

## **BILL ANALYSIS**

Senate Research Center  
89R10160 KRM-D

S.B. 1302  
By: Kolkhorst  
Water, Agriculture and Rural Affairs  
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As Filed

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

Recently, 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. For instance, Cook's Conservatory, 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 conservation efforts at the conservatory. When the issue was brought to TCEQ, the agency denied the offending operators a permit. However, the operators simply "waited out the clock" and were able to re-apply under the general permitting process, securing a new permit and continuing the disastrous activities without any recourse for the agency or the conservatory. As a result, S.B. 1302 dictates simply that once TCEQ denies or suspends a discharger's general permit under Subsection (h) (Section 26.040, Water Code), TCEQ may not authorize the discharger to discharge under a general permit before the fifth anniversary of the date of denial or suspension.

As proposed, S.B. 1302 amends current law relating to eligibility for a general permit to discharge waste into or adjacent to waters in this state.

[**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 Environment 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 Section 26.040, Water Code, by adding Subsection (h-1), as follows:

(h-1) Prohibits the Texas Natural Resource Conservation Commission (TNRCC), after TNRCC denies or suspends a discharger's authority to discharge under a general permit under Subsection (h) (relating to requiring TNRCC to deny or suspend a discharger's authority to discharge under a general permit in certain circumstances), from authorizing the discharger to discharge under a general permit before the fifth anniversary of the date of the denial or suspension.

SECTION 2. Makes application of Section 26.040(h-1), Water Code, as added by this Act, prospective.

SECTION 3. Effective date: September 1, 2025.