

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1436
By: Wentworth
Natural Resources
4-24-97
Committee Report (Substituted)

DIGEST

Currently, minor wastewater sources are permitted by rule. Use of general permits is intended to replace the permit-by-rule system. General permits are used in 40 other states and by the Environmental Protection Agency. A general permit is expected to be put in place faster than a permit-by-rule, and may be amended more easily. General permits will use performance standards to establish requirements for construction, operation, or management, similar to the current permit-by-rule system. This bill will provide authorization to the Texas Natural Resource Conservation Commission to issue general permits for the discharge of waste into or adjacent to water in the state.

PURPOSE

As proposed, C.S.S.B. 1436 provides authorization to the Texas Natural Resource Conservation Commission to issue general permits for the discharge of waste into or adjacent to water in the state.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Natural Resource Conservation Commission in SECTION 1 (Section 26.040(k), Water Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 26.040, Water Code, as follows:

Sec. 26.040. New heading: GENERAL PERMITS. Authorizes the Texas Natural Resource Conservation Commission (TNRCC) to issue a general permit to authorize the discharge of waste into or adjacent to waters in the state by category of dischargers in a particular geographical area of the state or in the entire state if the dischargers in the category meet certain criteria. Sets forth regulations for issuance of a general permit. Authorizes TNRCC to adopt rules as necessary to implement and administer this section. Deletes existing text regarding the quality of water in certain areas and discharges of waste.

SECTION 2. (a) Effective date: September 1, 1997.

(b) Sets forth regulations regarding rules adopted by TNRCC under Section 26.040, Water Code, as authorized by that section before the effective date of this Act.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 26.040, Water Code, to change the terms by which TNRCC is authorized to issue a general permit. Sets forth the procedure by which TNRCC is required to respond in writing to comments on permits, rather than to comments opposing permits. Authorizes a general permit to be amended, revoked, canceled, or renewed by TNRCC for an additional term or terms not to exceed five years each, rather than for an additional term not to exceed five years. Authorizes TNRCC to add or delete requirements or limitations to the permit

through a renewal or amendment process, and requires TNRCC to allow a discharger covered by the general permit to make the changes necessary to comply with the additional requirements.