

By: Puente

H.B. No. 1979

Substitute the following for H.B. No. 1979:

By: Cook of Colorado

C.S.H.B. No. 1979

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to preventing the discharge of untreated wastewater into  
3 waters of the state.

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

5 SECTION 1. Section 26.049, Water Code, is amended by adding  
6 Subsections (f) and (g) to read as follows:

7 (f) Notwithstanding any other provision of this section,  
8 the commission shall establish criteria for evaluating sanitary  
9 sewer overflows that occur as the result of a blockage due to  
10 grease. The criteria shall include consideration of whether the  
11 spill:

12 (1) could reasonably have been prevented;

13 (2) was minimized; and

14 (3) was reported and the notice required by Section  
15 26.039(e) was given.

16 (g) The adoption and enforcement by a separate sanitary  
17 sewer system of model standards for grease management recognized by  
18 the executive director shall be considered by the commission to be  
19 evidence tending to show that reasonable measures have been taken  
20 to prevent or minimize spills or discharges.

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

23 Sec. 26.0491. MODEL STANDARDS TO PREVENT DISCHARGE OF  
24 UNTREATED WASTEWATER FROM SANITARY SEWERS. (a) In this section,

1 "separate sanitary sewer system" has the meaning assigned by  
2 Section 29.049.

3 (b) The commission shall adopt model standards for use by an  
4 operator of a separate sanitary sewer system that are designed to  
5 prevent the discharge of untreated wastewater from a separate  
6 sanitary sewer system.

7 (c) The model standards shall include the following  
8 elements:

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

11 (2) a minimum schedule for cleaning of grease traps  
12 that is sufficient to prevent blockages in the collection system  
13 resulting from grease;

14 (3) an opportunity to receive an exception from the  
15 cleaning schedule;

16 (4) a requirement for the proper installation and use  
17 of grease traps by commercial and industrial facilities;

18 (5) a requirement that alternative treatment methods  
19 be supported by scientific data determined by the commission to  
20 show that the method will prevent blockages in the collection  
21 system and will not affect the performance of the system's  
22 treatment plant;

23 (6) a uniform manifest system; and

24 (7) a schedule of penalties.

25 SECTION 3. Not later than the 90th day after the effective  
26 date of this Act, the Texas Commission on Environmental Quality  
27 shall adopt the criteria required by Section 26.049(f), Water Code,

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1 as added by this Act, and the model standards required by Section  
2 26.0491, Water Code, as added by this Act.

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