

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 22, 2021

TO: Honorable Brooks Landgraf, Chair, House Committee on Environmental Regulation

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4146 by King, Tracy O. (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.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Water Code to restrict the Texas Commission on Environmental Quality (TCEQ) from issuing a new permit for the direct discharge of waste or pollutants into certain drainage areas as defined in the bill or to amend an existing permit to increase the amount of waste or pollutant that may be discharged. Based on the analysis of the TCEQ, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be absorbed with existing resources.

Local Government Impact

According to the TCEQ, the bill could impact counties, school districts, water districts, or other districts providing wastewater treatment services to citizens in areas targeted by the bill by limiting options for wastewater disposal. Any entities that may receive a discharge permit prior to the effective date of the bill and that later need to increase their discharge would have to manage the additional wastewater with a land application authorization or by discharge to a different area, at a minimum, or fully convert to a land application permit or discharge all treated wastewater to a different watershed. Any wastewater from a new facility will have to be disposed of via land application or routed to another watershed for discharge. Existing entities that land apply wastewater would no longer have the option of discharging wastewater within the affected drainage area.

A preliminary data analysis performed by TCEQ showed that the bill would apply to 81 distinct classified stream segment-assessment unit combinations within the following river basins: Canadian, Red, Brazos, Colorado, Guadalupe, San Antonio, Nueces, and Rio Grande. There are currently 41 wastewater discharge permits and 50 land application permits in the drainage areas of these assessment units, of which 16 discharge permittees and 12 land application permittees are not municipalities or river authorities.

Source Agencies: 582 Commission on Environmental Quality

LBB Staff: JMc, AJL, GDZ