

## **BILL ANALYSIS**

Senate Research Center  
83R14162 JAM-F

S.B. 1745  
By: Uresti  
Natural Resources  
3/27/2013  
As Filed

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

S.B. 1745 amends Chapter 26, Water Code, regarding water quality, to require a storm water treatment facility in the Edwards Aquifer to remove at least 85 percent of the total suspended solids. Current Edwards Aquifer rules in the Texas Administrative Code requires removal of only 80 percent of total dissolved solids.

As proposed, S.B. 1745 amends current law relating to minimum pollution removal requirements for certain stormwater discharges in the Edwards Aquifer.

[**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**

Rulemaking authority previously granted to the Texas Natural Resource Conservation Commission [TCEQ] is modified in SECTION 1 (Section 26.0463, Water Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 26, Water Code, by adding Section 26.0463, as follows:

Sec. 26.0463. MINIMUM REQUIREMENTS FOR POLLUTION REMOVAL FOR STORMWATER ENTERING EDWARDS AQUIFER. (a) Defines, in this section, "stormwater treatment facility" to mean a facility that utilizes best management practices approved by the Texas Natural Resource Conservation Commission (TNRCC) for use in a water pollution abatement plan, or similar submission, for the purpose of filtering out and removing pollutants such as total suspended solids from stormwater runoff from commercial, residential, industrial, or retail developments that are located within the recharge zone of the Edwards Aquifer, as defined by commission rule.

(b) Prohibits TNRCC from approving the use or installation of a new stormwater treatment facility in a water pollution abatement plan unless the stormwater treatment facility has been shown to remove at least 85 percent of the total suspended solids required to be removed prior to the discharge of the stormwater into the recharge zone of the Edwards Aquifer according to the "Complying with the Edwards Aquifer Rules, Technical Guidance on Best Management Practices," as amended, or by other TNRCC rule.

(c) Provides that this section does not apply to a recharge enhancement facility within a natural watercourse that is expressly designed and installed to improve the quantity and quality of surface water entering the aquifer.

SECTION 2. Provides that the change in law made by this Act applies only to an application for approval or amendment of a water pollution abatement plan or similar submission that is submitted to the Texas Commission on Environmental Quality (TCEQ) on or after the effective date of this Act. Provides that an application for approval or amendment of a water pollution

abatement plan or similar submission that was submitted to TCEQ before the effective date of this Act is governed by the law in effect at the time the application or submission was filed, and the former law is continued in effect for that purpose.

SECTION 3. Effective date: upon passage or September 1, 2013.