

## **BILL ANALYSIS**

Senate Research Center  
89R3462 MP-D

H.B. 609  
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Water, Agriculture and Rural Affairs  
5/8/2025  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In 2019, the legislature passed H.B. 1300 to allow the Texas Parks and Wildlife Commission to develop a cultivated oyster mariculture program in Texas bays. Cultivated oyster mariculture permit holders have raised concerns about restrictions placed on the cleaning of oyster cages by the Texas Commission on Environmental Quality (TCEQ), specifically those that prohibit the cleaning of oyster cages in Texas bays. As a result, permit holders must remove the cages from a bay, take them to shore, clean them on shore, and then return the cages to the bay, which is time-consuming.

H.B. 609 seeks to allow these permit holders to clean oyster cages in a bay by requiring a general permit for aquaculture issued by the TCEQ to allow a cultivated oyster mariculture permit holder to discharge waste related to the cleaning of a structure used to grow oysters for cultivated oyster mariculture into the waters of Texas under certain conditions.

H.B. 609 amends current law relating to the cleaning of a structure used to grow oysters for cultivated oyster mariculture.

[Note: While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality (TCEQ), as the successor agency to TNRCC.]

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 26, Water Code, by adding Section 26.0406, as follows:

Sec. 26.0406. GENERAL PERMITS FOR AQUACULTURE; EXEMPTION FOR CLEANING STRUCTURES USED FOR GROWING OYSTERS. (a) Requires that a general permit for aquaculture issued by the Texas Natural Resource Conservation Commission (TNRCC) allow the holder of a cultivated oyster mariculture permit under Chapter 75 (Cultivated Oyster Mariculture), Parks and Wildlife Code, to discharge into waters of this state waste related to the cleaning of a structure used to grow oysters for cultivated oyster mariculture in accordance with Subsection (b).

(b) Provides that a cultivated oyster mariculture permit holder cleaning a structure as described by Subsection (a) is:

- (1) authorized to clean the structure only at the location where the permit holder is authorized to operate and with water from that location;
- (2) prohibited from altering the water in any way before using the water for cleaning, including by adding a soap, chemical, or similar substance; and

(3) required to comply with all other permit conditions established by TNRCC.

(c) Requires TNRCC, in establishing a permit condition described by Subsection (b)(3), to consult with the Texas Parks and Wildlife Department.

SECTION 2. Effective date: September 1, 2025.