

By: Callegari

H.B. No. 824

Substitute the following for H.B. No. 824:

By: King of Zavala

C.S.H.B. No. 824

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a volume-based exemption from reporting requirements
3 for accidental sanitary sewer overflows.

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

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

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

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

20 (1) 1,000 gallons or less; and

21 (2) controlled or removed:

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

24 (B) before the overflow adversely affects a

1 public or private source of drinking water.

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

- 8 (1) the nature and extent of the discharge or spill;
9 (2) the potential effect of the discharge or spill;
10 and
11 (3) regional information about the susceptibility of a
12 particular drinking water source to a specific type of pollution.

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

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

23 (c) An offense committed before the effective date of a rule
24 adopted by the Texas Commission on Environmental Quality under this
25 section is governed by the law in effect on the date the offense was
26 committed, and the former law is continued in effect for that
27 purpose.

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