

BILL ANALYSIS

C.S.H.B. 2990
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Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, if a person wishes to view a Texas Commission on Environmental Quality (TCEQ) environmental permit application, they must travel to a location where the application can be viewed and copied. Due to the COVID-19 pandemic, TCEQ has been posting these applications on its website to provide for a safer and easier viewing experience and has reported that stakeholders have greatly appreciated this change. C.S.H.B. 2990 seeks to make this change permanent by requiring the online posting of certain permit applications in order to allow for safer and easier public access to these applications.

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

C.S.H.B. 2990 amends the Water Code to require an applicant for an environmental permit or a water rights permit or the Texas Commission on Environmental Quality (TCEQ) to do the following after an application has been determined to be administratively complete:

- post the following on a publicly accessible website:
 - the application and, as applicable, the map and any required supporting materials; and
 - any subsequent revision or supplement to the application as the revision or supplement becomes available; and
- until TCEQ takes final action on the application, maintain the posting and include the website address in any public notice provided by the applicant or TCEQ.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2990 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does the following with respect to an environmental permit or a water rights

permit application:

- includes TCEQ as an alternative party responsible for the online posting and the inclusion of the website address in any public notice it provides and does not include specific requirements for the applicant to provide the website address to TCEQ; and
- changes the notices in which the website address must be included from only the newspaper notice of intent to obtain a permit or the notice of application, as applicable, to any public notice provided by the applicant or TCEQ.

The substitute changes the time frame for posting an application for an environmental permit online from not later than the 30th day after the date the TCEQ executive director determines the application to be administratively complete to after the application has been determined to be administratively complete. For a water rights permit application, the substitute includes language specifying the time for the online posting as after the application has been determined to be administratively complete.