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# Texas Administrative Code

**TITLE 30**

ENVIRONMENTAL QUALITY

**PART 1**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

**CHAPTER 55**REQUESTS FOR RECONSIDERATION AND CONTESTED CASE  
HEARINGS; PUBLIC COMMENT**SUBCHAPTER G**REQUESTS FOR CONTESTED CASE HEARING AND PUBLIC  
COMMENT ON CERTAIN APPLICATIONS**RULE §55.256****Determination of Affected Person**

(a) For any application, an affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest.

(b) Governmental entities, including local governments and public agencies, with authority under state law over issues contemplated by the application may be considered affected persons.

(c) All relevant factors shall be considered, including, but not limited to, the following:

- (1) whether the interest claimed is one protected by the law under which the application will be considered;
- (2) distance restrictions or other limitations imposed by law on the affected interest;
- (3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
- (4) likely impact of the regulated activity on the health, safety, and use of property of the person;
- (5) likely impact of the regulated activity on use of the impacted natural resource by the person; and
- (6) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

**Source Note:** The provisions of this §55.256 adopted to be effective October 20, 1999, 24 TexReg 9015

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