

BILL ANALYSIS

C.S.H.B. 3030
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Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

When a public facility discovers its water supply is contaminated, the facility is required by law to notify those using the facility or its water resources of the contamination. However, there is no provision in Texas law to provide notice to owners of nearby private water wells, who may also be affected by the same groundwater contamination.

For example, in Harris County, a local public establishment using a water well was found to have contaminated drinking water. Patrons of the establishment and the Texas Commission on Environmental Quality (TCEQ) received notice of the contamination, but nearby residents and establishments also using private water wells did not. This lack of notification potentially made private well residents of the area subject to health risks due to drinking contaminated water without their knowledge. The purpose of C.S.H.B. 3030 is to ensure that all Texans know when their drinking water may be contaminated and therefore unsafe to drink.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Groundwater Protection Committee in SECTION 1 (Section 26.408, Water Code) of this bill.

ANALYSIS

SECTION 1. Amends Subchapter J, Chapter 26 of the Water Code by adding Section 26.408:

Subsection (a) requires that a state agency which documents a case of groundwater contamination that may affect a drinking water well to notify the TCEQ.

Subsection (b) requires TCEQ, not later than the 30th day after receipt of notice of groundwater contamination that may affect a drinking water well, to make every effort to give notice of the contamination by first class mail to each owner of a private drinking water well that may be affected by the contamination and the applicable groundwater conservation district.

Subsection (c) delegates authority to the Texas Groundwater Protection Committee to develop the content and format of the notice to affected well owners.

SECTION 2. Effective date. Applies only to a case of groundwater contamination documented on or after September 1, 2003.

EFFECTIVE DATE

September 1, 2003

COMPARISON OF ORIGINAL TO SUBSTITUTE

SECTION 1. Under Subsection (a), C.S.H.B. 3030 clarifies the focus of the legislation to require notification to TCEQ by a required state agency under the statute when contamination may affect a drinking water well.

Under Subsection (b), C.S.H.B. 3030 adds the phrase “make every effort to give notice” in the required notification to owners of private drinking water wells and provides that notice go to owners who may be affected by the contamination, to be determined by TCEQ. It also provides that notice by TCEQ should be given within 30 days of the agency’s receipt of notice of the contamination. In addition, the substitute outlines language for notification if the TCEQ has independent knowledge of a contamination rather than only requiring notice when a state agency under Section 26.408 provides them notice. The substitute also provides that TCEQ provide notice of the contamination to each applicable groundwater district as they may be able to aid in identifying private well owners.

SECTION 2. This section provides conforming language stipulating that the Act applies only to a case of groundwater contamination documented on or after September 1, 2003.