

By: Zaffirini

S.B. No. 766

A BILL TO BE ENTITLED

AN ACT

relating to the correction of references to the Texas Natural Resource Conservation Commission.

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

SECTION 1. Section 76.001, Agriculture Code, is amended by adding Subdivision (4-a) to read as follows:

(4-a) "Commission" means the Texas Commission on Environmental Quality.

SECTION 2. Sections 76.003(b), (c), and (d), Agriculture Code, are amended to read as follows:

(b) A pesticide may be included on a list of state-limited-use pesticides if the department determines that, when used as directed or in accordance with widespread and commonly recognized practice, the pesticide requires additional restrictions to prevent unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of use of the pesticide. However, the department shall not place a pesticide on the state-limited-use list solely on the basis of actual damage or risk of damage to water quality without first obtaining approval from the commission [~~Texas Natural Resource Conservation Commission~~] based on the impact of the pesticide's use on water quality.

(c) The department shall formally request an opinion regarding impact on water quality from the commission [~~Texas~~

1 ~~Natural Resource Conservation Commission~~] during department
2 consideration of any amendments to the current list of
3 state-limited-use pesticides.

4 (d) At the direction of the commission [~~Texas Natural~~
5 ~~Resource Conservation Commission~~] in conjunction with its
6 responsibilities pursuant to Chapter 26, Water Code, the department
7 shall consider any formal request to add any pesticide to the
8 state-limited-use list under Subsection (b), and the department
9 shall issue regulations regarding the time, place, and conditions
10 of such pesticide's use.

11 SECTION 3. Section 76.004(b), Agriculture Code, is amended
12 to read as follows:

13 (b) Any rules adopted by the department for the purpose of
14 protection or enhancement of water quality shall not be
15 inconsistent with nor less stringent than rules adopted for the
16 protection or enhancement of water quality by the commission [~~Texas~~
17 ~~Natural Resource Conservation Commission~~] pursuant to
18 recommendations of the Texas Groundwater Protection Committee.

19 SECTION 4. Sections 76.007(b), (c), (d), and (e),
20 Agriculture Code, are amended to read as follows:

21 (b) The commission [~~Texas Natural Resource Conservation~~
22 ~~Commission~~] shall have principal authority to regulate and control
23 water pollution. If the United States Environmental Protection
24 Agency adopts a final rule requiring states to implement a state
25 management plan for pesticides in groundwater, the department shall
26 cooperate with the Texas Groundwater Protection Committee in the
27 committee's development and implementation of federally mandated

1 state management plans for pesticides in groundwater in accordance
2 with Section 26.407, Water Code.

3 (c) The department shall seek advice from the commission
4 [~~Texas Natural Resource Conservation Commission~~], the Parks and
5 Wildlife Department, the Texas Department of Health, and the Texas
6 Agricultural Extension Service in reviewing applications for
7 special local need or emergency pesticide registrations. The
8 department shall act expeditiously to review any application for
9 special local need or emergency pesticide registrations.

10 (d) The department shall give written notice to the
11 commission [~~Texas Natural Resource Conservation Commission~~]
12 whenever it has probable cause to believe that serious
13 contamination of water has occurred as a result of use, misuse,
14 manufacture, storage, or disposal of pesticides so that the
15 commission [~~Texas Natural Resource Conservation Commission~~] may
16 proceed with an investigation of a possible violation of the Water
17 Code.

18 (1) If the commission [~~Texas Natural Resource~~
19 ~~Conservation Commission~~] determines that a violation of the Water
20 Code has occurred, the commission shall seek the remedies provided
21 by the Water Code.

22 (2) If the department determines that a violation of
23 the Agriculture Code has occurred regarding the use, manufacture,
24 storage, or disposal of pesticides, the department shall seek the
25 remedies provided by this code.

26 (3) The foregoing remedies shall not be mutually
27 exclusive.

1 (e) The commission [~~Texas Natural Resource Conservation~~
2 ~~Commission~~] shall give written notice to the department whenever it
3 has probable cause to believe that serious contamination of water
4 has occurred as a result of the use, misuse, storage, disposal, or
5 manufacture of pesticides so that the department may proceed with
6 an investigation to determine if a violation of the Agriculture
7 Code has occurred.

8 (1) If the department determines that a violation of
9 the Agriculture Code has occurred, the department shall seek the
10 remedies provided by this code.

11 (2) If the commission [~~Texas Natural Resource~~
12 ~~Conservation Commission~~] determines that a violation of the Water
13 Code has occurred, the commission [~~Texas Natural Resource~~
14 ~~Conservation Commission~~] shall seek the remedies provided by the
15 Water Code.

16 (3) The foregoing remedies shall not be mutually
17 exclusive.

18 SECTION 5. Section 76.131(a), Agriculture Code, is amended
19 to read as follows:

20 (a) The department may adopt rules governing the storage and
21 disposal of pesticides and pesticide containers for the purpose of:

22 (1) preventing injury from storage or disposal to man,
23 vegetation, crops, or animals; and

24 (2) preventing any water pollution that is harmful to
25 man or wildlife provided, however, that such rules be consistent
26 with and not less stringent than commission [~~Texas Natural Resource~~
27 ~~Conservation Commission~~] rules adopted under Chapter 26, [~~of the~~]

1 Water Code.

2 SECTION 6. Section 76.132, Agriculture Code, is amended to
3 read as follows:

4 Sec. 76.132. DISPOSAL OF PESTICIDE. The department, in
5 coordination with the commission [~~Texas Commission on~~
6 ~~Environmental Quality~~] and the Texas A&M AgriLife Extension
7 Service, shall organize pesticide waste and pesticide container
8 collection activities statewide. The department, the commission
9 [~~Texas Commission on Environmental Quality~~], and the Texas A&M
10 AgriLife Extension Service may contract for the services of
11 contractors that are licensed in the disposal of hazardous waste
12 under Section 401.202, Health and Safety Code, or other contractors
13 to implement the pesticide waste and pesticide container collection
14 activities and facilitate the collection of canceled,
15 unregistered, or otherwise unwanted pesticide products and
16 pesticide containers.

17 SECTION 7. Section 134.001(8), Agriculture Code, is amended
18 to read as follows:

19 (8) "New aquaculture facility" means a commercial
20 aquaculture facility whose owner or operator initially sought waste
21 discharge authorization from the Texas Natural Resource
22 Conservation Commission after January 19, 1999, or the Texas
23 Commission on Environmental Quality after December 31, 2003.

24 SECTION 8. Section 201.006(f), Agriculture Code, is amended
25 to read as follows:

26 (f) The state board or a conservation district may disclose
27 information relating to water quality complaints or compliance

failures to the Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality under Section 201.026.

SECTION 9. Section 201.027, Agriculture Code, is amended to read as follows:

Sec. 201.027. ENFORCEMENT REFERRAL RECORDS. (a) The state board shall maintain detailed records about each state board referral of an agricultural or silvicultural operation to the Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality for enforcement.

(b) Records maintained under Subsection (a) must include information regarding the final disposition of the referral by the Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality, including any enforcement action taken against the agricultural or silvicultural operation.

SECTION 10. Section 418.122(a), Government Code, is amended to read as follows:

(a) The Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality and other state agencies, in conjunction with the division, shall keep land uses and construction of structures and other facilities under continuing study and shall identify areas that are particularly susceptible to severe land shifting, subsidence, flooding, or other catastrophes.

SECTION 11. Section 660.203(a), Government Code, is amended to read as follows:

(a) An individual is entitled to reimbursement for the actual expense of meals and lodging incurred while performing the duties of the individual's office or employment if the individual

1 is:

2 (1) a judicial officer;

3 (2) a chief administrative officer of a state agency,
4 subject to Subsection (c);

5 (3) the executive director of the Texas Legislative
6 Council;

7 (4) the secretary of the senate;

8 (5) a member of the Texas ~~[Natural Resource~~
9 ~~Conservation]~~ Commission on Environmental Quality, the Texas
10 Workforce Commission, the Public Utility Commission of Texas, the
11 Board of Pardons and Paroles, or the Sabine River Compact
12 Administration; or

13 (6) a full-time member of a board and receives a salary
14 from the state for service on that board.

15 SECTION 12. Section 1501.251, Government Code, is amended
16 to read as follows:

17 Sec. 1501.251. APPLICABILITY OF SUBCHAPTER. This
18 subchapter applies only to a municipality:

19 (1) that has a population of more than 275,000;

20 (2) in which a majority of the qualified voters voting
21 in an election have voted to authorize the municipality to contract
22 with a river authority created under Section 59, Article XVI, Texas
23 Constitution, to acquire a water supply project from that
24 authority; and

25 (3) that holds a permit issued by the Texas ~~[Natural~~
26 ~~Resource Conservation]~~ Commission on Environmental Quality for the
27 municipality to use the water supply.

SECTION 13. Section 2166.404(a), Government Code, is amended to read as follows:

(a) The commission, in consultation with the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality, the Texas Department of Transportation, and the Industry Advisory Committee, by rule shall adopt guidelines for the required use of xeriscape on state property associated with the construction of a new state building, structure, or facility that begins on or after January 1, 1994, including a project otherwise exempt from this chapter under Section 2166.003.

SECTION 14. Section 362.004(a), Health and Safety Code, is amended to read as follows:

(a) This chapter does not limit the authority of the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality or a local government to:

- (1) perform a power or duty provided by other law; or
- (2) adopt and enforce rules to carry out duties under Chapter 361 (Solid Waste Disposal Act).

SECTION 15. Sections 363.004(2) and (3), Health and Safety Code, are amended to read as follows:

(2) "Commission" means the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

(3) "Executive director" means the executive director of the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

SECTION 16. Section 364.011(c), Health and Safety Code, is amended to read as follows:

(c) A rule adopted under this section may not authorize an activity, method of operation, or procedure that is prohibited by Chapter 361 (Solid Waste Disposal Act) or by rules of the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

SECTION 17. Section 365.011(1), Health and Safety Code, is amended to read as follows:

(1) "Approved solid waste site" means:

(A) a solid waste site permitted or registered by the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality;

(B) a solid waste site licensed by a county under Chapter 361; or

(C) a designated collection area for ultimate disposal at a permitted or licensed municipal solid waste site.

SECTION 18. Section 365.013(a), Health and Safety Code, is amended to read as follows:

(a) The Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality shall adopt rules and standards regarding processing and treating litter disposed in violation of this subchapter.

SECTION 19. Section 366.002(2), Health and Safety Code, is amended to read as follows:

(2) "Commission" means the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

SECTION 20. Section 369.001(1), Health and Safety Code, is amended to read as follows:

1 (1) "Commission" means the Texas [~~Natural Resource~~
2 ~~Conservation~~] Commission on Environmental Quality.

3 SECTION 21. Sections 370.002(2) and (4), Health and Safety
4 Code, are amended to read as follows:

5 (2) "Commission" means the Texas [~~Natural Resource~~
6 ~~Conservation~~] Commission on Environmental Quality.

7 (4) "Executive director" means the executive director
8 of the Texas [~~Natural Resource Conservation~~] Commission on
9 Environmental Quality.

10 SECTION 22. Section 371.003(3), Health and Safety Code, is
11 amended to read as follows:

12 (3) "Commission" means the Texas [~~Natural Resource~~
13 ~~Conservation~~] Commission on Environmental Quality.

14 SECTION 23. Section 383.003(5), Health and Safety Code, is
15 amended to read as follows:

16 (5) "Commission" means the Texas [~~Natural Resource~~
17 ~~Conservation~~] Commission on Environmental Quality.

18 SECTION 24. Section 384.001(1), Health and Safety Code, is
19 amended to read as follows:

20 (1) "Commission" means the Texas [~~Natural Resource~~
21 ~~Conservation~~] Commission on Environmental Quality.

22 SECTION 25. Section 384.012, Health and Safety Code, is
23 amended to read as follows:

24 Sec. 384.012. POWERS AND DUTIES. An organization shall
25 have the authority to:

26 (1) receive and use funds;

27 (2) have an account at the Texas [~~Natural Resource~~

1 ~~Conservation~~] Commission on Environmental Quality Air Emission
2 Reduction Credit Bank;

3 (3) acquire emission reduction credits through
4 purchase, donation, or other means;

5 (4) transfer emission reduction credits by sale or
6 other means;

7 (5) identify, evaluate, promote, initiate, and
8 facilitate potential projects and strategies to generate emission
9 reduction credits;

10 (6) provide financial assistance for projects to
11 generate emission reduction credits;

12 (7) employ staff;

13 (8) enter into contracts; and

14 (9) consider sustainability of projects.

15 SECTION 26. Section 388.002(5), Health and Safety Code, is
16 amended to read as follows:

17 (5) "Commission" means the Texas ~~[Natural Resource~~
18 ~~Conservation]~~ Commission on Environmental Quality.

19 SECTION 27. Section 389.001, Health and Safety Code, is
20 amended to read as follows:

21 Sec. 389.001. DEFINITION. In this chapter, "commission"
22 means the Texas ~~[Natural Resource Conservation]~~ Commission on
23 Environmental Quality.

24 SECTION 28. Section 401.415(d), Health and Safety Code, is
25 amended to read as follows:

26 (d) The Railroad Commission of Texas shall consult with the
27 department and the Texas ~~[Natural Resource Conservation]~~

Commission on Environmental Quality as appropriate regarding administration of this section.

SECTION 29. Section 753.008(a), Health and Safety Code, is amended to read as follows:

(a) The Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality:

(1) has concurrent jurisdiction with the board regarding the inspection of initial installation and other administrative supervision of aboveground tanks authorized and regulated by this chapter;

(2) ~~[. The Texas Natural Resource Conservation Commission]~~ has the primary authority for inspection of initial installation of the tanks; and

(3) ~~[. The Texas Natural Resource Conservation Commission]~~ shall report all violations of this chapter in regard to aboveground storage tanks to the state fire marshal for enforcement proceedings.

SECTION 30. Section 42.024(b), Local Government Code, is amended to read as follows:

(b) The governing body of an adopting municipality may by resolution include in its extraterritorial jurisdiction an area that is in the extraterritorial jurisdiction of a releasing municipality if:

(1) the releasing municipality does not provide water, sewer services, and electricity to the released area;

(2) the owners of a majority of the land within the released area request that the adopting municipality include in its

extraterritorial jurisdiction the released area;

(3) the released area is:

(A) adjacent to the territory of the adopting municipality;

(B) wholly within a county in which both municipalities have territory; and

(C) located in one or more school districts, each of which has the majority of its territory outside the territory of the releasing municipality;

(4) the adopting municipality adopts ordinances or regulations within the released area for water quality standards relating to the control or abatement of water pollution that are in conformity with those of the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality applicable to the released area on January 1, 1995;

(5) the adopting municipality has adopted a service plan to provide water and sewer service to the area acceptable to the owners of a majority of the land within the released area; and

(6) the size of the released area does not exceed the difference between the total area within the extraterritorial jurisdiction of the adopting municipality, exclusive of the extraterritorial jurisdiction of the releasing municipality, on the date the resolution was adopted under this subsection, as determined by Section 42.021, and the total area within the adopting municipality's extraterritorial jurisdiction on the date of the resolution.

SECTION 31. Sections 42.024(c)(1), (3), and (4), Local

1 Government Code, are amended to read as follows:

2 (1) The service plan under Subsection (b)(5) shall
3 include an assessment of the availability and feasibility of
4 participation in any regional facility permitted by the Texas
5 ~~[Natural Resource Conservation]~~ Commission on Environmental
6 Quality in which the releasing municipality is a participant and
7 had plans to provide service to the released area. The plan for
8 regional service shall include:

9 (A) proposed dates for providing sewer service
10 through the regional facility;

11 (B) terms of financial participation to provide
12 sewer service to the released area, including rates proposed for
13 service sufficient to reimburse the regional participants over a
14 reasonable time for any expenditures associated with that portion
15 of the regional facility designed or constructed to serve the
16 released area as of January 1, 1993; and

17 (C) participation by the adopting municipality
18 in governance of the regional facility based on the percentage of
19 land to be served by the regional facility in the released area
20 compared to the total land area to be served by the regional
21 facility.

22 (3) If the adopting municipality, the releasing
23 municipality, and any other participant in any regional facility
24 described in this subsection fail to reach agreement on the service
25 plan within 60 days after the service plan is delivered, any
26 municipality that is a participant in the regional facility or any
27 owner of land within the area to be released may appeal the matter

1 to the Texas [~~Natural Resource Conservation~~] Commission on
 2 Environmental Quality. The Texas [~~Natural Resource Conservation~~]
 3 Commission on Environmental Quality shall, in its resolution of any
 4 differences between proposals submitted for review in this
 5 subsection, use a cost-of-service allocation methodology which
 6 treats each service unit in the regional facility equally, with any
 7 variance in rates to be based only on differences in costs based on
 8 the time service is provided to an area served by the regional
 9 facility. The Texas [~~Natural Resource Conservation~~] Commission on
 10 Environmental Quality may allow the adopting municipality, the
 11 releasing municipality, or any other participant in any regional
 12 facility described in this subsection to withdraw from
 13 participation in the regional facility on a showing of undue
 14 financial hardship.

15 (4) A decision by the Texas [~~Natural Resource~~
 16 ~~Conservation~~] Commission on Environmental Quality under this
 17 subsection is not subject to judicial review, and any costs
 18 associated with the commission's review shall be assessed to the
 19 parties to the decision in proportion to the percentage of land
 20 served by the regional facility subject to review in the
 21 jurisdiction of each party.

22 SECTION 32. Section 43.0712(b), Local Government Code, is
 23 amended to read as follows:

24 (b) Upon resumption of the functions of the special
 25 district:

26 (1) the municipality shall succeed to the contractual
 27 rights of the developer to be reimbursed by the special district for

the utilities the municipality acquires from the developer; and

(2) the special district shall resume the use of the utilities acquired and paid for by the municipality and shall thereafter acquire the utilities from the municipality and reimburse the municipality for amounts the municipality paid the developer. The payment to the municipality shall be governed by the requirements of the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

SECTION 33. Section 304.001(f), Local Government Code, is amended to read as follows:

(f) A political subdivision corporation may appear on behalf of its incorporating political subdivisions before the Public Utility Commission of Texas, the Railroad Commission of Texas, the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality, any other governmental agency or regulatory authority, the Texas Legislature, and the courts.

SECTION 34. Section 395.080, Local Government Code, is amended to read as follows:

Sec. 395.080. CHAPTER NOT APPLICABLE TO CERTAIN WATER-RELATED SPECIAL DISTRICTS. (a) This chapter does not apply to impact fees, charges, fees, assessments, or contributions:

(1) paid by or charged to a district created under Article XVI, Section 59, of the Texas Constitution to another district created under that constitutional provision if both districts are required by law to obtain approval of their bonds by the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality; or

(2) charged by an entity if the impact fees, charges, fees, assessments, or contributions are approved by the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

(b) Any district created under Article XVI, Section 59, or Article III, Section 52, of the Texas Constitution may petition the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality for approval of any proposed impact fees, charges, fees, assessments, or contributions. The commission shall adopt rules for reviewing the petition and may charge the petitioner fees adequate to cover the cost of processing and considering the petition. The rules shall require notice substantially the same as that required by this chapter for the adoption of impact fees and shall afford opportunity for all affected parties to participate.

SECTION 35. Section 552.044(8), Local Government Code, is amended to read as follows:

(8) "Service area" means the municipal boundaries and any other land areas outside the municipal boundaries which, as a result of topography or hydraulics, contribute overland flow into the watersheds served by the drainage system of a municipality; provided, however, that in no event may a service area extend farther than the boundaries of a municipality's current extraterritorial jurisdiction, nor, except as provided by Section 552.0451, may a service area of one municipality extend into the boundaries of another municipality. The service area is to be established in the ordinance establishing the drainage utility. Provided, that no municipality shall extend a service area outside

1 of its municipal boundaries except:

2 (A) a municipality of more than 500,000
3 population located within 50 miles of an international border;

4 (B) a municipality all or part of which is
5 located over or within the Edwards Aquifer recharge zone or the
6 Edwards Aquifer transition zone, as designated by the Texas
7 ~~[Natural Resource Conservation]~~ Commission on Environmental
8 Quality; or

9 (C) as provided by Section 552.0451.

10 SECTION 36. Section 562.012(f), Local Government Code, is
11 amended to read as follows:

12 (f) A county and a district that contract under this section
13 must submit the contract to the Texas ~~[Natural Resource~~
14 ~~Conservation]~~ Commission on Environmental Quality for approval.
15 The commission shall examine the contract to assure that the
16 interests of the residents of the district are served and
17 protected. A county may not enter a contract that the commission
18 determines would jeopardize the quality of service provided by a
19 district to the persons residing in the district. The commission
20 may submit suggested changes to the parties for inclusion in the
21 contract before the commission gives its approval.

22 SECTION 37. Section 580.001, Local Government Code, is
23 amended to read as follows:

24 Sec. 580.001. WATER CONTRACTS IN BORDER MUNICIPALITIES AND
25 COUNTIES. The governing body of a municipality or county that has a
26 boundary that is contiguous with the border between this state and
27 the Republic of Mexico may contract for the acquisition of water or

1 water rights with a border municipality or state in the Republic of
2 Mexico if the contract is approved and monitored by the Texas
3 ~~[Natural Resource Conservation]~~ Commission on Environmental
4 Quality and the International Boundary and Water Commission, United
5 States and Mexico.

6 SECTION 38. Sections 33.203(7) and (19), Natural Resources
7 Code, are amended to read as follows:

8 (7) "Coastal wetlands" means wetlands, as the term is
9 defined by Section 11.502, Water Code, located:

10 (A) seaward of the coastal facility designation
11 line established by rules adopted under Chapter 40;

12 (B) within rivers and streams, to the extent of
13 tidal influence, as shown on the Texas Commission on Environmental
14 Quality's ~~[Natural Resource Conservation Commission's]~~ stream
15 segment maps, excluding the portion of the Trinity River located in
16 Liberty County;

17 (C) within one mile of the mean high tide of the
18 portion of river and stream described by Paragraph (B), except as
19 provided by Paragraphs (D) and (E);

20 (D) in the case of wetlands bordering the portion
21 of the Trinity River to which Paragraph (B) applies:

22 (i) within the area located between the
23 mean high tide line on the western shoreline of that portion of the
24 river and Farm-to-Market Road 565 and Farm-to-Market Road 1409; or

25 (ii) within the area located between the
26 mean high tide line on the eastern shoreline of that portion of the
27 river and Farm-to-Market Road 563; or

(E) in the case of wetlands bordering the portion of the Neches River described by Paragraph (B):

(i) within one mile from the mean high tide line of the western shoreline of that portion of the river described by Paragraph (B); or

(ii) within the area located between the mean high tide line on the eastern shoreline of that portion of the river and Farm-to-Market Road 105.

(19) "Water under tidal influence" means water in this state, as defined by Section 26.001(5), Water Code, that is subject to tidal influence according to the Texas Commission on Environmental Quality's [~~Natural Resource Conservation Commission's~~] stream segment map. The term includes coastal wetlands.

SECTION 39. Section 33.2051(b), Natural Resources Code, is amended to read as follows:

(b) The Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality shall comply with Sections 33.205(a) and (b) when adopting or amending a rule governing:

- (1) air pollutant emissions;
- (2) on-site sewage disposal systems; or
- (3) underground storage tanks.

SECTION 40. Section 33.2053(f), Natural Resources Code, is amended to read as follows:

(f) The Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality shall comply with Sections 33.205(a) and (b) when issuing or approving:

- 1 (1) a wastewater discharge permit;
- 2 (2) a permit for a new concentrated animal feeding
3 operation located one mile or less from a critical area or coastal
4 waters;
- 5 (3) a permit for solid or hazardous waste treatment,
6 storage, or disposal;
- 7 (4) creation of a special purpose district or approval
8 of bonds for the purpose of construction of infrastructure on
9 coastal barriers;
- 10 (5) levee improvement or flood control projects;
- 11 (6) a certification of a federal permit for the
12 discharge of dredge or fill material;
- 13 (7) a declaration of an emergency and request for an
14 emergency release of water;
- 15 (8) a new permit for an annual appropriation of:
 - 16 (A) 5,000 or more acre-feet of water within the
17 program boundary; or
 - 18 (B) 10,000 or more acre-feet of water outside the
19 program boundary but within 200 stream miles of the coast;
- 20 (9) an amendment to a water permit for an increase in
21 an annual appropriation of:
 - 22 (A) 5,000 or more acre-feet of water within the
23 program boundary; or
 - 24 (B) 10,000 or more acre-feet of water outside the
25 program boundary but within 200 stream miles of the coast; or
- 26 (10) a change in the purpose of use of an annual
27 appropriation of water to a more consumptive use of:

(A) 5,000 or more acre-feet of water within the program boundary; or

(B) 10,000 or more acre-feet of water outside the program boundary but within 200 stream miles of the coast.

SECTION 41. Section 111.0192(a), Natural Resources Code, is amended to read as follows:

(a) The right of eminent domain granted under this chapter to any pipelines transporting coal in whatever form shall not include and cannot be used to condemn water or water rights for use in the transportation of coal by pipeline, and no Texas water from any source shall be used in connection with the transportation, maintenance, or operation of a coal slurry pipeline (except water used for drinking, toilet, bath, or other personal uses at pumping stations or offices) within the State of Texas unless the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality shall determine, after public hearing, that the use will not be detrimental to the water supply of the area from which the water is sought to be extracted.

SECTION 42. Section 111.305, Natural Resources Code, is amended to read as follows:

Sec. 111.305. OTHER AGENCIES. (a) The commission shall seek and act on the recommendations of the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality, the Governor's Energy Advisory Council, or their successors responsible for environmental determinations and shall specify the proper use and disposal of nondischargeable water.

(b) Neither the authority conveyed to the commission by this

1 subchapter to issue certificates and to promulgate rules governing
2 pipelines transporting coal in whatever form nor the powers and
3 duties conveyed on those pipelines by this chapter shall affect,
4 diminish, or otherwise limit the jurisdiction and authority of the
5 Texas [~~Natural Resource Conservation~~] Commission on Environmental
6 Quality to regulate by applicable rules the acquisition, use,
7 control, disposition, and discharge of water or water rights in
8 Texas.

9 SECTION 43. Section 131.139(a), Natural Resources Code, is
10 amended to read as follows:

11 (a) The commission immediately shall submit copies of the
12 permit application to the Parks and Wildlife Department, Texas
13 [~~Natural Resource Conservation~~] Commission on Environmental
14 Quality, General Land Office, Texas Historical Commission, State
15 Soil and Water Conservation Board, Bureau of Economic Geology,
16 Texas Department of Health, and other state agencies whose
17 jurisdiction the commission feels the particular mining operation
18 may affect.

19 SECTION 44. Section 131.141, Natural Resources Code, is
20 amended to read as follows:

21 Sec. 131.141. DENIAL OF A PERMIT. The commission shall deny
22 a permit if:

23 (1) it finds that the reclamation as required by this
24 chapter cannot be accomplished by means of the proposed reclamation
25 plan;

26 (2) part of the proposed operation lies within an area
27 designated as unsuitable for surface mining in Sections 131.035

1 through 131.041 of this code;

2 (3) it is advised by the Texas [~~Natural Resource~~
3 ~~Conservation~~] Commission on Environmental Quality that the
4 proposed mining operation will cause pollution of water of the
5 state, or that the proposed mining operation will cause pollution
6 of the ambient air of the state, in violation of the laws of this
7 state;

8 (4) the applicant has had another permit issued under
9 this chapter revoked or any bond posted to comply with this chapter
10 forfeited and the conditions causing the permit to be revoked or the
11 bond to be forfeited have not been corrected to the satisfaction of
12 the commission;

13 (5) it determines that the proposed operation will
14 endanger the health and safety of the public;

15 (6) the surface mining operation will adversely affect
16 a public highway or road; or

17 (7) the operator is unable to produce the bonds or
18 otherwise meet the requirements of Sections 131.201 through 131.206
19 of this code.

20 SECTION 45. Section 141.012(a), Natural Resources Code, is
21 amended to read as follows:

22 (a) The commission, in consultation with the commissioner
23 and the executive director of the Texas [~~Natural Resource~~
24 ~~Conservation~~] Commission on Environmental Quality, shall make,
25 publish, and enforce rules providing for the rapid and orderly
26 exploration, development, and production of geothermal energy and
27 associated resources and to accomplish the purposes of this

1 chapter.

2 SECTION 46. Section 141.074, Natural Resources Code, is
3 amended to read as follows:

4 Sec. 141.074. FURNISHING LISTS OF LAND TO OTHER AGENCIES.
5 Before advertising land for lease, the commissioner shall furnish a
6 list of the tracts considered by the board for lease to the Texas
7 [~~Natural Resource Conservation~~] Commission on Environmental
8 Quality, the commission, and any other state or federal agency that
9 might have information that would be beneficial to the board in its
10 determination of terms and conditions of the proposed lease.

11 SECTION 47. Section 1301.057(a), Occupations Code, is
12 amended to read as follows:

13 (a) A person is not required to be licensed under this
14 chapter to perform plumbing, limited to the provision of a
15 residential potable water supply or residential sanitary sewer
16 connection, for a project that:

17 (1) is in a county a part of which is within 50 miles of
18 an international border; and

19 (2) is performed by an organization that:

20 (A) is certified by the Texas [~~Natural Resource~~
21 ~~Conservation~~] Commission on Environmental Quality to provide
22 self-help project assistance; and

23 (B) provides the board with the following
24 information before the 30th day before the date the project begins:

25 (i) the exact location of the project;

26 (ii) the intended duration of the project;

27 and

(iii) other information the board requires.

SECTION 48. Section 1904.001(1), Occupations Code, is amended to read as follows:

(1) "Commission" means the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

SECTION 49. Sections 2304.001(1) and (2), Occupations Code, are amended to read as follows:

(1) "Commission" means the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

(2) "Executive director" means the executive director of the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

SECTION 50. Section 28.03(d), Penal Code, is amended to read as follows:

(d) The terms "public communication, public transportation, public gas or power supply, or other public service" and "public water supply" shall mean, refer to, and include any such services subject to regulation by the Public Utility Commission of Texas, the Railroad Commission of Texas, or the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality or any such services enfranchised by the State of Texas or any political subdivision thereof.

SECTION 51. Sections 11.082(b) and (c), Parks and Wildlife Code, are amended to read as follows:

(b) The department shall develop the state plan in coordination with the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality, the Department of

Agriculture, water districts and other political subdivisions of the state with jurisdiction over public bodies of surface water, and public drinking water providers.

(c) The state plan must:

(1) establish minimum standards for a governing entity that regulates a public body of surface water;

(2) require that any application of aquatic herbicide complies with label rates approved by the United States Environmental Protection Agency;

(3) ensure that any public drinking water provider that has an intake within two river miles of a site at which an application of aquatic herbicide is proposed to occur receives notice of the proposed application not later than the 14th day before the date the application is to occur;

(4) provide for the coordination, oversight, public notification, and enforcement of all aquatic herbicide use to protect state fish and wildlife resources and habitat and to prevent unreasonable risk from the use of any aquatic herbicide; and

(5) require that the written notice of a proposed application of herbicide include information demonstrating that the proposed application of herbicide under a plan will not result in exceeding:

(A) the maximum contaminant level of the herbicide in finished drinking water as set by the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality and the United States Environmental Protection Agency; or

1 (B) the maximum label rate, if the aquatic
2 herbicide does not have a maximum contaminant level established by
3 the Texas [~~Natural Resource Conservation~~] Commission on
4 Environmental Quality and the United States Environmental
5 Protection Agency.

6 SECTION 52. Section 11.083(a), Parks and Wildlife Code, is
7 amended to read as follows:

8 (a) A governing entity may develop and adopt a local aquatic
9 vegetation management plan. A local plan must be approved by the
10 department, the Texas [~~Natural Resource Conservation~~] Commission
11 on Environmental Quality, and the Department of Agriculture.

12 SECTION 53. Sections 14.002(a) and (b), Parks and Wildlife
13 Code, are amended to read as follows:

14 (a) The department and the land office, in conjunction,
15 shall develop and adopt a State Wetlands Conservation Plan for
16 state-owned coastal wetlands. The Texas [~~Natural Resource~~
17 ~~Conservation~~] Commission on Environmental Quality and other state
18 agencies and local governments shall assist in developing and
19 implementing the plan. The department and the land office shall
20 consult with federal agencies in developing and adopting the plan.

21 (b) The plan shall include:

22 (1) a definition of the term "wetlands" consistent to
23 the greatest extent practicable with the definition under
24 Subchapter J, Chapter 11, Water Code, and federal law;

25 (2) a policy framework for achieving a goal of no
26 overall net loss of state-owned coastal wetlands, which framework
27 shall include monitoring and enforcement of the no overall net loss

1 policy;

2 (3) provisions for an inventory of state-owned coastal
3 wetlands to determine gains and losses in areal extent, wetland
4 types, wetland function, and the causes of wetlands alterations;

5 (4) provisions for an inventory of sites for
6 compensatory mitigation, enhancement, restoration, and acquisition
7 priorities;

8 (5) clarification and unification of wetland
9 mitigation policies within the department, the land office, and the
10 Texas [~~Natural Resource Conservation~~] Commission on Environmental
11 Quality, and other state agencies and subdivisions;

12 (6) development of guidelines and regulations for
13 mitigation done in advance for losses due to possible future
14 development and for which credit may be received when such future
15 development occurs;

16 (7) evaluation of requirements of freshwater inflow to
17 estuaries that affect state-owned coastal wetlands;

18 (8) preparations for a long-range navigational
19 dredging and disposal plan, in consultation with the Texas
20 Department of Transportation, port authorities, and navigation
21 districts, including the recommendations set out in the
22 department's Texas Outdoor Recreation Plan;

23 (9) provisions for scientific studies examining the
24 effects of boat traffic in sensitive coastal wetland areas and for
25 education of the public with regard to the effects of boating in
26 wetlands and proper nondamaging boating techniques;

27 (10) provisions to encourage the reduction of nonpoint

1 source pollution of coastal wetlands, bays, and estuaries, in
2 consultation with the Texas [~~Natural Resource Conservation~~
3 Commission on Environmental Quality], including the monitoring and
4 adoption of nonpoint source pollution standards as they are
5 developed by authorized state and federal agencies;

6 (11) development of a networking strategy to improve
7 coordination among existing federal and state agencies with respect
8 to coastal wetland permitting, review, and protection
9 responsibilities, including the assessment of current state agency
10 permitting and other processes concerning coastal wetlands;

11 (12) a public education program on wetlands with the
12 responsibility for the production of such material to be jointly
13 that of the land office and the department;

14 (13) participation in the establishment of a National
15 Wetlands Information Center by the federal government;

16 (14) evaluation of the feasibility and effect of
17 sediment bypassing from reservoirs to bays and estuaries;

18 (15) consideration of sea level rise as it relates to
19 coastal wetlands;

20 (16) provisions consistent with the department's Texas
21 Wetlands Plan;

22 (17) a plan to acquire coastal wetlands, following the
23 guidelines provided for in Subchapter G, Chapter 33, Natural
24 Resources Code; and

25 (18) any other matter affecting state-owned coastal
26 wetlands.

27 SECTION 54. Section 3875.002(2), Special District Local

1 Laws Code, is amended to read as follows:

2 (2) "Commission" means the Texas [~~Natural Resource~~
3 ~~Conservation~~] Commission on Environmental Quality.

4 SECTION 55. Section 34.06(f), Tax Code, is amended to read
5 as follows:

6 (f) The purchasing taxing unit is entitled to recover from
7 the proceeds of a resale of the property any cost incurred by the
8 taxing unit in inspecting the property to determine whether there
9 is a release or threatened release of solid waste from the property
10 in violation of Chapter 361, Health and Safety Code, or a rule
11 adopted or permit or order issued by the Texas [~~Natural Resource~~
12 ~~Conservation~~] Commission on Environmental Quality under that
13 chapter, or a discharge or threatened discharge of waste or a
14 pollutant into or adjacent to water in this state from a point of
15 discharge on the property in violation of Chapter 26, Water Code, or
16 a rule adopted or permit or order issued by the commission under
17 that chapter, and in taking action to remove or remediate the
18 release or threatened release or discharge or threatened discharge
19 regardless of whether the taxing unit:

20 (1) was required by law to incur the cost; or

21 (2) obtained the consent of each taxing unit entitled
22 to receive proceeds of the sale under the judgment of foreclosure to
23 incur the cost.

24 SECTION 56. Section 201.604(d), Transportation Code, is
25 amended to read as follows:

26 (d) The department shall coordinate with the Texas [~~Natural~~
27 ~~Resource Conservation~~] Commission on Environmental Quality and the

1 Parks and Wildlife Department in preparing an environmental review.
2 To give those agencies time to respond, the department shall submit
3 the review of a project and the department's mitigation proposals
4 on the project to them for comment before the 30th day preceding the
5 date on which the department issues the written report explaining
6 its decision on that project.

7 SECTION 57. Section 201.612(d), Transportation Code, is
8 amended to read as follows:

9 (d) In determining whether to approve the construction of
10 the bridge, the commission shall solicit the advice of:

- 11 (1) the Department of Public Safety;
- 12 (2) the Texas ~~[Natural Resource Conservation]~~
13 Commission on Environmental Quality;
- 14 (3) the Texas Historical Commission;
- 15 (4) the Department of Agriculture;
- 16 (5) the Texas Alcoholic Beverage Commission;
- 17 (6) the Texas Department of Commerce; and
- 18 (7) any other state agency the commission determines
19 is appropriate.

20 SECTION 58. Sections 548.001(3) and (4), Transportation
21 Code, are amended to read as follows:

22 (3) "Department" means the Department of Public Safety
23 ~~["Conservation commission" means the Texas Commission on~~
24 ~~Environmental Quality]~~.

25 (4) "Environmental commission" means the Texas
26 Commission on Environmental Quality ~~["Department" means the~~
27 ~~Department of Public Safety]~~.

SECTION 59. Sections 548.006(a), (c), and (h),
Transportation Code, are amended to read as follows:

(a) An advisory committee consisting of nine members shall:

(1) advise the environmental ~~[conservation]~~
commission and the department on the environmental ~~[conservation]~~
commission's and department's rules relating to the operation of
the vehicle inspection program under this chapter;

(2) make recommendations to the environmental
~~[conservation]~~ commission and the department relating to the
content of rules involving the operation of the vehicle inspection
program; and

(3) perform any other advisory function requested by
the environmental ~~[conservation]~~ commission or the department in
administering this chapter and Chapter 382, Health and Safety Code.

(c) The presiding officer of the environmental
~~[conservation]~~ commission and the presiding officer of the
commission shall each appoint one member of the committee who will
alternate serving as the presiding officer of the committee.

(h) The committee is entitled to review and comment on rules
to be considered for adoption by the environmental ~~[conservation]~~
commission, the commission, or the department under this chapter or
Chapter 382, Health and Safety Code, before the rules are adopted.

SECTION 60. Section 548.301(b), Transportation Code, is
amended to read as follows:

(b) The commission by rule may establish a motor vehicle
emissions inspection and maintenance program for vehicles
specified by the environmental ~~[conservation]~~ commission in a

1 county for which the environmental [~~conservation~~] commission has
2 adopted a resolution requesting the commission to establish such a
3 program and for which the county and the municipality with the
4 largest population in the county by resolution have formally
5 requested a proactive air quality plan consisting of such a
6 program.

7 SECTION 61. Section 548.302, Transportation Code, is
8 amended to read as follows:

9 Sec. 548.302. COMMISSION TO ADOPT STANDARDS AND
10 REQUIREMENTS. The commission shall:

11 (1) adopt standards for emissions-related inspection
12 criteria consistent with requirements of the United States and the
13 environmental [~~conservation~~] commission applicable to a county in
14 which a program is established under this subchapter; and

15 (2) develop and impose requirements necessary to
16 ensure that a passing vehicle inspection report is not issued to a
17 vehicle subject to a program established under this subchapter and
18 that information stating that a vehicle has passed an inspection is
19 not submitted to the department's database unless the vehicle has
20 passed a motor vehicle emissions inspection at a facility
21 authorized and certified by the department.

22 SECTION 62. Section 548.3065(c-1), Transportation Code, is
23 amended to read as follows:

24 (c-1) The environmental [~~conservation~~] commission may
25 impose an administrative penalty on a person in the amount of not
26 more than \$500 for each violation of this subchapter or a rule
27 adopted by the environmental [~~conservation~~] commission under this

1 subchapter.

2 SECTION 63. Sections 548.4045(a) and (b), Transportation
3 Code, are amended to read as follows:

4 (a) This section applies only to an inspection station that:

5 (1) is located in a county in which the environmental
6 ~~[conservation]~~ commission has established a motor vehicle
7 emissions inspection and maintenance program under Subchapter F;
8 and

9 (2) has been convicted of a violation of this chapter
10 relating to an emissions inspection.

11 (b) An application for certification as an inspection
12 station must be accompanied by a surety bond in the amount of
13 \$5,000, payable to this state and conditioned on the future
14 compliance with this chapter and rules adopted by the department or
15 the environmental ~~[conservation]~~ commission under this chapter.

16 SECTION 64. Section 548.5055(c), Transportation Code, is
17 amended to read as follows:

18 (c) This section expires on the last day of the state fiscal
19 biennium during which the environmental ~~[conservation]~~ commission
20 publishes in the Texas Register the notice required by Section
21 382.037, Health and Safety Code.

22 SECTION 65. The heading to Subchapter B, Chapter 5, Water
23 Code, is amended to read as follows:

24 SUBCHAPTER B. ~~[ORGANIZATION OF THE]~~ TEXAS ~~[NATURAL RESOURCE~~
25 ~~CONSERVATION]~~ COMMISSION ON ENVIRONMENTAL QUALITY

26 SECTION 66. The heading to Subchapter C, Chapter 5, Water
27 Code, is amended to read as follows:

SUBCHAPTER C. ORGANIZATION OF [~~TEXAS NATURAL RESOURCE~~
~~CONSERVATION~~] COMMISSION

SECTION 67. Section 5.051, Water Code, is amended to read as follows:

Sec. 5.051. COMMISSION. (a) The Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality is created as an agency of the state.

(b) Effective January 1, 2004, a reference in law to the Texas Natural Resource Conservation Commission is a reference to the Texas Commission on Environmental Quality.

SECTION 68. The heading to Subchapter D, Chapter 5, Water Code, is amended to read as follows:

SUBCHAPTER D. GENERAL POWERS AND DUTIES OF [~~THE~~] COMMISSION

SECTION 69. Section 5.179, Water Code, is amended to read as follows:

Sec. 5.179. SEAL. The commission shall have a seal bearing the words Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality encircling the oak and olive branches common to other official seals.

SECTION 70. Section 6.001(3), Water Code, is amended to read as follows:

(3) "Commission" means the Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality.

SECTION 71. Section 7.001(1), Water Code, is amended to read as follows:

(1) "Commission" means the Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality.

SECTION 72. Sections 11.039(a) and (b), Water Code, are amended to read as follows:

(a) If a shortage of water in a water supply not covered by a water conservation plan prepared in compliance with Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality or Texas Water Development Board rules results from drought, accident, or other cause, the water to be distributed shall be divided among all customers pro rata, according to the amount each may be entitled to, so that preference is given to no one and everyone suffers alike.

(b) If a shortage of water in a water supply covered by a water conservation plan prepared in compliance with Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality or Texas Water Development Board rules results from drought, accident, or other cause, the person, association of persons, or corporation owning or controlling the water shall divide the water to be distributed among all customers pro rata, according to:

(1) the amount of water to which each customer may be entitled; or

(2) the amount of water to which each customer may be entitled, less the amount of water the customer would have saved if the customer had operated its water system in compliance with the water conservation plan.

SECTION 73. Sections 15.001(2) and (4), Water Code, are amended to read as follows:

(2) "Commission" means the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

(4) "Executive director" means the executive director of the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

SECTION 74. Section 15.851(1), Water Code, is amended to read as follows:

(1) "Approved local plan" means a local plan authorized by Section 11.083, Parks and Wildlife Code, that has been approved by the Parks and Wildlife Commission, the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality, and the Department of Agriculture as required by Section 11.083, Parks and Wildlife Code.

SECTION 75. Section 15.853(a), Water Code, is amended to read as follows:

(a) Money in the fund may be used only for the following purposes, in the following order of priority:

(1) grants to the Parks and Wildlife Department:

(A) to develop a state aquatic vegetation management plan in coordination with the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality, the Department of Agriculture, water districts and other political subdivisions with jurisdiction over public bodies of surface water, and public drinking water providers, as required by Section 11.082, Parks and Wildlife Code; or

(B) for research, outreach, and educational activities that relate to vegetation control;

(2) grants to political subdivisions to develop local aquatic vegetation management plans that conform to the state

1 aquatic vegetation management plan, as authorized by Section
2 11.083, Parks and Wildlife Code; and

3 (3) grants to political subdivisions to manage aquatic
4 vegetation infestations under the state plan or the approved local
5 plan adopted by the political subdivision.

6 SECTION 76. Sections 16.001(2) and (4), Water Code, are
7 amended to read as follows:

8 (2) "Commission" means the Texas [~~Natural Resource~~
9 ~~Conservation~~] Commission on Environmental Quality.

10 (4) "Executive director" means the executive director
11 of the Texas [~~Natural Resource Conservation~~] Commission on
12 Environmental Quality.

13 SECTION 77. Sections 17.001(2) and (4), Water Code, are
14 amended to read as follows:

15 (2) "Commission" means the Texas [~~Natural Resource~~
16 ~~Conservation~~] Commission on Environmental Quality.

17 (4) "Executive director" means the executive director
18 of the Texas [~~Natural Resource Conservation~~] Commission on
19 Environmental Quality.

20 SECTION 78. Sections 26.001(2) and (4), Water Code, are
21 amended to read as follows:

22 (2) "Commission" means the Texas [~~Natural Resource~~
23 ~~Conservation~~] Commission on Environmental Quality.

24 (4) "Executive director" means the executive director
25 of the Texas [~~Natural Resource Conservation~~] Commission on
26 Environmental Quality.

27 SECTION 79. Section 26.0345(a), Water Code, is amended to

1 read as follows:

2 (a) In addition to wastewater permit conditions established
3 under the authority of Sections 5.102, 5.103, 5.120, and 26.040,
4 the commission [~~Texas Natural Resource Conservation Commission~~],
5 in consultation with the Department of Agriculture and the Parks
6 and Wildlife Department, shall establish permit conditions
7 relating to suspended solids in a discharge permit for an
8 aquaculture facility located within the coastal zone and engaged in
9 shrimp production that are based on levels and measures adequate to
10 prevent:

11 (1) potential significant adverse responses in
12 aquatic organisms, changes in flow patterns of receiving waters, or
13 untimely filling of bays with settled solids; or

14 (2) a potential significant adverse response in
15 aquatic plants from attenuation of light by suspended solids in
16 discharges.

17 SECTION 80. Section 26.179(b), Water Code, is amended to
18 read as follows:

19 (b) For the purpose of Subsection (a)(1), "maintaining
20 background levels of water quality in waterways" means maintaining
21 background levels of water quality in waterways comparable to those
22 levels which existed prior to new development as measured by the
23 following constituents: total suspended solids, total phosphorus,
24 total nitrogen, and chemical and biochemical oxygen demand.
25 Background levels shall be established either from sufficient data
26 collected from water quality monitoring at one or more sites
27 located within the area designated as a water quality protection

1 zone or, if such data are unavailable, from calculations performed
 2 and certified by a registered professional engineer utilizing the
 3 concepts and data from the National Urban Runoff Program (NURP)
 4 Study or other studies approved by the commission [~~Texas Natural~~
 5 ~~Resource Conservation Commission~~ (~~commission~~)] for the
 6 constituents resulting from average annual runoff, until such data
 7 collected at the site are available. Background levels for
 8 undeveloped sites shall be verified based on monitoring results
 9 from other areas of property within the zone prior to its
 10 development. The monitoring shall consist of a minimum of one stage
 11 (flow) composite sample for at least four storm events of one-half
 12 inch or more of rainfall that occur at least one month apart.
 13 Monitoring of the four constituents shall be determined by
 14 monitoring at four or more locations where runoff occurs. A minimum
 15 of four sample events per year for each location for rainfall events
 16 greater than one-half inch shall be taken. Monitoring shall occur
 17 for three consecutive years after each phase of development occurs
 18 within the Water Quality Protection Zone. Each new phase of
 19 development, including associated best management practices, will
 20 require monitoring for a three-year period. The results of the
 21 monitoring and a description of the best management practices being
 22 used throughout the zone shall be summarized in a technical report
 23 and submitted to the commission no later than April 1 of each
 24 calendar year during development of the property, although the
 25 commission may determine that monitoring is no longer required.
 26 The commission shall review the technical report. If the
 27 performance monitoring and best management practices indicate that

background levels were not maintained during the previous year, the owner or developer of land within the water quality protection zone shall:

(1) modify water quality plans developed under this section for future phases of development in the water quality protection zone to the extent reasonably feasible and practical; and

(2) modify operational and maintenance practices in existing phases of the water quality protection zone to the extent reasonably feasible and practical.

Water quality monitoring shall not be required in areas using the methodology described by Subsection (a)(2).

SECTION 81. Sections 28.001(1) and (2), Water Code, are amended to read as follows:

(1) "Commission" means the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

(2) "Executive Director" means the executive director of the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

SECTION 82. Section 30.004(a), Water Code, is amended to read as follows:

(a) This chapter is cumulative of other statutes governing the Texas Water Development Board and the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality relating to:

- (1) the issuance of bonds;
- (2) the collection, transportation, treatment, or disposal of waste; and

(3) the design, construction, acquisition, or approval of facilities for these purposes.

SECTION 83. Section 30.106, Water Code, is amended to read as follows:

Sec. 30.106. SUPERVISION BY TEXAS ~~[NATURAL—RESOURCE CONSERVATION]~~ COMMISSION ON ENVIRONMENTAL QUALITY. The Texas ~~[Natural—Resource—Conservation]~~ Commission on Environmental Quality is authorized to exercise continuing supervision on behalf of the state of comprehensive plans prepared under this chapter.

SECTION 84. Sections 31.001(1) and (2), Water Code, are amended to read as follows:

(1) "Commission" means the Texas ~~[Natural—Resource Conservation]~~ Commission on Environmental Quality.

(2) "Executive director" means the executive director of the Texas ~~[Natural—Resource—Conservation]~~ Commission on Environmental Quality.

SECTION 85. Section 35.002(2), Water Code, is amended to read as follows:

(2) "Commission" means the Texas ~~[Natural—Resource Conservation]~~ Commission on Environmental Quality.

SECTION 86. Section 36.001(2), Water Code, is amended to read as follows:

(2) "Commission" means the Texas ~~[Natural—Resource Conservation]~~ Commission on Environmental Quality.

SECTION 87. Section 37.001(1), Water Code, is amended to read as follows:

(1) "Commission" means the Texas ~~[Natural—Resource~~

1 ~~Conservation~~] Commission on Environmental Quality.

2 SECTION 88. Section 41.0082, Water Code, is amended to read
3 as follows:

4 Sec. 41.0082. COOPERATION OF TEXAS [~~NATURAL—RESOURCE~~
5 ~~CONSERVATION~~] COMMISSION ON ENVIRONMENTAL QUALITY. The Texas
6 [~~Natural—Resource—Conservation~~] Commission on Environmental
7 Quality shall cooperate with the commissioner in the performance of
8 his duties and shall furnish him any available data and information
9 he needs.

10 SECTION 89. Section 42.009, Water Code, is amended to read
11 as follows:

12 Sec. 42.009. COOPERATION OF TEXAS [~~NATURAL—RESOURCE~~
13 ~~CONSERVATION~~] COMMISSION ON ENVIRONMENTAL QUALITY. The Texas
14 [~~Natural—Resource—Conservation~~] Commission on Environmental
15 Quality shall cooperate with the commissioner in the performance of
16 his duties and shall furnish him any available data and information
17 he needs.

18 SECTION 90. Section 43.0052, Water Code, is amended to read
19 as follows:

20 Sec. 43.0052. COOPERATION OF TEXAS [~~NATURAL—RESOURCE~~
21 ~~CONSERVATION~~] COMMISSION ON ENVIRONMENTAL QUALITY. The Texas
22 [~~Natural—Resource—Conservation~~] Commission on Environmental
23 Quality shall cooperate with the commissioner in the performance of
24 his duties and shall furnish him any available data and information
25 he needs.

26 SECTION 91. Section 44.009, Water Code, is amended to read
27 as follows:

1 Sec. 44.009. COOPERATION OF TEXAS [~~NATURAL RESOURCE~~
2 ~~CONSERVATION~~] COMMISSION ON ENVIRONMENTAL QUALITY. The Texas
3 [~~Natural Resource Conservation~~] Commission on Environmental
4 Quality shall cooperate with the members in the performance of
5 their duties and shall furnish them any available data and
6 information they need.

7 SECTION 92. Section 46.008(a), Water Code, is amended to
8 read as follows:

9 (a) The executive director of the Texas [~~Natural Resource~~
10 ~~Conservation~~] Commission on Environmental Quality or a designated
11 representative selected from the staff of the Texas [~~Natural~~
12 ~~Resource Conservation~~] Commission on Environmental Quality shall
13 also serve as a commissioner and represent this state on the
14 commission established by Article IX of the compact.

15 SECTION 93. Section 46.010, Water Code, is amended to read
16 as follows:

17 Sec. 46.010. COOPERATION OF TEXAS [~~NATURAL RESOURCE~~
18 ~~CONSERVATION~~] COMMISSION ON ENVIRONMENTAL QUALITY. The Texas
19 [~~Natural Resource Conservation~~] Commission on Environmental
20 Quality shall cooperate with the commissioners in the performance
21 of their duties and shall furnish them any factual data and
22 information that are available.

23 SECTION 94. Section 49.001(a)(2), Water Code, is amended to
24 read as follows:

25 (2) "Commission" means the Texas [~~Natural Resource~~
26 ~~Conservation~~] Commission on Environmental Quality.

27 SECTION 95. Sections 51.001(5) and (6), Water Code, are

1 amended to read as follows:

2 (5) "Commission" means the Texas [~~Natural Resource~~
3 ~~Conservation~~] Commission on Environmental Quality.

4 (6) "Executive director" means the executive director
5 of the Texas [~~Natural Resource Conservation~~] Commission on
6 Environmental Quality.

7 SECTION 96. Sections 54.001(4) and (5), Water Code, are
8 amended to read as follows:

9 (4) "Commission" means the Texas [~~Natural Resource~~
10 ~~Conservation~~] Commission on Environmental Quality.

11 (5) "Executive director" means the executive director
12 of the Texas [~~Natural Resource Conservation~~] Commission on
13 Environmental Quality.

14 SECTION 97. Sections 55.001(3) and (4), Water Code, are
15 amended to read as follows:

16 (3) "Commission" means the Texas [~~Natural Resource~~
17 ~~Conservation~~] Commission on Environmental Quality.

18 (4) "Executive director" means the executive director
19 of the Texas [~~Natural Resource Conservation~~] Commission on
20 Environmental Quality.

21 SECTION 98. Section 56.022(b), Water Code, is amended to
22 read as follows:

23 (b) The engineer shall obtain information regarding land
24 and outlets inside the proposed district from the Texas [~~Natural~~
25 ~~Resource Conservation~~] Commission on Environmental Quality and
26 from other sources, and he shall cooperate with the commission
27 [~~Texas Natural Resource Conservation Commission~~] in the discharge

1 of its duties.

2 SECTION 99. Section 56.242(c), Water Code, is amended to
3 read as follows:

4 (c) The board may issue negotiable notes payable from the
5 maintenance tax authorized by Subsection (a) to meet the financial
6 obligations of the district, as described by Subsection (a). The
7 notes shall be payable over a period not to exceed five years from
8 the date of issuance. Notes issued under this subsection are not
9 required to be approved by the Texas [~~Natural Resource~~
10 ~~Conservation~~] Commission on Environmental Quality. A district may
11 not have outstanding, at any one time, notes in excess of \$3 million
12 under this subsection.

13 SECTION 100. Section 56.311(d), Water Code, is amended to
14 read as follows:

15 (d) Before entering an order discharging the trustee and the
16 surety on the trustee's bond and closing the trust estate, the
17 commissioners court shall order all transactions of the trustee
18 audited by an independent certified public accountant. A copy of
19 the audit shall be filed with the commissioners court and the Texas
20 [~~Natural Resource Conservation~~] Commission on Environmental
21 Quality, and a copy shall be provided to the trustee.

22 SECTION 101. Sections 57.001(5) and (6), Water Code, are
23 amended to read as follows:

24 (5) "Executive director" means the executive director
25 of the Texas [~~Natural Resource Conservation~~] Commission on
26 Environmental Quality.

27 (6) "Commission" means the Texas [~~Natural Resource~~

~~Conservation~~] Commission on Environmental Quality.

SECTION 102. Section 58.001(5), Water Code, is amended to read as follows:

(5) "Commission" means the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

SECTION 103. Section 60.249(c), Water Code, is amended to read as follows:

(c) The district shall advise the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality of a conversion not later than the 45th day after the results of the election are canvassed by the commissioners court.

SECTION 104. Sections 65.001(4) and (5), Water Code, are amended to read as follows:

(4) "Commission" means the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

(5) "Executive director" means the executive director of the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

SECTION 105. Sections 66.001(2) and (3), Water Code, are amended to read as follows:

(2) "Commission" means the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

(3) "Executive director" means the executive director of the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

SECTION 106. Section 57.001(3), Water Code, is repealed.

SECTION 107. This Act takes effect September 1, 2025.