

## **BILL ANALYSIS**

S.B. 211  
By: Zaffirini  
Environmental Regulation  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Several years ago the Texas Legislature passed legislation to address a problem encountered by persons seeking judicial review of Texas Commission on Environmental Quality (TCEQ) actions on matters delegated to the executive director of TCEQ. Prior to enactment of this legislation, persons appealing many decisions delegated to the executive director were required to file two separate petitions for judicial review in district court. The law at the time required the first petition to be filed within a certain number of days of the decision's effective date while the person simultaneously exhausted administrative remedies through the motion to overturn process. A second petition would then be filed after any motion to overturn had either been denied by TCEQ or overruled by operation of law.

The legislation sought to remedy this confusing and duplicative set of circumstances by delaying the requirement for petition filing until after TCEQ had acted on any timely filed motion to overturn. While the legislation sought to create a more efficient and fair process, it inadvertently resulted in confusion as to which judicial appeals processes were governed by the new procedure. S.B. 211 seeks to address this issue and clarify matters by aligning certain appeals provisions of the Solid Waste Disposal Act and the Texas Clean Air Act with provisions governing judicial review of TCEQ acts.

### **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. 211 amends the Health and Safety Code to align the following with Water Code provisions governing judicial review of Texas Commission on Environmental Quality (TCEQ) acts:

- the time in which a person affected by a ruling, order, decision, or other act of TCEQ under the Solid Waste Disposal Act may appeal the action;
- the time in which a person subject to an administrative order concerning imminent and substantial endangerment under the act may appeal the order; and
- the time in which a person affected by a ruling, order, decision, or other act of TCEQ or TCEQ's executive director under the Texas Clean Air Act may generally appeal the action.

S.B. 211 amends the Water Code to establish that the prescribed deadline for a person affected by a ruling, order, or decision on a matter delegated to the executive director of TCEQ to file a

petition to review, set aside, modify, or suspend the ruling, order, or decision applies notwithstanding any provision of law to the contrary.

**EFFECTIVE DATE**

September 1, 2021.