

BILL ANALYSIS

Senate Research Center

S.B. 1308
By: Brown
Natural Resources
4/1/1999
Committee Report (Amended)

DIGEST

Currently, under Texas law, the Texas Natural Resource Conservation Commission (TNRCC) is authorized to develop, prepare, and revise a water quality management plan. Federal regulations, which became applicable when the Texas Pollutant Discharge Elimination System (TPDES) authorization was granted in 1998, require that TPDES permits be consistent with a state-prepared, federally approved water quality management plan. Accordingly, issuance of many TPDES permits may occur only after the Texas water quality management plan is revised by TNRCC. Current law requires that a water quality management plan developed or revised by the executive director of TNRCC be submitted to TNRCC for approval following a public hearing. Such a requirement, in light of TPDES, if followed for each update of the state's water quality management plan, may increase the time required for approval of permits and revision of the water quality management plan. This bill would re-delegate the task of developing, preparing, revising, and approving the water quality management plan from TNRCC to the executive director and provide for public participation outside of a formal hearing process.

PURPOSE

As proposed, S.B. 1308 re-delegates the task of developing, preparing, revision, and approving the water quality management plan from Texas Natural Resource Conservation Commission to the executive director and provides for public participation outside of a formal hearing process.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Natural Resource Conservation Commission in SECTION 2 (Section 26.037, Water Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 26.036(b), Water Code, to make a nonsubstantive change.

SECTION 2. Amends Section 26.037, Water Code, by amending Subsections (a) and (d), deleting Subsections (b) and (c), and renumbering Subsections (d) and (e), to authorize the executive director of TNRCC to approve water quality management plans and revisions after a public participation opportunity has been provided that at a minimum meets federal public participation requirements. Requires approval of water quality management plans to be consistent with applicable state and federal requirements. Authorizes the Texas Natural Resource Conservation Commission (TNRCC) to adopt rules governing approval of water quality management plans. Requires TNRCC to provide an opportunity for an interested person to seek TNRCC review of the executive director's decision regarding a water quality management plan approval or revision. Deletes text regarding the process of review and the public hearings for a water quality management plan. Authorizes the water quality management plan, upon approval, to be furnished to the Federal Environmental Protection Agency, rather than the federal Water Quality Administration, or any other federal official or agency in fulfillment of any federal water quality management plan or a plan in progress but not completed or approved in reviewing and making determinations on applications for permits and on applications for financial assistance for construction of treatment works.

SECTION 3. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 2.

Amends Section 26.037(a), Water Code, to add text requiring TNRCC to provide an opportunity for an interested person to seek TNRCC review of the executive director's decision regarding a water quality management plan approval or revision.