

By: Gutierrez

H.B. No. 3538

A BILL TO BE ENTITLED

AN ACT

relating to minimum pollution removal requirements on storm water discharge within the Edwards Aquifer in certain circumstances.

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

SECTION 1. Subchapter B, Chapter 26, Water Code, is amended by adding Section 26.0463 to read as follows:

Sec. 26.0463. MINIMUM REQUIREMENTS FOR POLLUTION REMOVAL FOR STORMWATER ENTERING THE EDWARDS AQUIFER. (a) In this section, "stormwater treatment facility" means a facility that utilizes best management practices approved by the Commission on Environmental Quality to be used in a water pollution abatement plan, or similar submittal, 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 the Commission in rule.

(b) The Commission may not approve 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 85% or more 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 rule of the

1 Commission.

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

6 SECTION 2. The change in law made by this Act applies only
7 to an application for a water pollution abatement plan, or similar
8 submittal that is submitted to the Texas Commission on
9 Environmental Quality on or after the effective date of this Act. An
10 application for a water pollution abatement plan permit or permit
11 amendment that was submitted to the Texas Commission on
12 Environmental Quality before the effective date of this Act is
13 governed by the law in effect at the time the application was filed,
14 and the former law is continued in effect for that purpose.

15 SECTION 3. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2013.