

By: Hilderbran

H.C.R. No. 246

HOUSE CONCURRENT RESOLUTION

1 WHEREAS, The U.S. Environmental Protection Agency (EPA),
2 acting pursuant to the requirements of the federal Safe Drinking
3 Water Act (SDWA), has promulgated water quality maximum contaminant
4 level (MCL) standards for naturally occurring materials, including
5 radionuclides and arsenic; and

6 WHEREAS, Inadequate cost-benefit analysis was conducted
7 relative to the standards and the associated impacts on small
8 community water systems (fewer than 10,000 customers); the
9 standards not only impose an unfunded mandate on many local Texas
10 water systems and suppliers, but their pending implementation
11 represents no demonstrable offsetting enhancement to public
12 health; and

13 WHEREAS, In the case of radionuclides, the Radiation Advisory
14 Board of the Texas Department of Health has questioned forcefully
15 the adequacy of the associated science, finding the standards set
16 by the EPA to be based on unvalidated and overly theoretical
17 mathematical models; and

18 WHEREAS, In the case of arsenic, the EPA on April 18, 2003,
19 announced that it is still attempting to identify and evaluate the
20 ability of commercially available technologies and engineering or
21 other approaches to cost-effectively meet the new standards at such
22 small community water systems; and

23 WHEREAS, Small community water systems in Texas,
24 particularly those lacking other reasonable supply options, are

1 highly vulnerable to the devastating hardship of the standards
2 because either they fiscally cannot afford compliance or they risk
3 losing access to their only existing source of safe drinking water;
4 and

5 WHEREAS, The SDWA provides little or no permanent relief for
6 these affected systems, in the form of variances or exceptions, and
7 the federal government arguably has overstepped its constitutional
8 authority in mandating compliance with federal standards by state
9 waters that have no relationship for potential communicable or
10 contagious impacts in the absence of the necessary funds to achieve
11 that compliance; now, therefore, be it

12 RESOLVED, That the 78th Legislature of the State of Texas
13 hereby respectfully urge the Congress of the United States to
14 provide full and complete funding for all costs associated with
15 treatment and disposal of naturally occurring materials as
16 necessary to achieve regulatory compliance among the states or, in
17 the alternative, to provide express statutory relief from the
18 requirements of EPA standards relating to naturally occurring
19 materials in the case of small community water systems with no
20 alternative water supplies; and, be it further

21 RESOLVED, That the Texas secretary of state forward official
22 copies of this resolution to the president of the United States, to
23 the speaker of the house of representatives and the president of the
24 senate of the United States Congress, and to all the members of the
25 Texas delegation to the congress with the request that this
26 resolution be officially entered in the Congressional Record as a
27 memorial to the Congress of the United States of America.