

## **BILL ANALYSIS**

Senate Research Center  
78R5331 MI-F

S.B. 856  
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### **DIGEST AND PURPOSE**

Currently, Texas law does not grant the Texas Commission on Environmental Quality (TCEQ), in the adoption of any rule implementing a federal drinking water maximum contaminant level standard for naturally occurring materials, the authority to exempt from implementing the federal standards any potentially affected small community water systems in Texas with no apparent reasonably available alternate water supply. This gap in the statute leaves small community water systems that are dependent on only one water supply for all their water needs unprotected from federal mandates that have failed to consider their circumstances. As proposed, S.B. 856 protects a small community water system's use of its only available water source from federal mandates that establish a drinking water maximum contaminant level standard for naturally occurring materials, unless it has been determined by TCEQ or the proper state regulatory body with expertise in the protection of public health that the federal standard in question is scientifically justified and that adopting the standard would provide a demonstrable public health benefit.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 (Section 341.0316, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 341C, Health and Safety Code, by adding Section 341.0316, as follows:

Sec. 341.0316. EXEMPTION FOR SMALL COMMUNITY WATER SYSTEMS FROM CERTAIN DRINKING WATER STANDARDS. (a) Defines "demonstrable public health benefit," "reasonably available alternate water supply," and "small community water system."

(b) Requires the Texas Commission on Environmental Quality, in adopting a rule to implement a federal drinking water standard for the maximum contaminant level of such naturally occurring materials as radionuclides and arsenic, to exempt from that standard a potentially affected small community water system that has no reasonably available alternate water supply unless certain conditions exist.

(c) Provides that the exemption does not apply if the federal government pays for all costs for complying with the standards, including costs of the state, the drinking water supplier, and the end point drinking water user.

SECTION 2. Effective date: upon passage or September 1, 2003.