

By: Crownover

H.B. No. 2051

Substitute the following for H.B. No. 2051:

By: Workman

C.S.H.B. No. 2051

A BILL TO BE ENTITLED

1 AN ACT  
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) and (h)  
8 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) is 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 individual shall submit to the commission at least  
19 once each month a summary of accidental discharges and spills  
20 described by Subsection (g) that occurred during the preceding  
21 month. The commission by rule shall:

22 (1) consider the compliance history of the individual;  
23 and

24 (2) establish procedures for formatting and  
25 submitting a summary, including requirements that a summary include  
26 the location, volume, and content of each accidental discharge or  
27 spill.

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

4           (b) The change in law made by this Act applies only to an  
5 offense committed on or after the effective date of a rule adopted  
6 by the Texas Commission on Environmental Quality under this  
7 section. For purposes of this section, an offense was committed  
8 before the effective date of a rule adopted by the Texas Commission  
9 on Environmental Quality under this section if any element of the  
10 offense occurred before that date.

11           (c) An offense committed before the effective date of a rule  
12 adopted by the Texas Commission on Environmental Quality under this  
13 section is governed by the law in effect on the date the offense was  
14 committed, and the former law is continued in effect for that  
15 purpose.

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