

By: Zwiener

H.B. No. 4144

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the regulation by the Texas Commission on Environmental
3 Quality of the discharge of preproduction plastic.

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

5 SECTION 1. Section 26.0135(a), Water Code, is amended to
6 read as follows:

7 (a) To ensure clean water, the commission shall establish
8 the strategic and comprehensive monitoring of water quality and the
9 periodic assessment of water quality in each watershed and river
10 basin of the state. In order to conserve public funds and avoid
11 duplication of effort, subject to adequate funding under Section
12 26.0291, river authorities shall, to the greatest extent possible
13 and under the supervision of the commission, conduct water quality
14 monitoring and assessments in their own watersheds. Watershed
15 monitoring and assessments involving agricultural or silvicultural
16 nonpoint source pollution shall be coordinated through the State
17 Soil and Water Conservation Board with local soil and water
18 conservation districts. The water quality monitoring and reporting
19 duties under this section apply only to a river authority that has
20 entered into an agreement with the commission to perform those
21 duties. The commission, either directly or through cooperative
22 agreements and contracts with local governments, shall conduct
23 monitoring and assessments of watersheds where a river authority is
24 unable to perform an adequate assessment of its own watershed. The

1 monitoring program shall provide data to identify significant
2 long-term water quality trends, characterize water quality
3 conditions, support the permitting process, and classify
4 unclassified waters. The commission shall consider available
5 monitoring data and assessment results in developing or reviewing
6 wastewater permits and stream standards and in conducting other
7 water quality management activities. The assessment must include a
8 review of wastewater discharges, nonpoint source pollution,
9 pollution from preproduction plastic, as defined by Section 26.023,
10 nutrient loading, toxic materials, biological health of aquatic
11 life, public education and involvement in water quality issues,
12 local and regional pollution prevention efforts, and other factors
13 that affect water quality within the watershed. The monitoring and
14 assessment required by this section is a continuing duty, and the
15 monitoring and assessment shall be periodically revised to show
16 changes in the factors subject to assessment.

17 SECTION 2. Section 26.023, Water Code, is amended to read as
18 follows:

19 Sec. 26.023. WATER QUALITY STANDARDS. (a) The commission
20 by rule shall set water quality standards for the water in the state
21 and may amend the standards from time to time. The commission has
22 the sole and exclusive authority to set water quality standards for
23 all water in the state. The commission shall consider the existence
24 and effects of nonpoint source pollution, preproduction plastic
25 pollution, toxic materials, and nutrient loading in developing
26 water quality standards and related waste load models for water
27 quality. The commission shall develop standards based on all

1 quality assured data obtained by the commission, including the
2 local watershed and river basin database described by Section
3 [26.0135\(c\)\(2\)](#).

4 (b) In this section:

5 (1) "Preproduction plastic" means pre-consumer
6 plastic resin, consisting of organic polymers and additives, in the
7 form of pellets, powder, flakes, or powdered additives.

8 (2) "Quality[~~,"quality~~] assured data" has the meaning
9 assigned by Section [26.0135\(i\)](#).

10 SECTION 3. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section [39](#), Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2023.