

By: King of Uvalde, Cole, Rodriguez

H.B. No. 4146

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

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

(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 issue a new permit authorizing
21 the direct discharge from a domestic wastewater treatment facility
22 of any waste, effluent, or pollutants into a stream segment, stream
23 assessment unit, or drainage area to which this section applies.

24 (d) This section does not affect the authority of the
25 commission to issue:

26 (1) a new or amended permit to a municipality or a
27 river authority that authorizes a direct discharge from a domestic

1 wastewater treatment facility of waste, effluent, or pollutants
2 into a stream segment, stream assessment unit, or drainage area to
3 which this section applies;

4 (2) an individual permit for a municipal separate
5 storm sewer system; or

6 (3) a general permit for stormwater and associated
7 non-stormwater discharges.

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

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