

By: King of Uvalde

H.B. No. 3036

Substitute the following for H.B. No. 3036:

By: Pickett

C.S.H.B. No. 3036

A BILL TO BE ENTITLED

AN ACT

1
2 relating to permits for the discharge of waste or pollutants into
3 water that flows into certain areas of the Edwards Aquifer recharge
4 zone.

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

6 SECTION 1. Subchapter B, Chapter 26, Water Code, is amended
7 by adding Section 26.02711 to read as follows:

8 Sec. 26.02711. CONSIDERATION OF RECLAIMED WATER USE FOR
9 CERTAIN WASTEWATER DISPOSAL APPLICATIONS. (a) In this section,
10 "reclaimed water amount" means the minimum volume of reclaimed
11 water that can be guaranteed to be beneficially reused over a
12 specified time for a particular facility. The term includes
13 reclaimed water used for indoor or outdoor purposes.

14 (b) In considering a permit application by a wastewater
15 treatment facility for the land disposal of wastewater effluent in
16 an area where runoff from precipitation flows into the portion of
17 the Edwards Aquifer recharge zone that is southwest of the Colorado
18 River, the commission shall:

19 (1) for the purposes of facility design calculations,
20 subtract the reclaimed water amount from the total volume of
21 effluent in order to determine:

22 (A) the area of land required for effluent
23 disposal; and

24 (B) the amount of effluent storage required; and

1 (2) adopt a procedure for the applicant to demonstrate
2 the reclaimed water amount that includes provisions to ensure that
3 no unauthorized discharge of effluent to the waters of the state or
4 contamination of groundwater will occur.

5 (c) The addition or modification of users or areas used in
6 the land disposal of wastewater effluent in a demonstration of a
7 reclaimed water amount is not a major amendment to the permit if:

8 (1) the volume of the reclaimed water amount is not
9 decreased; and

10 (2) the applicant complies with the procedure
11 established by the commission for the demonstration of the
12 reclaimed water amount.

13 (d) An applicant demonstrating a reclaimed water amount
14 under this section must obtain a beneficial reuse authorization
15 from the commission before the operation of the facility.

16 SECTION 2. Subchapter B, Chapter 26, Water Code, is amended
17 by adding Section 26.0462 to read as follows:

18 Sec. 26.0462. RESTRICTION ON PERMITS FOR DIRECT DISCHARGES
19 INTO WATER THAT FLOWS INTO CERTAIN AREAS OF EDWARDS AQUIFER
20 RECHARGE ZONE. (a) This section applies only to a permit for the
21 direct discharge of waste or pollutants in the geographic area
22 described in Subsection (b). This section does not affect
23 definitions related to the Edwards Aquifer as they are used outside
24 this section, including definitions of:

25 (1) Edwards Aquifer;

26 (2) Edwards Aquifer contributing zone;

27 (3) Edwards Aquifer recharge zone; and

1 (4) Edwards Aquifer transition zone.

2 (b) The commission may not:

3 (1) issue a new permit authorizing the direct
4 discharge of waste or pollutants into:

5 (A) the Nueces, San Antonio, and Guadalupe River
6 watersheds located in or north and west of the Edwards Aquifer
7 recharge zone; or

8 (B) the portion of the Colorado River watershed
9 located in Blanco, Hays, and Travis Counties that drains to or
10 includes the Edwards Aquifer recharge zone southwest of the
11 Colorado River; or

12 (2) amend a permit issued before September 1, 2017, to
13 authorize an increase in the amount of waste or pollutants that may
14 be directly discharged into any water described by Subdivision (1).

15 (c) This section:

16 (1) does not affect the authority of the commission to
17 authorize stormwater and certain non-stormwater discharges as
18 specified in:

19 (A) the commission's individual permits for
20 municipal separate storm sewer systems; and

21 (B) the commission's general permits for
22 stormwater and associated non-stormwater discharges; and

23 (2) does not apply to on-site sewage disposal systems.

24 SECTION 3. The change in law made by this Act applies only
25 to an application for a permit or permit amendment that is submitted
26 to the Texas Commission on Environmental Quality on or after the
27 effective date of this Act. An application for a permit or permit

1 amendment that was submitted to the Texas Commission on
2 Environmental Quality before the effective date of this Act is
3 governed by the law in effect at the time the application was filed,
4 and the former law is continued in effect for that purpose.

5 SECTION 4. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2017.