

By: Zwiener

H.B. No. 4489

A BILL TO BE ENTITLED

AN ACT

relating to a restriction on permits authorizing direct discharges of waste or pollutants into water in certain areas associated with the Barton Springs segment of the Edwards Aquifer.

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

SECTION 1. Subchapter B, Chapter 26, Water Code, is amended by adding Section 26.0462 to read as follows:

Sec. 26.0462. RESTRICTIONS ON PERMITS FOR DIRECT DISCHARGES OF WASTE OR POLLUTANTS INTO WATER IN CERTAIN ZONES OF BARTON SPRINGS SEGMENT OF EDWARDS AQUIFER. (a) In this section:

(1) "Advanced water treatment facility" means a facility that uses water and wastewater treatment technology that:

(A) meets the primary and secondary drinking water standards promulgated by the commission;

(B) does not contribute to adverse toxic effects on:

(i) aquatic life in the receiving water; or

(ii) human health resulting from the consumption of aquatic organisms or water from, or from water recreation in, the receiving water; and

(C) achieves a daily average concentration of:

(i) total phosphorus in the effluent of less than 0.2 milligrams per liter; and

(ii) total nitrogen in the effluent of less

1 than 8 milligrams per liter.

2 (2) "Edwards Aquifer water quality protection area"
3 means:

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

7 (B) the portion of the Colorado River watershed
8 located in Blanco, Hays, and Travis Counties that drains to the
9 Edwards Aquifer recharge zone southwest of the Colorado River.

10 (b) The commission may not:

11 (1) issue a new permit authorizing the direct
12 discharge of waste or pollutants into any water in the Edwards
13 Aquifer water quality protection area; or

14 (2) amend a permit issued before September 1, 2021, to
15 authorize an increase in the amount of waste or pollutants that may
16 be directly discharged into the Edwards Aquifer water quality
17 protection area.

18 (c) The commission shall adopt standards necessary to
19 require permit holders maintain wastewater storage capacity for a
20 minimum of 7 days.

21 (d) This section does not:

22 (1) affect the authority of the commission to
23 authorize:

24 (A) the direct discharge of water into the
25 Edwards Aquifer water quality protection area from an advanced
26 water treatment facility under a Texas pollutant discharge
27 elimination system permit if all requirements for the discharge

1 permit are satisfied; or

2 (B) stormwater and certain non-stormwater
3 discharges as specified in:

4 (i) the commission's individual permits for
5 municipal separate storm sewer systems; and

6 (ii) the commission's general permits for
7 stormwater and associated non-stormwater discharges; or

8 (2) apply to on-site sewage disposal systems.

9 (e) Nothing in this section shall be construed to prevent
10 the commission from setting permit limits more stringent than those
11 set forth above for advanced water treatment facilities.

12 SECTION 2. The change in law made by this Act applies only
13 to an application for a permit or permit amendment that is submitted
14 to the Texas Commission on Environmental Quality on or after the
15 effective date of this Act. An application for a permit or permit
16 amendment that was submitted to the Texas Commission on
17 Environmental Quality before the effective date of this Act is
18 governed by the law in effect at the time the application was filed,
19 and the former law is continued in effect for that purpose. set
20 forth above for an advanced water treatment facility.

21 SECTION 3. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2021.