

By: Hilderbran, et al.

H.B. No. 1630

Substitute the following for H.B. No. 1630:

By: Flores

C.S.H.B. No. 1630

A BILL TO BE ENTITLED

AN ACT

1
2 relating to compliance schedules for small community water systems
3 in accordance with public drinking water standards for certain
4 naturally occurring materials.

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

6 SECTION 1. Subchapter C, Chapter 341, Health and Safety
7 Code, is amended by adding Section 341.0316 to read as follows:

8 Sec. 341.0316. COMPLIANCE WITH DRINKING WATER STANDARDS BY
9 SMALL COMMUNITY WATER SYSTEMS. (a) In this section:

10 (1) "Demonstrable public health benefit" means a
11 material health benefit affecting an entire community water system
12 as evidenced by natural disease rates highly distinguishable from
13 disease rates enhanced by levels of naturally occurring materials
14 in drinking water as represented by maximum contaminant levels
15 established by federal mandate.

16 (2) "Reasonably available alternate water supply"
17 means another water source, the cost of access to which is not equal
18 to or greater than 1.3 times the amount of the user's cost for the
19 user's existing water supply.

20 (3) "Small community water system" means an entity
21 that serves 10,000 customers or fewer.

22 (b) In adopting a rule to implement a federal drinking water
23 standard for the maximum contaminant level of such naturally
24 occurring materials as radionuclides and arsenic, the commission,

1 after consultation with the Texas Water Development Board and the
2 United States Environmental Protection Agency, shall issue
3 compliance schedules for small community water systems affected by
4 the federal standards, consistent with the demonstrable public
5 health benefit.

6 (c) The commission shall issue alternate compliance
7 schedules for small community water systems that cannot achieve
8 compliance in accordance with a schedule established under
9 Subsection (b) because they face exceptional physical or financial
10 circumstances. In adopting alternate compliance schedules, the
11 commission shall give special consideration to:

12 (1) the size, density, and median income of the
13 populations served by the system;

14 (2) the existence of, and costs associated with,
15 properly licensed facilities that treat, store, or dispose of waste
16 materials generated by water treatment systems and that are capable
17 of removing the naturally occurring materials; and

18 (3) the absence of any reasonably available alternate
19 water supply to the system to ensure the protection of public
20 health.

21 (d) The commission, in conjunction with the Texas Water
22 Development Board, the Texas Department of Agriculture, and state
23 agencies with expertise in the protection of public health, shall
24 conduct thorough studies on:

25 (1) the costs and benefits to the state of
26 implementing the federal drinking water standards as the
27 implementation directly relates to the estimated public health

1 benefit at a potentially affected small community water system;

2 (2) whether the federal standard reflects:

3 (A) the best available, peer-reviewed science
4 that establishes a direct cause-and-effect relationship between
5 long-term exposure of persons located within the small community
6 water system and comparable micro-levels of naturally occurring
7 materials being investigated; and

8 (B) proper oral ingestion studies to ensure that
9 the standard provides a demonstrable public health benefit;

10 (3) the costs of implementing the standards to the
11 state and to all community water systems in the state that are
12 affected by the federal standards, including capital costs of water
13 treatment, annual operating and maintenance costs of water
14 treatment, and costs associated with the proper and safe disposal
15 of hazardous and low-level radioactive wastes; and

16 (4) whether the employment of point-of-use technology
17 provides an economically reasonable and viable alternative for
18 small community water systems as a method of treatment for removal
19 or minimization of naturally occurring materials in groundwater
20 that exceeds the federal standards.

21 (e) The requirement for granting alternate compliance
22 schedules because of the exceptional physical or financial
23 circumstances does not apply:

24 (1) if the federal government pays all costs for
25 complying with the standards, including costs of the state, the
26 drinking water supplier, and the end point drinking water user; or

27 (2) to a small community water system that has entered

1 into a prior agreement or is under obligation to abandon completely
2 the use of groundwater by converting to surface water for its
3 drinking water supply.

4 (f) The commission and other agencies shall complete the
5 studies required by Subsection (d) not later than November 1, 2004.
6 The commission shall report to the legislature not later than
7 January 1, 2005, the commission's findings regarding the reasonably
8 available means for treating or removing naturally occurring
9 materials at the potentially affected small community water
10 systems. This subsection and Subsection (d) expire January 2,
11 2005.

12 SECTION 2. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2003.