

BILL ANALYSIS

Senate Research Center
76R2231 DRH-D

S.B. 1305
By: Brown
Natural Resources
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As Filed

DIGEST

Currently, the federal Environmental Protection Agency (EPA), in accord with the national Clean Water Act (CWA), promulgated regulations implementing the National Pollutant Discharge Elimination System (NPDES). Harris County is the only county in Texas included in Phase I of NPDES. Therefore, Harris County and certain other public entities within the county and the Texas Department of Transportation applied for and were issued a joint NPDES permit to implement the program which requires the joint permit holders to submit a Comprehensive Storm Water Management Plan. S.B. 1305 would authorize a county, district, or authority to take action to comply with the stormwater permitting program requirements under NPDES.

PURPOSE

As proposed, S.B. 1305 authorizes certain political subdivisions to regulate stormwater management and regulations and provides a penalty.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 13C, Local Government Code, by adding Chapter 422, as follows:

CHAPTER 422. AUTHORITY OF CERTAIN COUNTIES AND DISTRICTS TO REGULATE STORMWATER MANAGEMENT

Sec. 442.001. COUNTY OR DISTRICT SUBJECT TO CHAPTER. Provides that this chapter applies to certain counties or a district, or authority created under Section 59, Article XVI, Texas Constitution.

Sec. 422.002. GENERAL AUTHORITY. Authorizes a county, district, or authority to take any necessary or proper action to comply with the requirements of the stormwater permitting program under the national pollutant discharge elimination system, including taking certain actions.

Sec. 422.003. CIVIL PENALTY; INJUNCTION. Provides that a person who violates a rule or order adopted by the county, district, or authority under this chapter is liable to the county, district, or authority for a civil penalty of not more than \$1,000 for each violation. Provides that each day a violation continues is considered a separate violation for purposes of assessing the civil penalty. Authorizes a county, district, or authority to bring suit in a district court to take certain actions.

SECTION 2. Emergency clause.

Effective date: upon passage.