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H.B. No. 2350

A BILL TO BE ENTITLED

1 AN ACT
2 relating to financial assistance provided to political
3 subdivisions by the Texas Water Development Board for water
4 resource restoration projects.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 15.604(b), Water Code, is amended to
7 read as follows:

8 (b) The board shall adopt rules specifying the manner in
9 which any additional state revolving fund hereafter established by
10 the board, or any capitalization grant under the state water
11 pollution control revolving fund, the safe drinking water revolving
12 fund, or any additional state revolving fund, may be used to provide
13 financial assistance to an eligible applicant for public works.
14 Such rules shall require financial assistance to be provided for
15 the purpose or purposes and on the terms authorized by the federal
16 legislation or federal agency program under which the additional
17 state revolving fund was established or the capitalization grant
18 was awarded. To the extent not prohibited by board rule or federal
19 law or regulation, the state water pollution control revolving fund
20 established under this subchapter may be used to provide financial
21 assistance for water resource restoration projects described by
22 Section 15.619.

23 SECTION 2. Subchapter J, Chapter 15, Water Code, is amended
24 by adding Section 15.619 to read as follows:

1 Sec. 15.619. WATER RESOURCE RESTORATION PROJECTS. (a) In
2 this section, "water resource restoration project" means
3 nature-based infrastructure that will improve water quality in the
4 political subdivision where the project is located and may include
5 the acquisition of real property and the use of nature-based water
6 treatment technologies.

7 (b) Based on demand, the board may provide financial
8 assistance to a political subdivision for a locally directed and
9 managed water resource restoration project if the political
10 subdivision applicant will bear responsibility for implementation,
11 stewardship, and maintenance of the project.

12 (c) Subject to Section 15.603(d) of this chapter and Section
13 602(b)(11) of the federal act, the board shall establish a process
14 by which a political subdivision may combine a project funded
15 through the state water pollution control revolving fund that is
16 not for a water resource restoration project with a water resource
17 restoration project. The board may allocate available principal
18 forgiveness for additional subsidization set-asides in the state
19 water pollution control revolving fund for green projects, as those
20 terms are defined by board rule, to the political subdivision to
21 substantially enhance the financial viability of the water resource
22 restoration project.

23 (d) A proposed water resource restoration project must
24 enhance water quality in the state and include the application of
25 best management practices for the primary purpose of water quality
26 protection and improvement. To the extent permitted by federal law
27 and regulation and United States Environmental Protection Agency

1 guidance, a proposed water resource restoration project may
2 include:

3 (1) the preservation or restoration of regional scale
4 natural landscape features, including forests, floodplains, and
5 wetlands;

6 (2) practices that reduce impervious cover in a
7 watershed;

8 (3) practices that increase water infiltration and
9 retention, including the use of bioretention, trees, green roofs,
10 permeable pavements, rain gardens, constructed wetlands, and
11 cisterns;

12 (4) the implementation of green streets in public
13 rights-of-way;

14 (5) the implementation of a comprehensive street tree
15 or urban forestry program to manage stormwater and enhance tree
16 health;

17 (6) the expanded use of tree box filters;

18 (7) stormwater collection and distribution systems,
19 including cisterns, separate stormwater sewer systems, and
20 downspout disconnection systems that use onsite stormwater
21 management and remove stormwater from sewer systems;

22 (8) soil quality enhancement activities;

23 (9) the restoration of native grasses and vegetation
24 that improve water infiltration;

25 (10) the establishment or restoration of permanent
26 riparian buffers, floodplains, wetlands, and other natural
27 features including vegetative buffers, grass swales, soft

1 bioengineered stream banks, and stream daylighting;

2 (11) the management of wetlands to improve water
3 quality and support water infiltration and retention; and

4 (12) sustainable landscaping to improve hydrologic
5 processes.

6 (e) A proposed water resource restoration project may not
7 include:

8 (1) passive recreation activities and trails
9 including bike trails, playgrounds, athletic fields, picnic
10 tables, and picnic grounds;

11 (2) non-permeable surface parking lots;

12 (3) stormwater ponds or dirt-lined detention basins
13 that serve an extended or filtration function;

14 (4) in-line and end-of-pipe treatment systems that
15 only filter or detain stormwater without the use of natural plants
16 and trees;

17 (5) underground stormwater control and treatment
18 devices, including hydrodynamic separators, baffle systems for
19 grit, trash removal, and oil and grease separators;

20 (6) stormwater conveyance systems, including pipes
21 and concrete channels, that are not soil or vegetation based;

22 (7) hardening, channelizing, dredging, or
23 straightening streams or stream banks;

24 (8) street sweepers, sewer cleaners, and vacuum trucks
25 unless they support nature-based infrastructure projects; and

26 (9) supplemental environmental projects required as a
27 part of an agreed order or consent decree.

1 (f) A water resource restoration project may not include the
2 acquisition of property, an interest in property, or improvements
3 to property through the use of eminent domain.

4 (g) The board shall establish a means of prioritizing water
5 resource restoration projects.

6 (h) An application for financial assistance for a water
7 resource restoration project under this section must include a
8 viability assessment that includes:

9 (1) the ability of the applicant to provide proper
10 oversight and management through a certified operator; and

11 (2) the financial ability of the users to support the
12 long-term maintenance of the water resource restoration project.

13 SECTION 3. This Act takes effect September 1, 2021.