

BILL ANALYSIS

Senate Research Center

S.B. 1436
By: Wentworth
Natural Resources
4-14-97
As Filed

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, S.B. 1436 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(j), 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 discharges 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.