

By: Wilson

H.B. No. 4002

A BILL TO BE ENTITLED

AN ACT

relating to a contested case hearing to identify a sensitive feature related to an Edwards Aquifer protection plan.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 26, Water Code, is amended by adding Section 26.138 to read as follows:

Sec. 26.138. CONTESTED CASE HEARING TO DETERMINE SENSITIVE FEATURE FOR PURPOSE OF EDWARDS AQUIFER PROTECTION PLAN. (a) In this section:

(1) "Protection plan" means a plan for which a fee may be imposed under Section 26.0461.

(2) "Sensitive feature" means a permeable geologic or man-made feature located on the Edwards Aquifer recharge zone or transition zone where:

(A) a potential for hydraulic interconnectedness between the surface and the Edwards Aquifer exists; and

(B) rapid infiltration to the subsurface may occur.

(b) If the commission identifies a sensitive feature in relation to a protection plan and a dispute is raised as to the applicability of rules relating to the Edwards Aquifer to that sensitive feature, the party questioning the identification of the sensitive feature may deliver to the commission a request for a contested case hearing to decide the matter.

1 (c) A request under this section must include:

2 (1) two independent environmental studies from two
3 different professional geologists; and

4 (2) a letter in support of the request from a
5 legislator in whose district the sensitive feature is located.

6 (d) The commission shall grant a request that complies with
7 Subsection (c). The decision of a contested case hearing granted
8 under this section is final as to the identification of a sensitive
9 feature.

10 SECTION 2. This Act takes effect September 1, 2019.