

BILL ANALYSIS

S.B. 1302
By: Kolkhorst
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that, recently, waste dischargers have figured out a loophole within the Texas Commission on Environmental Quality (TCEQ) system that has allowed them to circumvent guardrails in the general permitting system. The bill sponsor has also informed the committee that, for instance, Cook's Branch Conservancy, winner of the Leopold Award for habitat management and wildlife conservation, has a sand mine that is discharging waste into their waters, which has taken a serious toll on the efforts at the conservancy. The bill sponsor has further informed the committee that when the issue was brought to the TCEQ it denied the offending operators a permit but that the operators simply waited out the clock and were able to reapply under the general permitting process, securing a new permit and continuing the disastrous activities without any recourse for the TCEQ or the conservatory. S.B. 1302 seeks to address this issue by prohibiting a discharger whose authority to discharge waste under a general permit has been denied or suspended from discharging under the general permit until the TCEQ executive director actively authorizes the discharger to use the general permit.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1302 amends the Water Code to prohibit a discharger, after the Texas Commission on Environmental Quality (TCEQ) denies or suspends the discharger's authority to discharge waste into or adjacent to waters in Texas under a general permit due to a TCEQ determination that the discharger's compliance history is classified as unsatisfactory, from discharging under the general permit until the TCEQ executive director actively authorizes the discharger to use the general permit. The bill prohibits the executive director from using an automatic process to authorize the use of a general permit under the bill's provisions.

S.B. 1302 applies only to a denial or suspension ordered on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2025.