

By: Uresti

S.B. No. 1745

A BILL TO BE ENTITLED

AN ACT

relating to minimum pollution removal requirements for certain stormwater discharges in the Edwards Aquifer.

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 EDWARDS AQUIFER. (a) In this section, "stormwater treatment facility" means a facility that utilizes best management practices approved by the commission 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) 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 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 commission

1 rule.

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 approval or amendment of a water pollution  
8 abatement plan or similar submission that is submitted to the Texas  
9 Commission on Environmental Quality on or after the effective date  
10 of this Act. An application for approval or amendment of a water  
11 pollution abatement plan or similar submission that was submitted  
12 to the Texas Commission on Environmental Quality before the  
13 effective date of this Act is governed by the law in effect at the  
14 time the application or submission was filed, and the former law is  
15 continued in effect for that purpose.

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