

## **BILL ANALYSIS**

Senate Research Center  
81R18883 JAM-D

H.B. 1922  
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Natural Resources  
5/6/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The use of recycled wastewater by water utility systems across the state for non-potable uses reduces pumping and treatment of potable water. Recycled water has a number of potential uses, but can be used as an economic generator to bring large-scale businesses to the community utilizing the resource. The San Antonio Water System (SAWS) operates what is believed to be the largest recycled water distribution system in the nation.

Over 100 miles long, the SAWS distribution system is operated as two independent segments because current law prohibits recycled water from separate treatment plants from becoming intermingled and then discharged from multiple outfalls. Although a pipeline interconnection between the two segments exists, it cannot be used to satisfy additional customer demand because of the prohibition.

The proposed legislation authorizes introduction of recycled water to the system by multiple treatment plants and authorizes discharges from any permitted outfall. The bill would essentially allow the distribution system to be operated as one unit, charging any permit violations that cannot be attributed to a specific treatment plant to the plant that contributed the most volume at the time the violation was discovered.

H.B. 1922 enables the Texas Commission on Environmental Quality, under certain conditions and at the request of the applicant, to authorize a wastewater treatment facility operated by an agency of a home-rule municipality with a population of one million or more to contribute treated domestic wastewater produced by the facility as reclaimed water to a reuse water system and to discharge reclaimed water contributed to a reuse water system at certain outfalls.

[**Note:** While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 26, Water Code, by adding Section 26.0271, as follows:

Sec. 26.0271. PERMITS AUTHORIZING REUSE WATER SYSTEM CONTRIBUTIONS AND DISCHARGES. (a) Provides that this section applies only to wastewater treatment facilities operated by an agency of a home-rule municipality with a population of one million or more.

(b) Authorizes the Texas Natural Resource Conservation Commission (TNRCC), at the request of the applicant, in any permit or amendment to a permit issued under this chapter, to authorize a wastewater treatment facility to contribute treated domestic wastewater produced by the facility as reclaimed water to a reuse water system if TNRCC has approved the use of reclaimed water from the wastewater treatment facility.

(c) Requires TNRCC, at the request of the applicant, in any permit or amendment to a permit issued under this chapter, to authorize, subject to any required approval by the United States Environmental Protection Agency (agency), a wastewater treatment facility to contribute reclaimed water into a reuse water system operated by the agency and discharge reclaimed water contributed to a reuse water system at any outfall for which a discharge from the reuse water system is authorized in any permit issued for any wastewater treatment facility operated by the agency.

(d) Requires TNRCC, for an effluent limitation violation occurring at an outfall permitted for reuse water system discharges by more than one wastewater treatment facility, to attribute the violation to the wastewater treatment facility contributing the reclaimed water causing the violation. Requires TNRCC, for a violation that is not directly attributable to a specific wastewater treatment facility, to attribute the violation to the wastewater treatment facility contributing the greatest volume of reclaimed water to the reuse water system on the date of the violation.

SECTION 2. (a) Makes application of Section 26.0271, Water Code, as added by this Act, prospective.

(b) Provides that it is the intent of the legislature that the change in law made by Section 26.0271, Water Code, as added by this Act, does not in any way later the current law related to permits, amendments to permits, authorizations, and other approvals for the contribution or discharge of reclaimed water, including TNRCC's current reclaimed water rules, as applied to any entity other than a wastewater treatment facility operated by an agency of a home-rule municipality with a population of one million or more, including a municipality with a population of less than one million.

SECTION 3. Effective date: upon passage or September 1, 2009.