

## **BILL ANALYSIS**

Senate Research Center

H.B. 1542  
By: Counts (Wentworth)  
Natural Resources  
5-14-97  
Committee Report (Amended)

### **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, H.B. 1542 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**

Amendment 1.

Amends SECTION 1 Section 26.040(j), Water Code, to provide that the issuance, amendment, renewal, suspension, revocation, or cancellation of a general permit or of authority to discharge under a general permit is not subject to Subchapter C-F, Chapter 2001, rather than Chapter 2001, Government Code.

Amendment 2.

Page 1, lines 5 and 6, inserts "exceeds 500,000 gallons in any twenty-four hour period or which" after "which" and before "will."