

SUBJECT: Restricting permits for discharging waste or pollutants into certain streams

COMMITTEE: Environmental Regulation — committee substitute recommended

VOTE: 7 ayes — Landgraf, Dominguez, Dean, Goodwin, Morales Shaw,
Morrison, Reynolds

0 nays

2 absent — Kacal, Kuempel

WITNESSES: For — Ruth Russell, Devils River Conservancy, Llano River Watershed Alliance; Margo Denke Griffin, Friends of Hondo Canyon; John Byrum and Sky Lewey, Nueces River Authority; Annabell McNew, Texas Hill Country River Region; (*Registered, but did not testify*: Kinnan Golemon, Bandera Canyonlands Alliance; Gregory Ellis, Bandera County River Authority and Groundwater District; TJ Patterson, City of Fort Worth; David Foster, Clean Water Action; Julie Lewey, Devils River Conservancy; Kirby Brown, Ducks Unlimited; Jason Sabo, Environment Texas; Judith McGear, Farm and Ranch Freedom Alliance; Ender Reed, Harris County Commissioners Court; Cyrus Reed, Lone Star Chapter Sierra Club; Adrian Shelley, Public Citizen; Robin Schneider, Texas Campaign for the Environment; John Shepperd, Texas Foundation for Conservation; David Yeates, Texas Wildlife Association; Kenneth Flippin, U.S. Green Building Council Texas Chapter; Julie Nahrgang, Water Environment Association of Texas; Rita Beving; Linda Guy; Gregg Vunderink)

Against — (*Registered, but did not testify*: Courtney Hoffman, Camping Association for Mutual Progress)

On — Gregg Easley, Texas Commission on Environmental Quality

BACKGROUND: Interested parties have suggested that the best way to protect the state's remaining pristine waterways would be to prohibit the direct discharge of wastewater and other pollutants into such waterways.

DIGEST: CSHB 4146 would prohibit the Texas Commission on Environmental Quality (TCEQ) from issuing a new permit authorizing the direct discharge of any waste, effluent, or pollutants into a classified stream segment or stream assessment unit that by September 1, 2021 had:

- at least 10 water quality samples taken from the stream segment or stream assessment unit over the 10 calendar years preceding January 1, 2020; and
- according to data in TCEQ's Surface Water Quality Monitoring Information System, a total phosphorus level below .06 milligrams per liter in 90 percent or more of all water quality samples taken from the stream segment or stream assessment unit taken over the 10 calendar years preceding January 1, 2020.

The prohibition also would apply to the drainage areas of such stream segments and assessment units. TCEQ also would be prohibited from amending a permit issued before September 1, 2021, to authorize an increase in the permissible amount of discharge into such stream segments, assessment units, and their drainage areas.

The bill would not affect the authority of TCEQ to issue:

- a new or amended permit to a municipality or a river authority that authorized a direct discharge of waste, effluent, or pollutants into a stream segment, stream assessment unit, or drainage area to which the bill applied;
- an individual permit for a municipal separate storm sewer system; or
- a general permit for stormwater and associated non-stormwater discharges.

CSHB 4146 would apply only to an application for a permit or permit amendment submitted to TCEQ on or after the effective date of the bill.

The bill would take immediate effect if finally passed by a two-thirds

record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.