

By: Eltife

S.B. No. 912

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), (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.