTING PROCEDURES GENERALLY

4-66 Sec. 5.581. APPLICABILITY. This subchapter applies to
4-67 programs and permits arising under the air, waste, or water
4-68 programs within the commission's jurisdiction.

4-69 Sec. 5.582. MEANS OF PUBLICATION OF NOTICE. (a)

5-1 Notwithstanding any other law, the commission may publish notice of
5-2 a permit application by electronic means instead of by printed
5-3 means.

5-4 (b) If the commission publishes notice of a permit
5-5 application by electronic means, the commission shall post the
5-6 notice on the commission's website and may provide additional
5-7 electronic notice through other means, including direct e-mail.

5-8 (c) The commission shall consider and accommodate residents
5-9 of each area affected by a proposed permit, permit amendment, or
5-10 permit renewal who may need assistance accessing notice published
5-11 by electronic means because of a lack of access to Internet
5-12 services, particularly when there is a heightened public interest
5-13 or in response to public comment.

5-14 (d) This section does not authorize the commission to use an
5-15 electronic means of notice instead of newspaper publication or
5-16 another form of notice if an applicable federal law requires a
5-17 particular form of notice.

5-18 Sec. 5.583. VIRTUAL PUBLIC MEETING. (a) Notwithstanding
5-19 any other law, the commission may hold a public meeting virtually
5-20 through the Internet provided that members of the public are able to
5-21 participate in the meeting.

5-22 (b) The commission shall consider and accommodate members
5-23 of the public who may need assistance participating in a virtually
5-24 held public meeting because of a lack of access to Internet
5-25 services, particularly when there is a heightened public interest
5-26 or in response to public comment.

5-27 (c) This section does not authorize the commission to hold a
5-28 public meeting virtually instead of an in-person public meeting if
5-29 an applicable federal law requires an in-person public meeting.

5-30 Sec. 5.584. TEMPORARY AND INDEFINITE PERMIT REPORTING. (a)
5-31 In this section, "permit" means a permit, approval, registration,
5-32 or other form of authorization required by law for a person to
5-33 engage in an action.

5-34 (b) This section does not apply to a person who holds a
5-35 temporary permit or permit with an indefinite term that has a
5-36 regular reporting requirement.

5-37 (c) A person who holds a temporary permit or permit with an
5-38 indefinite term shall report to the commission annually whether the
5-39 activity subject to the permit is ongoing.

5-40 SECTION 16. Section 5.754, Water Code, is amended by
5-41 amending Subsection (c) and adding Subsection (c-1) to read as
5-42 follows:

5-43 (c) In classifying a person's compliance history, the
5-44 commission shall:

5-45 (1) determine whether a violation of an applicable
5-46 legal requirement is of major, moderate, or minor significance;

5-47 (2) establish criteria for classifying a repeat
5-48 violator, including:

5-49 (A) setting the number of major, moderate, and
5-50 minor violations needed to be classified as a repeat violator; and

5-51 (B) giving consideration to the size and
5-52 complexity of the site at which the violations occurred, and
5-53 limiting consideration to violations of the same nature and the
5-54 same environmental media that occurred in the preceding five years;
5-55 and

5-56 (3) consider:

5-57 (A) the significance of the violation and whether
5-58 the person is a repeat violator;

5-59 (B) the size and complexity of the site,
5-60 including whether the site is subject to Title V of the federal
5-61 Clean Air Act (42 U.S.C. Section 7661 et seq.); and

5-62 (C) the potential for a violation at the site
5-63 that is attributable to the nature and complexity of the site.

5-64 (c-1) The executive director may review, suspend, or
5-65 reclassify a person's compliance history in accordance with
5-66 commission rules if the executive director determines that exigent
5-67 circumstances exist.

5-68 SECTION 17. Section 7.052(c), Water Code, is amended to
5-69 read as follows:

6-1 (c) Except as provided by this subsection, the [The] amount
6-2 of the penalty for all other violations within the jurisdiction of
6-3 the commission to enforce may not exceed \$25,000 a day for each
6-4 violation. The amount of the penalty for such a violation may not
6-5 exceed \$40,000 a day if:

6-6 (1) the violation involves:
6-7 (A) an actual release of pollutants to the air,
6-8 water, or land that exceeds levels that are protective of human
6-9 health or environmental receptors; or

6-10 (B) an actual unauthorized diversion, taking, or
6-11 storage of state water or an unauthorized change in the flood
6-12 elevation of a stream that deprives others of water, severely
6-13 affects aquatic life, or results in a safety hazard, property
6-14 damage, or economic loss;

6-15 (2) the person previously committed a violation of the
6-16 same nature that resulted in the assessment of an administrative
6-17 penalty; and

6-18 (3) the commission determines the person could have
6-19 reasonably anticipated and avoided the violation.

6-20 SECTION 18. Subchapter C, Chapter 7, Water Code, is amended
6-21 by adding Section 7.0675 to read as follows:

6-22 Sec. 7.0675. ENFORCEMENT DIVERSION PROGRAM FOR SMALL
6-23 BUSINESSES AND LOCAL GOVERNMENTS. (a) In this section, "small
6-24 business" means a legal entity, including a corporation,
6-25 partnership, or sole proprietorship, that:

- 6-26 (1) is formed for the purpose of making a profit;
- 6-27 (2) is independently owned and operated; and
- 6-28 (3) has fewer than 100 employees.

6-29 (b) The commission shall establish an enforcement diversion
6-30 program for small businesses and local governments. The program
6-31 must include:

- 6-32 (1) resources developed for the small business
6-33 compliance assistance program under Section 5.135;
- 6-34 (2) compliance assistance training; and
- 6-35 (3) on-site technical assistance and training
6-36 performed by commission staff.

6-37 (c) Before the commission initiates an enforcement action
6-38 for a violation committed by a small business or local government,
6-39 the commission may enroll the business or government into the
6-40 enforcement diversion program.

6-41 (d) The commission may not enroll a small business or local
6-42 government into the enforcement diversion program if an enforcement
6-43 action against the business or government is required by federal
6-44 law.

6-45 (e) The commission may not initiate against a small business
6-46 or local government an enforcement action for a violation that
6-47 prompted enrollment in the enforcement diversion program after the
6-48 business or government has successfully completed the program.

6-49 (f) A small business or local government is not eligible to
6-50 enroll in the enforcement diversion program if the business or
6-51 government:

- 6-52 (1) committed a violation that:
 - 6-53 (A) resulted in an imminent threat to public
6-54 health; or
 - 6-55 (B) was a major violation, as classified under
6-56 Section 5.754; or
- 6-57 (2) was enrolled in the program in the two years
6-58 preceding the date of the violation.

6-59 SECTION 19. Subchapter B, Chapter 11, Water Code, is
6-60 amended by adding Section 11.02363 to read as follows:

6-61 Sec. 11.02363. PERIODIC REVIEW OF ENVIRONMENTAL FLOW
6-62 STANDARDS; STATEWIDE WORK PLAN. (a) Periodically, the advisory
6-63 group shall review the environmental flow standards for each river
6-64 basin and bay system adopted by the commission under Section
6-65 11.1471. In conducting a review of the environmental flow
6-66 standards, the advisory group shall:

- 6-67 (1) work with the science advisory committee and the
6-68 pertinent basin and bay area stakeholder committees and basin and
6-69 bay expert science teams in a manner similar to that provided by

7-1 Section 11.02362;
 7-2 (2) take into consideration the work plans developed
 7-3 under Section 11.02362(p);
 7-4 (3) analyze previous environmental flow regime
 7-5 recommendations and standards;
 7-6 (4) prescribe future monitoring, studies, and
 7-7 activities needed to better understand the environmental flow; and
 7-8 (5) validate or refine:
 7-9 (A) the environmental flow regime
 7-10 recommendations;
 7-11 (B) the environmental flow standards adopted by
 7-12 the commission; and
 7-13 (C) strategies to achieve the environmental flow
 7-14 standards.

7-15 (b) The advisory group shall develop a biennial statewide
 7-16 work plan to prioritize and schedule the review of environmental
 7-17 flow standards under Subsection (a). The work plan must establish:

7-18 (1) the methodology used to prioritize the review of
 7-19 the environmental flow standards of each river basin and bay
 7-20 system; and

7-21 (2) a timeline for the review of the environmental
 7-22 flow standards of each river basin and bay system.

7-23 (c) The advisory group shall submit to the commission:

7-24 (1) any review conducted under Subsection (a),
 7-25 including recommendations to the commission for use in adopting
 7-26 rules under Section 11.1471; and

7-27 (2) the biennial work plan developed under Subsection
 7-28 (b).

7-29 SECTION 20. Section 11.1471, Water Code, is amended by
 7-30 amending Subsection (f) and adding Subsection (g) to read as
 7-31 follows:

7-32 (f) An environmental flow standard or environmental flow
 7-33 set-aside adopted under Subsection (a) may be altered by the
 7-34 commission in a rulemaking process undertaken in accordance with a
 7-35 schedule established by the commission. The commission shall
 7-36 consider the review of environmental flow standards by the advisory
 7-37 group under Section 11.02363(a) when altering an environmental flow
 7-38 standard or environmental flow set-aside. In establishing a
 7-39 schedule, the commission shall consider the work plan developed by
 7-40 the advisory group under Section 11.02363(b) and the applicable
 7-41 work plan approved by the advisory group under Section 11.02362(p).
 7-42 The commission's schedule may not provide for the rulemaking
 7-43 process to occur more frequently than once every 10 years unless the
 7-44 work plans provide [~~plan provides~~] for a periodic review under
 7-45 Sections 11.02363(a) and [~~Section~~] 11.02362(p) to occur more
 7-46 frequently than once every 10 years. In that event, the commission
 7-47 may provide for the rulemaking process to be undertaken in
 7-48 conjunction with the periodic review if the commission determines
 7-49 that schedule to be appropriate. A rulemaking process undertaken
 7-50 under this subsection must provide for the participation of
 7-51 stakeholders having interests in the particular river basin and bay
 7-52 system for which the process is undertaken.

7-53 (g) The commission shall submit a biennial report to the
 7-54 advisory group on the implementation and effectiveness of
 7-55 environmental flow standards. The report must include:

7-56 (1) a description of progress made over the previous
 7-57 biennium in implementing environmental flow standards, including
 7-58 the status of any efforts to set aside unappropriated water for
 7-59 environmental flow protection;

7-60 (2) input provided by the board and the Parks and
 7-61 Wildlife Department on their:

7-62 (A) activities related to environmental flow
 7-63 standards; and

7-64 (B) recommendations for the work plan developed
 7-65 under Section 11.02363(b); and

7-66 (3) recommendations for the work plan developed under
 7-67 Section 11.02363(b).

7-68 SECTION 21. Section 49.011(b), Water Code, is amended to
 7-69 read as follows:

8-1 (b) The commission by rule shall establish a procedure for
8-2 public notice and hearing of applications. The rules must require
8-3 an applicant to publish the notice issued by the commission under
8-4 Subsection (a) once a week for two consecutive weeks in a newspaper
8-5 regularly published or circulated in the county where the district
8-6 is proposed to be located not later than the 30th day before the
8-7 date on which the commission may act on the application. The
8-8 commission shall provide the notice to each state representative
8-9 and state senator who represents an area inside the proposed
8-10 district's boundaries.

8-11 SECTION 22. The following provisions are repealed:
8-12 (1) Section 382.056(d), Health and Safety Code;
8-13 (2) Section 5.552(e), Water Code;
8-14 (3) Section 11.0236(m), Water Code;
8-15 (4) Section 11.02361(g), Water Code; and
8-16 (5) Section 11.02362(s), Water Code.

8-17 SECTION 23. (a) Except as provided by Subsection (b) of
8-18 this section, Section 5.0535, Water Code, as amended by this Act,
8-19 applies to a member of the Texas Commission on Environmental
8-20 Quality appointed before, on, or after the effective date of this
8-21 Act.

8-22 (b) A member of the Texas Commission on Environmental
8-23 Quality who, before the effective date of this Act, completed the
8-24 training program required by Section 5.0535, Water Code, as that
8-25 law existed before the effective date of this Act, is only required
8-26 to complete additional training on the subjects added by this Act to
8-27 the training program required by Section 5.0535, Water Code. A
8-28 member described by this subsection may not vote, deliberate, or be
8-29 counted as a member in attendance at a meeting of the commission
8-30 held on or after December 1, 2023, until the member completes the
8-31 additional training.

8-32 SECTION 24. A permit holder subject to Section 5.584, Water
8-33 Code, as added by this Act, shall first report to the Texas
8-34 Commission on Environmental Quality the status of the permitted
8-35 activity not later than December 31, 2024.

8-36 SECTION 25. The change in law made by this Act to Section
8-37 7.052, Water Code, applies only to a violation that occurs on or
8-38 after the effective date of this Act. A violation that occurs
8-39 before the effective date of this Act is governed by the law in
8-40 effect on the date the violation occurred, and the former law is
8-41 continued in effect for that purpose.

8-42 SECTION 26. (a) The Texas Commission on Environmental
8-43 Quality shall submit to the environmental flows advisory group the
8-44 first biennial report on the implementation and effectiveness of
8-45 environmental flow standards under Section 11.1471(g), Water Code,
8-46 as added by this Act, not later than January 1, 2024.

8-47 (b) The environmental flows advisory group shall produce
8-48 and deliver to the commission the first biennial statewide work
8-49 plan developed under Section 11.02363, Water Code, as added by this
8-50 Act, not later than January 1, 2025.

8-51 SECTION 27. This Act takes effect September 1, 2023.

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