

By: Crownover

H.B. No. 2051

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to a volume-based exemption from reporting requirements  
3 for certain accidental discharges or spills from wastewater  
4 facilities.

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

6 SECTION 1. Section 26.039, Water Code, is amended by  
7 amending Subsections (b) and (e) and adding Subsections (g), (h),  
8 (i), and (j) to read as follows:

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

17 (e) Except as provided by Subsection (g), if ~~[If]~~ an  
18 accidental discharge or spill described by Subsection (b) from a  
19 wastewater treatment or collection facility owned or operated by a  
20 local government may adversely affect a public or private source of  
21 drinking water, the individual shall also notify appropriate local  
22 government officials and local media.

23 (g) The individual is not required to notify the commission  
24 of an accidental discharge or spill of treated or untreated

1 domestic wastewater under Subsection (b) or officials or media  
2 under Subsection (e) of a single accidental discharge or spill  
3 that:

4 (1) occurs at a wastewater treatment or collection  
5 facility owned or operated by a local government;

6 (2) has a volume of 1,000 gallons or less;

7 (3) is not associated with another simultaneous  
8 accidental discharge or spill;

9 (4) is controlled or removed before the accidental  
10 discharge or spill:

11 (A) enters water in the state; or

12 (B) adversely affects a public or private source  
13 of drinking water;

14 (5) will not endanger human health or safety or the  
15 environment; and

16 (6) is not otherwise subject to local regulatory  
17 control and reporting requirements.

18 (h) The commission by rule shall establish standard methods  
19 for calculating the volume of an accidental discharge or spill to be  
20 used for the purposes of this section.

21 (i) The individual shall calculate the volume of an  
22 accidental discharge or spill using an established standard method  
23 to determine whether the discharge or spill is exempted under  
24 Subsection (g) from the notification requirements of this section.

25 (j) The individual shall submit to the commission at least  
26 once each month a summary of accidental discharges and spills  
27 described by Subsection (g) that occurred during the preceding

1 month. The commission by rule shall:

2 (1) consider the compliance history of the individual;

3 and

4 (2) establish procedures for formatting and

5 submitting a summary, including requirements that a summary include

6 the location, volume, and content of each accidental discharge or

7 spill.

8 SECTION 2. (a) Not later than June 1, 2016, the Texas  
9 Commission on Environmental Quality shall adopt rules necessary to  
10 implement Section 26.039, Water Code, as amended by this Act.

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

18 (c) An offense committed before the effective date of a rule  
19 adopted by the Texas Commission on Environmental Quality under this  
20 section is governed by the law in effect on the date the offense was  
21 committed, and the former law is continued in effect for that  
22 purpose.

23 SECTION 3. This Act takes effect September 1, 2015.