

HCS HB 824 -- ENVIRONMENTAL REGULATIONS (Hobbs)

COMMITTEE OF ORIGIN: Conservation and Natural Resources

Any air contaminant source required to obtain a permit annually pays a fee per ton of regulated air contaminant emitted. Currently, the minimum and maximum limits for per ton fees may be adjusted annually. This substitute specifies that the fee will be limited to not less than \$25 and not more than \$40 per ton of regulated air contaminant.

The substitute clarifies that the Land Reclamation Commission will have no authority to regulate the excavation of minerals or fill dirt at the site of an excavation. No public entity, private person, or contractor or subcontractor to a public entity or private person will be required to obtain a permit for the purpose of moving minerals or fill dirt within the confines of real property where excavation occurs. Any private person, lessor, public entity, contractor, or subcontractor engaged in land improvement involving the displacement, moving, or removal of minerals and fill dirt may be required to obtain a surface mining permit in accordance with a determination by the commission.

Additionally, the substitute allows any person or entity involved or affected by a finding, decision, order, or assessment by the Hazardous Waste Management Commission, Land Reclamation Commission, Safe Drinking Water Commission, Air Conservation Commission, or Clean Water Commission to have an appeals hearing before the Administrative Hearing Commission if they file a petition within 30 days after receiving notice of the judgment. If a party filing an appeal prevails in the dispute, that party is entitled to interest on any amount wrongfully collected or erroneously paid. However, the authority to render a final decision after an appeals hearing remains with the Administrative Hearing Commission. A commission issuing a final order or decision will have the burden of proof, except in cases involving the denial of a permit, license, or registration, in which case the burden is on the applicant. Appropriations will be made from the respective funds of the various commissions to cover the Administrative Hearing Commission's expenses of any appeal.

FISCAL NOTE: No impact on state funds in FY 2006, FY 2007, and FY 2008.