

By: King of Uvalde

H.B. No. 4146

Substitute the following for H.B. No. 4146:

By: Reynolds

C.S.H.B. No. 4146

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a restriction on permits authorizing direct discharges
3 of waste or pollutants into water in certain stream segments,
4 stream assessment units, and drainage areas.

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

6 SECTION 1. Subchapter B, Chapter 26, Water Code, is amended
7 by adding Section 26.0275 to read as follows:

8 Sec. 26.0275. RESTRICTION ON PERMITS FOR DISCHARGES INTO
9 CERTAIN SEGMENTS, ASSESSMENT UNITS, AND DRAINAGE AREAS. (a) In
10 this section:

11 (1) "Assessment unit" has the meaning assigned by the
12 commission's Surface Water Quality Monitoring Program as it existed
13 on September 1, 2021.

14 (2) "Classified segment" means any water body or a
15 portion of a water body identified in Appendices A and C of 30
16 T.A.C. Section 307.10 as it existed on September 1, 2021.

17 (3) "Drainage area" means any unclassified water body
18 that drains to a stream segment or a stream assessment unit to which
19 this section applies.

20 (4) "Stream assessment unit" means an assessment unit
21 for a stream, creek, or river, or a portion of a stream, creek, or
22 river, that is located within a classified segment that is not a
23 stream segment to which this section applies.

24 (5) "Stream segment" means a stream, creek, or river,

1 or a portion of a stream, creek, or river, that is a classified
2 segment.

3 (6) "Unclassified water body" means a water body other
4 than a classified segment or an assessment unit located within a
5 classified segment.

6 (b) This section applies to:

7 (1) a stream segment or stream assessment unit that,
8 on September 1, 2021, has had:

9 (A) at least 10 water quality samples taken from
10 the stream segment or stream assessment unit over the 10 calendar
11 years preceding January 1, 2020; and

12 (B) according to data in the commission's Surface
13 Water Quality Monitoring Information System, a total phosphorus
14 level below .06 milligrams per liter in 90 percent or more of all
15 water quality samples taken from the stream segment or stream
16 assessment unit taken over the 10 calendar years preceding January
17 1, 2020; and

18 (2) the drainage areas of any stream segment or stream
19 assessment unit that meets the requirements of Subdivision (1).

20 (c) The commission may not:

21 (1) issue a new permit authorizing the direct
22 discharge of any waste, effluent, or pollutants into a stream
23 segment, stream assessment unit, or drainage area to which this
24 section applies; or

25 (2) amend a permit issued before September 1, 2021, to
26 authorize an increase in the amount of waste, effluent, or
27 pollutants that may be directly discharged into a stream segment,

1 stream assessment unit, or drainage area to which this section
2 applies.

3 (d) This section does not affect the authority of the
4 commission to issue:

5 (1) a new or amended permit to a municipality or a
6 river authority that authorizes a direct discharge of waste,
7 effluent, or pollutants into a stream segment, stream assessment
8 unit, or drainage area to which this section applies;

9 (2) an individual permit for a municipal separate
10 storm sewer system; or

11 (3) a general permit for stormwater and associated
12 non-stormwater discharges.

13 SECTION 2. The change in law made by this Act applies only
14 to an application for a permit or permit amendment that is submitted
15 to the Texas Commission on Environmental Quality on or after the
16 effective date of this Act. An application for a permit or permit
17 amendment that was submitted to the Texas Commission on
18 Environmental Quality before the effective date of this Act is
19 governed by the law in effect at the time the application was filed,
20 and the former law is continued in effect for that purpose.

21 SECTION 3. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2021.