

By: Raymond

H.B. No. 323

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the establishment of a program for detecting and giving
3 notice of an unauthorized discharge of industrial, municipal, or
4 other waste into any water in the state.

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

6 SECTION 1. Subchapter B, Chapter 26, Water Code, is amended
7 by adding Section 26.0425 to read as follows:

8 Sec. 26.0425. UNAUTHORIZED DISCHARGE DETECTION AND
9 NOTIFICATION PROGRAM. (a) The commission by rule shall establish a
10 program for detecting and giving notice of unauthorized discharges
11 of industrial, municipal, or other waste as provided by this
12 section.

13 (b) Under the program, the owner or operator of any source
14 of a discharge of pollutants into any water in the state that is an
15 industrial user or a publicly owned treatment works shall:

16 (1) by use of a gas chromatograph provided and
17 maintained by the owner or operator or by other means specified by
18 the commission sample any discharges from the industrial facility
19 or treatment works for purposes of detecting an unauthorized
20 discharge of industrial, municipal, or other waste; and

21 (2) promptly notify the commission by telephone,
22 facsimile, electronic mail, or other means specified by the
23 commission of any unauthorized discharge detected under
24 Subdivision (1).

1 (c) On receipt of notice under Subsection (b)(2), the
2 commission shall:

3 (1) promptly verify that an unauthorized discharge of
4 industrial, municipal, or other waste probably has occurred; and

5 (2) if the commission verifies that such an
6 unauthorized discharge probably has occurred, promptly give notice
7 by telephone, facsimile, electronic mail, or other means of the
8 unauthorized discharge to the owner or operator of each publicly
9 owned treatment works that is located downstream of the industrial
10 facility or treatment works at which the unauthorized discharge was
11 detected.

12 (d) The commission may require the owner or operator of an
13 industrial facility or publicly owned treatment works that gives
14 notice under Subsection (b)(2) of an unauthorized discharge to
15 provide to the commission samples of the contaminated water for
16 delivery by the commission to the owner or operator of any publicly
17 owned treatment works that is located downstream of the industrial
18 facility or treatment works at which the unauthorized discharge was
19 detected for use in studying the treatability of the water.

20 (e) The commission shall maintain a database of information
21 pertaining to discharges for which notice was provided under
22 Subsection (b)(2) for the purpose of analysis of those discharges.

23 (f) The commission shall provide training to the owner or
24 operator of each source of a discharge of pollutants into any water
25 in the state that is an industrial user or a publicly owned
26 treatment works in:

27 (1) maintaining and calibrating the gas chromatograph

1 or other means used by the owner or operator in detecting an
2 unauthorized discharge of industrial, municipal, or other waste;
3 and

4 (2) providing notice to the commission of unauthorized
5 discharges.

6 (g) The owner or operator of an industrial facility or
7 publicly owned treatment works must obtain the approval of the
8 commission before replacing or upgrading the gas chromatograph or
9 other means used by the owner or operator in detecting an
10 unauthorized discharge of industrial, municipal, or other waste.

11 SECTION 2. The Texas Commission on Environmental Quality
12 shall adopt rules under Section 26.0425, Water Code, as added by
13 this Act, not later than January 1, 2010.

14 SECTION 3. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2009.