

By: Workman

H.B. No. 2046

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to a study evaluating and making recommendations for  
3 wastewater management in the contributing zone of the Barton  
4 Springs segment of the Edwards Aquifer.

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

6 SECTION 1. DEFINITIONS. In this Act:

7 (1) "Commission" means the Texas Commission on  
8 Environmental Quality.

9 (2) "Contributing zone of the Barton Springs segment  
10 of the Edwards Aquifer" means the area or watershed in that segment  
11 of the aquifer where runoff from precipitation flows downgradient  
12 to the recharge zone of that segment of the aquifer, as determined  
13 by the commission.

14 (3) "Wastewater management" means one or more  
15 wastewater collection, treatment, disposal, dispersal, or reuse  
16 methods or practices, regardless of whether those methods are  
17 on-site, centralized, decentralized, or integrated with other  
18 water treatment methods.

19 SECTION 2. STUDY. (a) Subject to Section 4 of this Act, the  
20 commission shall conduct a study to evaluate:

21 (1) wastewater management in the contributing zone of  
22 the Barton Springs segment of the Edwards Aquifer;

23 (2) the effects of wastewater management described by  
24 Subdivision (1) of this subsection on the watersheds of the Barton

1 Springs complex, the contributing zone of the Barton Springs  
2 segment of the Edwards Aquifer, the recharge zone of the Edwards  
3 Aquifer, and the Edwards Aquifer;

4 (3) the effects of wastewater management described by  
5 Subdivision (1) of this subsection on designated uses of the  
6 receiving streams;

7 (4) the potential augmentation of potable groundwater  
8 supplies in the Edwards Aquifer; and

9 (5) the efficacy and costs of various treatment  
10 technologies, disposal methods, and best management practices that  
11 reliably achieve:

12 (A) a level of effluent quality that:

13 (i) meets the primary and secondary  
14 drinking water standards promulgated by the commission;

15 (ii) does not contribute to adverse toxic  
16 effects on aquatic life in the receiving water;

17 (iii) does not contribute to adverse toxic  
18 effects on human health resulting from the consumption of aquatic  
19 organisms or water from, or from water recreation in, the receiving  
20 water; and

21 (iv) does not alter nutrient concentrations  
22 in the receiving water during non-storm conditions; and

23 (B) an increase in the supply of water, including  
24 potable water, to users of groundwater from the Edwards Aquifer  
25 through appropriate protective technologies.

26 (b) In conducting the study, the commission shall solicit  
27 and consider information from the scientific and engineering

1 community and other stakeholders.

2 (c) The commission may contract with any appropriate person  
3 to assist in conducting the study.

4 SECTION 3. REPORT. Not later than September 30, 2015, the  
5 commission shall make publicly available on its website a report of  
6 the findings and recommendations of the study conducted under this  
7 Act. In the report, the commission must include findings that  
8 address the study objectives described in Section 2(a)(5)(A) of  
9 this Act. The commission must include in the report  
10 recommendations, based on the findings, for:

11 (1) narrative and numeric criteria for discharge,  
12 dispersal, or reuse of wastewater that achieves the objectives of  
13 Section 2(a)(5)(A) of this Act; and

14 (2) wastewater management methods and practices that  
15 can be used to achieve the objectives of Section 2(a)(5)(A) of this  
16 Act and meet the criteria established in Subdivision (1) of this  
17 section.

18 SECTION 4. RULES TO IMPLEMENT. (a) Not later than March  
19 31, 2016, the commission shall develop proposed rules the  
20 commission considers appropriate to implement the findings and  
21 recommendations of the report and shall file notice of the proposed  
22 rules as provided by Section 2001.023, Government Code.

23 (b) A rule proposed under Subsection (a) of this section  
24 applies only to an action, including a filing of an application for  
25 a permit or permit amendment, taken on or after the effective date  
26 of the rule. An action taken before the effective date of a rule  
27 proposed under Subsection (a) of this section is governed by the law

1 in effect at the time the action was taken, and an application for a  
2 permit or permit amendment must be approved or denied on the basis  
3 of the law in effect at the time the application is filed.

4 SECTION 5. FUNDING OF STUDY. (a) This Act does not make an  
5 appropriation. A provision in this Act that creates a new  
6 governmental program, creates a new entitlement, or imposes a new  
7 duty on a governmental entity is not mandatory during a fiscal  
8 period for which the legislature has not made a specific  
9 appropriation to implement the provision. Gifts, grants, or  
10 donations may be accepted for the purpose of implementing this Act.

11 (b) All funding necessary for the implementation of this Act  
12 must be received by the commission and dedicated for that purpose  
13 not later than December 31, 2013.

14 (c) The commission shall determine the scope of the study  
15 based on the money available for the study under this section.

16 SECTION 6. EXPIRATION. This Act expires on the earlier of:

17 (1) the date the commission adopts rules proposed  
18 under Section 4 of this Act; or

19 (2) December 1, 2016.

20 SECTION 7. EFFECTIVE DATE. This Act takes effect  
21 immediately if it receives a vote of two-thirds of all the members  
22 elected to each house, as provided by Section 39, Article III, Texas  
23 Constitution. If this Act does not receive the vote necessary for  
24 immediate effect, this Act takes effect September 1, 2013.