

1-1 By: Puente (Senate Sponsor - Armbrister) H.B. No. 1979
1-2 (In the Senate - Received from the House April 28, 2003;
1-3 May 1, 2003, read first time and referred to Committee on Natural
1-4 Resources; May 23, 2003, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 May 23, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1979 By: Armbrister

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to preventing the discharge of untreated wastewater into
1-11 waters of the state.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 26.049, Water Code, is amended by adding
1-14 Subsections (f) through (h) to read as follows:

1-15 (f) Notwithstanding any other provision of this section,
1-16 the commission shall establish criteria for evaluating whether to
1-17 initiate an enforcement action related to a sanitary sewer
1-18 overflows that occur as the result of a blockage due to grease. The
1-19 criteria shall include consideration of whether the discharge:

1-20 (1) could reasonably have been prevented;

1-21 (2) was minimized; and

1-22 (3) was reported and the notice required by Section
1-23 26.039(e) was given.

1-24 (g) The adoption and enforcement by a separate sanitary
1-25 sewer system of model standards for grease management recognized by
1-26 the executive director shall be considered by the commission to be
1-27 evidence tending to show that reasonable measures have been taken
1-28 to prevent or minimize sanitary sewer overflows that occur as a
1-29 result of blockage due to grease.

1-30 (h) When a home-rule municipality has a plan to control or
1-31 minimize sanitary sewer overflows, Section 402.901, Local
1-32 Government Code, does not limit the power of a home-rule
1-33 municipality, in exercising its home-rule powers under Section 5,
1-34 Article XI, Texas Constitution, to maintain, repair, relocate or
1-35 replace a water or sanitary sewer lateral or service line on private
1-36 property without making an assessment against the property or a
1-37 person.

1-38 SECTION 2. Subchapter B, Chapter 26, Water Code, is amended
1-39 by adding Section 26.0491 to read as follows:

1-40 Sec. 26.0491. MODEL STANDARDS TO PREVENT DISCHARGE OF
1-41 UNTREATED WASTEWATER FROM SANITARY SEWERS. (a) In this section,
1-42 "separate sanitary sewer system" has the meaning assigned by
1-43 Section 29.049.

1-44 (b) The commission shall adopt model standards for use by an
1-45 operator of a separate sanitary sewer system that are designed to
1-46 prevent the discharge of untreated wastewater from a separate
1-47 sanitary sewer system as a result of blockage due to grease.

1-48 (c) The model standards shall include the following
1-49 elements:

1-50 (1) a requirement that grease be completely removed
1-51 from grease traps on a regular basis;

1-52 (2) a minimum schedule for cleaning of grease traps by
1-53 a grease trap operator that is sufficient to prevent blockages in
1-54 the collection system resulting from grease;

1-55 (3) an opportunity to receive an exception from the
1-56 cleaning schedule;

1-57 (4) a requirement that new commercial and industrial
1-58 facilities properly install and use grease traps

1-59 (5) a requirement that, at a commercial or industrial
1-60 facility where a grease trap has previously been installed, that a
1-61 grease trap be properly used;

1-62 (6) a requirement that alternative treatment methods
1-63 be supported by scientific data determined by the commission to

2-1 show that the method will prevent blockages in the collection
2-2 system caused by grease and will not affect the performance of the
2-3 system's treatment plant;

2-4 (7) a uniform manifest system; and

2-5 (8) a schedule of penalties.

2-6 SECTION 3. Not later than the 365th day after the effective
2-7 date of this Act, the Texas Commission on Environmental Quality
2-8 shall adopt the criteria required by Section 26.049(f), Water Code,
2-9 as added by this Act, and the model standards required by Section
2-10 26.0491, Water Code, as added by this Act.

2-11 SECTION 4. This Act takes effect September 1, 2003.

2-12 * * * * *