

BILL ANALYSIS

Senate Research Center
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H.B. 2148
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Water, Agriculture & Rural Affairs
5/15/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Statement of Purpose

To ensure the owners, operators, and residents of public water suppliers are timely informed of dangerous amoebas that may contaminate their water supply.

Background

In September 2020, a brain-eating amoeba, *naegleria fowleri*, was found to be present in the Brazosport Water Supply. Many public water supply customers of Brazosport were informed of the presence of *naegleria fowleri* only after they heard news reports. Public water suppliers contacted legislators about concerns of timely notification. H.B. 2148 puts in place a duty of the Texas Commission on Environmental Quality (TCEQ) to notify public water suppliers once TCEQ detects or becomes aware of human infection (primarily amebic meningoencephalitis) caused by the presence of the *naegleria fowleri* amoeba in a swimming pool, a freshwater lake used for swimming, a public drinking water source, or a park with splashpads or other outdoor features using freshwater for amusement purposes.

Key Provisions

- Requires TCEQ to notify public water suppliers, once TCEQ detects or becomes aware of an accidental discharge or spill that threatens water that is a source for a public water system, of the accidental discharge or spill.
- The notification must occur not later than the time TCEQ notifies the news media of the accidental discharge or spill.

H.B. 2148 amends current law relating to notification by the Texas Commission on Environmental Quality of accidental discharge or spill threatening certain public water systems.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 26, Water Code, by adding Section 26.0395, as follows:

Sec. 26.0395. NOTIFICATION OF ACCIDENTAL DISCHARGE OR SPILL THREATENING CERTAIN PUBLIC WATER SYSTEMS. Requires the Texas Commission on Environmental Quality (TCEQ), as soon as possible after TCEQ detects or becomes aware of an accidental discharge or spill that threatens water that is a source for a public water system and not later than the time TCEQ notifies the news media of the accidental discharge or spill, to notify the owner or operator of each public water system that may be threatened by the accidental discharge or spill.

SECTION 2. Effective date: upon passage or September 1, 2021.