

Dear GEAA Members and Friends,

As you may recall, we sent out an alert on March 30th requesting that you contact your legislators to ask them to oppose SB 709/HB1865 - bills designed to make it more difficult for citizens to contest permit applications at the Texas Commission for Environmental Quality (TCEQ) . **Yesterday, the Senate passed SB 709 on a 22-9 vote. Chances are your senator voted for this very bad bill.**

**HB 1865 - Morrison /SB 709 – Frazer** Relating to environmental permitting procedures for applications filed with the Texas Commission on Environmental Quality. Under these bills affected residents would bear the burden of proving that an application should be denied. Shifting the burden of proof imposes significant costs upon the public to perform fact-finding and engage experts simply to protect themselves from injury.

SB 709 and HB 1865 create unjustified limits on public participation by residents and associations by requiring an affected resident to file comments on an issue himself or herself, even though the resident may not have received notice of the application during end of comment period, may not have had access to information on the issue, may not have received notice of the application during end of comment period, or may not have understood the complex permitting process.

The bills would make it easier for the TCEQ to deny an impartial hearing by refusing to acknowledge that a person will be potentially impacted by a permit and would impose procedural requirements, such as particular language in an organization's purpose statement, that further enable TCEQ to deny a hearing based on minor technicalities. These requirements inhibit the ability of local communities to participate in TCEQ decisions to form groups to fight a polluting facility that may not have adopted a specific enough charter or bylaws during the relatively short period when the Executive Director is making a decision on the permit, or may not have even organized yet during the initial public comment period. You can read more [here](#).

Since this bill passed in the Senate it is headed for the House, where your Representative will vote yea or nay. **It is urgent that you e-mail or call your Representative ASAP.**

[Find out who your legislators are.](#) Visit [www.fyi.legis.state.tx.us](http://www.fyi.legis.state.tx.us) or call the Capitol Switchboard at 512-463-4630.

You can e-mail your representative by addressing your message to:  
firstname.lastname.house.state.tx.us

[Here](#) are GEAA's comments on this bill. **Please contact your Representative today and pass this on to all who believe, as we do, that Texans should have access to a fair Contested Case Hearing Process.**

Thanks, and have a great weekend!

Annalisa Peace

Executive Director

[Greater Edwards Aquifer Alliance](#)