

By: Zaffirini

S.B. No. 1747

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 or
4 assessment units.

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 26.0462 to read as follows:

8 Sec. 26.0462. RESTRICTION ON PERMITS FOR DISCHARGES OF
9 WASTE OR POLLUTANTS INTO CERTAIN STREAM SEGMENTS OR ASSESSMENT
10 UNITS. (a) In this section, "classified stream segment" and
11 "assessment unit within a classified stream segment" mean a
12 classified stream segment or an assessment unit within a classified
13 stream segment monitored under the commission's Surface Water
14 Quality Monitoring Program as it existed during the period from
15 January 1, 2010 to January 2020.

16 (b) This section applies to the drainage area of a
17 classified stream segment or an assessment unit within a classified
18 stream segment that, on September 1, 2021, has had, according to
19 commission data, a total phosphorus level at or below .06
20 milligrams per liter in 90 percent or more of all water quality
21 samples taken from the stream segment or assessment unit for the 10
22 calendar years preceding January 1, 2020. This section does not
23 apply to a classified stream segment or assessment unit of a
24 classified stream segment that is located in the drainage area of

1 another classified stream segment or assessment unit within a
2 classified stream segment.

3 (c) The commission may not:

4 (1) issue a new permit authorizing the direct
5 discharge of waste or pollutants into the drainage area of a
6 classified stream segment or an assessment unit within a classified
7 stream segment to which this section applies; or

8 (2) amend a permit issued before September 1, 2021, to
9 authorize an increase in the amount of waste or pollutants that may
10 be directly discharged into the drainage area of a classified
11 stream segment or an assessment unit within a classified stream
12 segment to which this section applies.

13 (d) This section does not affect the authority of the
14 commission to issue:

15 (1) a new or amended permit to a municipality or a
16 river authority that authorizes a direct discharge of waste or
17 pollutants into the drainage area of a classified stream segment or
18 an assessment unit within a classified stream segment;

19 (2) an individual permit for a municipal separate
20 storm sewer system; or

21 (3) a general permit for stormwater and associated
22 non-stormwater discharges.

23 SECTION 2. The change in law made by this Act applies only
24 to an application for a permit or permit amendment that is submitted
25 to the Texas Commission on Environmental Quality on or after the
26 effective date of this Act. An application for a permit or permit
27 amendment that was submitted to the Texas Commission on

1 Environmental Quality before the effective date of this Act is
2 governed by the law in effect at the time the application was filed,
3 and the former law is continued in effect for that purpose.

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