

Amend **HCR 245** to read as follows:

CONCURRENT RESOLUTION

WHEREAS, The U.S. Environmental Protection Agency (EPA), acting under the federal Safe Drinking Water Act (SDWA), has promulgated national standards for naturally occurring materials, such as radionuclides and arsenic, so as effectively to impose unfunded mandates relative to the waters of this state; and

WHEREAS, The Texas Radiation Advisory Board (TRAB) has questioned the validity of the science used by the EPA in promulgating the national standards because the standards are based on unsupported, unwarranted, and nonvalidated public health theories; the proposed fix for the theoretical hazard in the drinking water has actually created more problems than it will solve for small rural community water systems (CWS) that have no alternative water supply, and the TRAB has recommended against Texas proposing and adopting such rules based on the adverse financial and devastating effects the rules will have on small CWS; and

WHEREAS, The Texas Commission on Environmental Quality (TCEQ) is authorized by state and federal law to adopt and enforce rules in Texas to implement the SDWA but does not have authority to provide an exclusion from those rules for small CWS that have no alternative water supply and that are unable to comply with SDWA requirements because of exceptional physical or financial circumstances; now, therefore, be it

RESOLVED, That the 78th Legislature of the State of Texas hereby declare its intent that, in adopting a rule to implement a federal drinking water standard for the maximum contaminant level of naturally occurring materials such as radionuclides and arsenic, the TCEQ after consulting with the EPA and Texas Water Development Board (TWDB) issue alternative compliance schedules for small CWS that cannot achieve compliance with the federal standards because of exceptional physical or financial circumstances; and, be it further

RESOLVED, That in adopting the alternative compliance schedules, the TCEQ give special consideration to the size, density, and median income of the population served by a small CWS

and whether a small CWS has any reasonably available alternative source of water; and, be it further

RESOLVED, That the TCEQ, when adopting the federal rules, shall consult with the TWDB, the Texas Department of Agriculture, the TRAB, and other state agencies with expertise in the protection of public health and shall consider all relevant costs and benefits or detriments to the state and to affected small CWS implementing the standards, and will exercise as much regulatory flexibility practicable when implementing the rules; and, be it further

RESOLVED, That the Texas Commission on Environmental Quality and related agencies involved, not later than January 1, 2005, in their regular report to the legislature include a summary of their findings and the status of implementation of the federal rule; and, be it further

RESOLVED, That the secretary of state forward an official copy of this resolution to the respective chairs of the Texas Commission on Environmental Quality, Texas Water Development Board, Texas Department of Agriculture, and Texas Radiation Advisory Board.