

## BILL ANALYSIS

Senate Research Center

S.B. 1289  
By: Perry  
Water, Agriculture & Rural Affairs  
6/5/2023  
Enrolled

### AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the Texas Commission on Environmental Quality's (TCEQ) Chapter 321, Subchapter P and Chapter 210 rules require an owner of a reclaimed water treatment facility that treats for reuse of domestic wastewater to have a wastewater discharge permit (TPDES/TLAP) as an alternative means of disposal.

The bill changes TCEQ rules to eliminate the requirement that the owner of the reclaimed water treatment facility also have a TPDES or TLAP permit as an alternative means of disposal if the owner's alternative means of disposal is to an existing collection system and the owner has consent from the existing collection system owner and, if different, the wastewater treatment plant owner, to discharge into the collection system and ultimately the wastewater treatment plant. The proposed rules do not change any design requirements under Chapter 210 or 321.

(Original Author's/Sponsor's Statement of Intent)

[Note: While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality, as the successor agency to TNRCC]

S.B. 1289 amends current law relating to the disposal of reclaimed wastewater.

### RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Natural Resource Conservation Commission in SECTION 1 (Section 26.02715, Water Code) of this bill.

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 2 of this bill.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 26, Water Code, by adding Section 26.02715, as follows:

Sec. 26.02715. DISPOSAL OF RECLAIMED WASTEWATER TO WASTEWATER COLLECTION SYSTEM. (a) Authorizes a wastewater treatment facility or reclaimed water production facility that treats domestic wastewater for reuse to dispose of the treated wastewater without a permit for an alternative means of disposal if the facility:

- (1) disposes of the treated wastewater through a wastewater collection system; and
- (2) has the consent of the operator of:
  - (A) the wastewater collection system that will receive the water; and
  - (B) any wastewater treatment facility that will treat the water.

(b) Prohibits the owner of a reclaimed water production facility that meets the requirements of Subsection (a) from being required to be the owner of an associated domestic wastewater treatment facility that is permitted by the Texas Natural Resource Conservation Commission (TNRCC).

(c) Requires TNRCC to adopt rules to implement and enforce this section.

SECTION 2. Requires the Texas Commission on Environmental Quality, as soon as practicable after the effective date of this Act, to adopt the rules required by Section 26.02715, Water Code, as added by this Act.

SECTION 3. Effective date: upon passage or September 1, 2023.