

By: Callegari

H.B. No. 824

A BILL TO BE ENTITLED

AN ACT

relating to reporting requirements for accidental sanitary sewer overflows.

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

SECTION 1. Section 26.039, Water Code, is amended by amending Subsections (b) and (f) and adding Subsections (b-1) and (b-2) to read as follows:

(b) Except as provided by Subsection (b-1), whenever ~~Whenever~~ an accidental discharge or spill occurs at or from any activity or facility which causes or may cause pollution, the individual operating, in charge of, or responsible for the activity or facility shall notify the commission as soon as possible and not later than 24 hours after the occurrence. The individual's notice to the commission must include the location, volume, and content of the discharge or spill.

(b-1) The individual is not required to notify the commission under Subsection (b) or local government officials or local media under Subsection (e) of a sanitary sewer overflow, as defined by Section 26.049, that is:

(1) 1,000 gallons or less; and

(2) controlled or removed:

(A) before the overflow enters water in the state; and

(B) before the overflow adversely affects a

1 public or private source of drinking water.

2 (b-2) The individual shall report sanitary sewer overflows  
3 described by Subsection (b-1) on a monthly basis to the commission.  
4 The report shall include the information required for a notice  
5 under Subsection (b) and must be made in a manner determined by  
6 commission rule.

7 (f) The commission by rule shall specify the conditions  
8 under which an individual must comply with Subsections (b) and  
9 ~~[Subsection]~~ (e) and prescribe procedures for giving the required  
10 notice. The rules must also state the content of the notice and the  
11 manner of giving notice. In formulating the rules, the commission  
12 shall consider:

- 13 (1) the nature and extent of the discharge or spill;  
14 (2) the potential effect of the discharge or spill;  
15 and  
16 (3) regional information about the susceptibility of a  
17 particular drinking water source to a specific type of pollution.

18 SECTION 2. (a) Not later than December 1, 2013, the Texas  
19 Commission on Environmental Quality shall adopt rules necessary to  
20 implement Section 26.039, Water Code, as amended by this Act.

21 (b) The change in law made by this Act applies only to an  
22 offense committed on or after the effective date of a rule adopted  
23 by the Texas Commission on Environmental Quality under this  
24 section. For purposes of this section, an offense was committed  
25 before the effective date of a rule adopted by the Texas Commission  
26 on Environmental Quality under this section if any element of the  
27 offense occurred before that date.

1           (c) An offense committed before the effective date of a rule  
2 adopted by the Texas Commission on Environmental Quality under this  
3 section is governed by the law in effect on the date the offense was  
4 committed, and the former law is continued in effect for that  
5 purpose.

6           SECTION 3. This Act takes effect September 1, 2013.