

BILL ANALYSIS

C.S.H.B. 1979
By: Puente
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In 2002, there were 6,173 sanitary sewer overflows in the State of Texas, discharging 190 million gallons of wastewater. The EPA estimates that 42 percent of sanitary sewer overflows are a result of grease blocking pipes. The proper use of grease traps by food service facilities and restaurants can eliminate many of these overflows.

C.S.H.B. 1979 addresses sanitary sewer overflow problems by directing the Texas Commission on Environmental Quality (TCEQ) to adopt criteria establishing model standards to prevent the discharge of untreated wastewater from sanitary sewers.

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

SECTION 1. Requires the TCEQ to establish criteria for evaluating sanitary sewer overflows resulting from a blockage due to grease. Considerations must include whether the spill could have been prevented, whether the effects of the spill were minimized and whether the spill was reported in accordance with law under Section 26.039(e), Water Code. The TCEQ is also directed to consider the adoption and enforcement of a set of model standards for grease management to prevent or mitigate spills.

SECTION 2. Provides that the commission shall adopt model standards designed to prevent the discharge of untreated wastewater from sanitary sewers. Components of the model standards include routine cleaning of grease traps, a minimum schedule for grease trap cleaning, exceptions from the cleaning schedule, proper installation of grease traps, alternative treatment methods to prevent blockages, a uniform manifest system and a penalty schedule.

SECTION 3. Requires the TCEQ to adopt the required criteria and model standards not later than the 90th day after the effective date of the Act.

EFFECTIVE DATE

September 1, 2003

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 1979 makes only clarifying changes to the original version on page 1 of the bill, which include:

The substitute clarifies in SECTION 1 (f) that the criteria adopted by the commission are meant to address sanitary sewer overflows that occur as a result of "a blockage due to grease" instead of as a result of "something other than a rainfall event" as stated in the original.

In addition, also in SECTION 1, new subsection (g), Section 26.049, Water Code, the substitute clarifies that evidence will be considered by the commission if it is recognized by the executive director of the agency and not the “executive director for grease management” as stated in the original.