

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) 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 under Subsection (b) or officials or media under Subsection (e) of a

1 single accidental discharge or spill that:

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

4 (2) is 1,000 gallons or less;

5 (3) is not associated with another simultaneous
6 accidental discharge or spill;

7 (4) is controlled or removed before the accidental
8 discharge or spill:

9 (A) enters water in the state; or

10 (B) adversely affects a public or private source
11 of drinking water; and

12 (5) will not endanger human health or safety or the
13 environment.

14 (h) The individual shall submit to the commission at least
15 once each month a summary of accidental discharges and spills
16 described by Subsection (g) that occurred during the preceding
17 month. The commission by rule shall establish procedures for
18 formatting and submitting a summary, including requirements that a
19 summary include the location, volume, and content of each
20 accidental discharge or spill.

21 SECTION 2. (a) Not later than December 1, 2015, the Texas
22 Commission on Environmental Quality shall adopt rules necessary to
23 implement Section 26.039, Water Code, as amended by this Act.

24 (b) The change in law made by this Act applies only to an
25 offense committed on or after the effective date of a rule adopted
26 by the Texas Commission on Environmental Quality under this
27 section. For purposes of this section, an offense was committed

1 before the effective date of a rule adopted by the Texas Commission
2 on Environmental Quality under this section if any element of the
3 offense occurred before that date.

4 (c) An offense committed before the effective date of a rule
5 adopted by the Texas Commission on Environmental Quality under this
6 section is governed by the law in effect on the date the offense was
7 committed, and the former law is continued in effect for that
8 purpose.

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