

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 28, 2013

TO: Honorable Allan Ritter, Chair, House Committee on Natural Resources

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB824** by Callegari (Relating to a volume-based exemption from reporting requirements for accidental sanitary sewer overflows.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Water Code to exempt an individual from the requirement to notify the Texas Commission on Environmental Quality (TCEQ), local governmental officials or local media for an accidental sanitary sewer overflow that is 1,000 gallons or less; that is controlled or removed; and that does not reach state waters; and does not contaminate public or private drinking water. Under current statute, the individual operating or responsible for the activity or facility is required to notify the commission not later than 24 hours after the occurrence regardless of the volume of discharge or spill. TCEQ would be required by rule to specify the conditions under which an individual must comply with the notification provisions.

According to TCEQ, no significant fiscal impact is anticipated. However, TCEQ's Sanitary Sewer Overflow (SSO) Initiative Program could be affected since program participants are required to report all unauthorized discharges. The SSO Initiative is a voluntary program initiated in 2004 in an effort to address an increase in SSOs due to aging collection systems, and to encourage corrective action before there is harm to human health and safety or the environment.

TCEQ also stated that enforcement of the amended notification requirement could be problematic since TCEQ would not be aware of any unauthorized discharges less than the designated threshold which could affect how the agency pursues complaints. The delay in investigating an unauthorized discharge as a result of a complaint versus investigating as a result of notification could pose a concern with the ability to determine compliance with the notification requirements, and to ensure that the discharge did not result in any impacts to human health, public safety, or the environment. Additionally, if the threshold amount was exceeded and not reported, TCEQ would not be aware of the situation unless a complaint or situation arose. For example, an unauthorized discharge of 1,800 gallons could be estimated by a facility to be 1,500 gallons and would therefore not be reported to TCEQ.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 582 Commission on Environmental Quality

LBB Staff: UP, SZ, TP