

## **BILL ANALYSIS**

C.S.H.B. 4146  
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Environmental Regulation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties point out that Texas has few remaining pristine waterways and that it is in the interest of the state to protect them. Those parties contend that the best way to prevent those waterways from becoming polluted is to prohibit the direct discharge of wastewater into the waterway. They point out that wastewater, even when treated, can have negative impacts when introduced to pristine water. C.S.H.B. 4146 seeks to accomplish this by prohibiting the Texas Commission on Environmental Quality from issuing certain permits, or amendments to certain permits, that authorize the direct discharge of any waste, effluent, or pollutants into certain waterways and drainage areas.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 4146 amends the Water Code to prohibit the Texas Commission on Environmental Quality (TCEQ) from doing the following:

- issuing a new permit authorizing the direct discharge of any waste, effluent, or pollutants into an applicable stream segment, stream assessment unit, or drainage area; or
- amending a permit issued before September 1, 2021, to authorize an increase in the amount of waste, effluent, or pollutants that may be directly discharged into an applicable stream segment, stream assessment unit, or drainage area.

The bill applies to the following:

- a stream segment or stream assessment unit that, on September 1, 2021, has had the following:
  - 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 the TCEQ Surface Water Quality Monitoring Information System, a total phosphorus level below .06 milligrams per liter in 90 percent or more of all those samples; and
- the drainage areas of any stream segment or stream assessment unit that meets these requirements.

C.S.H.B. 4146 does not affect the authority of TCEQ to issue the following permits:

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

C.S.H.B. 4146 defines terms for purposes of its provisions.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 4146 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

While both the original and substitute prohibit TCEQ from issuing certain new direct discharge permits and from amending certain permits to authorize a discharge increase, they differ in their details. The substitute changes the original's provisions as follows:

- revises the types of water bodies to which the bill applies and related definitions;
- includes as an additional condition of applicability that at least 10 water quality samples were taken over the specified 10-year period;
- requires the phosphorous level to be below .06 milligrams per liter, whereas the original required it to be at or below .06 milligrams per liter; and
- includes references to the discharge of effluent, whereas the original did not.