

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 2, 2007

TO: Honorable Kip Averitt, Chair, Senate Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB1675 by Hegar (Relating to the authority of local governments to enforce a water pollution control and abatement program and establish standards and practices for water quality.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend Sec. 26.177, Water Code, to change the duty for water pollution control to any local government, instead of this duty extending only to cities with a population of 10,000 or greater. It would remove the authority of a city to implement a water pollution control and abatement program (WPCAP) in the city's extraterritorial jurisdiction (ETJ) when a county adopts a WPCAP covering the same ETJ. The overall purpose of a WPCAP would be revised to only ensure compliance with pollution and degradation standards and practices of the Texas Commission on Environmental Quality (TCEQ) rather than to provide effective water pollution control and abatement or to control water quality, as stated in current statute.

The bill would clarify that a WPCAP may not be implemented until the TCEQ approves the program. The bill would broaden TCEQ's responsibilities by requiring agency approval of both voluntary and mandatory WPCAPs. Additionally, TCEQ would be directed to adopt rules by September 1, 2008, allowing for a regional WPCAP by five or more counties and any cooperating cities within such a regional area.

The bill would take effect immediately if it were to receive the required two-thirds vote in each house; otherwise, it would take effect September 1, 2007.

Although TCEQ expects that there could be some costs associated with implementing provisions of the bill, those costs could be recovered through additional fee revenues as authorized in statute. The costs are not expected to be significant.

Local Government Impact

It is anticipated that there could be costs to local governmental entities, other than those entities already covered under an appropriate permit. Those costs would vary depending on the extent of the control and abatement program needed.

Source Agencies: 582 Commission on Environmental Quality

LBB Staff: JOB, WK, DB