

AN ACT

relating to preventing the discharge of untreated wastewater into waters of the state.

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

SECTION 1. Section 26.049, Water Code, is amended by adding Subsections (f) through (h) to read as follows:

(f) Notwithstanding any other provision of this section, the commission shall establish criteria for evaluating whether to initiate an enforcement action related to sanitary sewer overflows that occur as the result of a blockage due to grease. The criteria shall include consideration of whether the discharge:

(1) could reasonably have been prevented;

(2) was minimized; and

(3) was reported and the notice required by Section 26.039(e) was given.

(g) The adoption and enforcement by a separate sanitary sewer system of model standards for grease management recognized by the executive director shall be considered by the commission to be evidence tending to show that reasonable measures have been taken to prevent or minimize sanitary sewer overflows that occur as a result of blockage due to grease.

(h) When a home-rule municipality has a plan to control or minimize sanitary sewer overflows, Section 402.901, Local Government Code, does not limit the power of a home-rule

1 municipality, in exercising its home-rule powers under Section 5,
2 Article XI, Texas Constitution, to maintain, repair, relocate, or
3 replace a water or sanitary sewer lateral or service line on private
4 property without making an assessment against the property or a
5 person.

6 SECTION 2. Subchapter B, Chapter 26, Water Code, is amended
7 by adding Section 26.0491 to read as follows:

8 Sec. 26.0491. MODEL STANDARDS TO PREVENT DISCHARGE OF
9 UNTREATED WASTEWATER FROM SANITARY SEWERS. (a) In this section,
10 "separate sanitary sewer system" has the meaning assigned by
11 Section 29.049.

12 (b) The commission shall adopt model standards for use by an
13 operator of a separate sanitary sewer system that are designed to
14 prevent the discharge of untreated wastewater from a separate
15 sanitary sewer system as a result of blockage due to grease.

16 (c) The model standards shall include the following
17 elements:

18 (1) a requirement that grease be completely removed
19 from grease traps on a regular basis;

20 (2) a minimum schedule for cleaning of grease traps by
21 a grease trap operator that is sufficient to prevent blockages in
22 the collection system resulting from grease;

23 (3) an opportunity to receive an exception from the
24 cleaning schedule;

25 (4) a requirement that new commercial and industrial
26 facilities properly install and use grease traps;

27 (5) a requirement that, at a commercial or industrial

1 facility where a grease trap has previously been installed, a
2 grease trap be properly used;

3 (6) a requirement that alternative treatment methods
4 be supported by scientific data determined by the commission to
5 show that the method will prevent blockages in the collection
6 system caused by grease and will not affect the performance of the
7 system's treatment plant;

8 (7) a uniform manifest system; and

9 (8) a schedule of penalties.

10 SECTION 3. Not later than the 365th day after the effective
11 date of this Act, the Texas Commission on Environmental Quality
12 shall adopt the criteria required by Section 26.049(f), Water Code,
13 as added by this Act, and the model standards required by Section
14 26.0491, Water Code, as added by this Act.

15 SECTION 4. This Act takes effect September 1, 2003.

President of the Senate

Speaker of the House

I certify that H.B. No. 1979 was passed by the House on April 25, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1979 on May 30, 2003, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1979 was passed by the Senate, with amendments, on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor