

BILL ANALYSIS

Senate Research Center
76R14120 JJT-F

C.S.H.B. 1479
By: Clark (Bivins)
Natural Resources
5/5/1999
Committee Report (Substituted)

DIGEST

Currently, municipal wastewater discharge permits must be renewed every five years. Section 26.028, Water Code, provides an opportunity for a public hearing whenever a wastewater discharge permit is renewed or amended; this type of hearing also occurs when one submits an original permit application. Applicants are subjected to this hearing process even when there will be no significant change in the permit discharge conditions. In addition, an applicant is also subject to a public hearing when an applicant proposes to improve the permit discharge conditions. C.S.H.B. 1479 would regulate wastewater discharge permits.

PURPOSE

As proposed, C.S.H.B. 1479 regulates wastewater discharge permits.

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 Section 26.028, Water Code, to require notice of an application for a permit, permit amendment, or permit renewal to be given to the persons who in the judgment of the Texas Natural Resource Conservation Commission (commission) may be affected by the application, except as provided by this section. Authorizes the commission, notwithstanding any other provision of this chapter, at a regular meeting without the necessity of holding a public hearing, to approve an application to renew or amend a permit if the applicant is not applying to increase the quantity of waste authorized to be discharged, or change materially the pattern or place of discharge; and the activities to be authorized by the renewed or amended permit will maintain or improve the quality of waste authorized to be discharged; notice and the opportunity to request a public meeting shall be given in compliance with NPDES program requirements for NPDES permits; and the commission shall consider and respond to all timely received significant public comment; and the commission determines that an applicant's compliance history for the preceding five years raises no issues regarding the applicant's ability to comply with a material term of its permit. Deletes text requiring notice to be given to the person who in the judgment of the commission may be affected by an application of a permit, permit amendment, or renewal of a permit, except as provided by Subsection (b) and (c) of this section. Deletes text authorizing an application to amend a permit to improve the quality of waste authorized to be discharged to be set for consideration and may be acted on by the commission at a regular meeting without holding a public meeting under certain conditions. Makes conforming and nonsubstantive changes.

SECTION 2. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 26.028, Water Code, to authorize the commission, notwithstanding any other provision of this chapter, at a regular meeting without the necessity of holding a public hearing, to approve an application to renew or amend a permit if the applicant is not applying to increase the quantity of waste authorized to be discharged, or change materially the pattern or place of discharge; the activities to be authorized by the renewed or amended permit will maintain or improve the quality of waste authorized to be discharged; for NPDES permits, notice and the opportunity to request a public meeting shall be given and the commission shall consider and respond to all public comment; and the commission determines that an applicant's compliance history raises no issues regarding the applicant's ability to comply with a material term of its permit.