

AN ACT

relating to the authorization of certain reuse water system contributions and discharges.

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

SECTION 1. Subchapter B, Chapter 26, Water Code, is amended by adding Section 26.0271 to read as follows:

Sec. 26.0271. PERMITS AUTHORIZING REUSE WATER SYSTEM CONTRIBUTIONS AND DISCHARGES. (a) 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) In any permit or amendment to a permit issued under this chapter, at the request of the applicant the commission may authorize a wastewater treatment facility to contribute treated domestic wastewater produced by the facility as reclaimed water to a reuse water system if the commission has approved the use of reclaimed water from the wastewater treatment facility.

(c) In any permit or amendment to a permit issued under this chapter, at the request of the applicant the commission shall authorize, subject to any required approval by the United States Environmental Protection Agency, a wastewater treatment facility to:

(1) contribute reclaimed water into a reuse water system operated by the agency; and

(2) discharge reclaimed water contributed to a reuse

1 water system at any outfall for which a discharge from the reuse  
2 water system is authorized in any permit issued for any wastewater  
3 treatment facility operated by the agency.

4       (d) For an effluent limitation violation occurring at an  
5 outfall permitted for reuse water system discharges by more than  
6 one wastewater treatment facility, the commission shall attribute  
7 the violation to the wastewater treatment facility contributing the  
8 reclaimed water causing the violation. For a violation that is not  
9 directly attributable to a specific wastewater treatment facility,  
10 the commission shall attribute the violation to the wastewater  
11 treatment facility contributing the greatest volume of reclaimed  
12 water to the reuse water system on the date of the violation.

13       SECTION 2. (a) The change in law made by Section 26.0271,  
14 Water Code, as added by this Act, applies only to permits or  
15 amendments to permits issued on or after the effective date of this  
16 Act. A permit or permit amendment that was issued before the  
17 effective date of this Act is governed by the law in effect at the  
18 time the permit or amendment to the permit was issued, and the  
19 former law is continued in effect for that purpose.

20       (b) It is the intent of the legislature that the change in  
21 law made by Section 26.0271, Water Code, as added by this Act, does  
22 not in any way alter the current law related to permits, amendments  
23 to permits, authorizations, and other approvals for the  
24 contribution or discharge of reclaimed water, including the  
25 commission's current reclaimed water rules, as applied to any  
26 entity other than a wastewater treatment facility operated by an  
27 agency of a home-rule municipality with a population of one million

1 or more, including a municipality with a population of less than one  
2 million.

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

H.B. No. 1922

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1922 was passed by the House on April 22, 2009, by the following vote: Yeas 149, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1922 was passed by the Senate on May 21, 2009, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor