

1-1 By: Eltife S.B. No. 912
1-2 (In the Senate - Filed March 3, 2015; March 9, 2015, read
1-3 first time and referred to Committee on Agriculture, Water, and
1-4 Rural Affairs; April 7, 2015, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 April 7, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 912 By: Perry

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to a volume-based exemption from reporting requirements
1-20 for certain accidental discharges or spills from wastewater
1-21 facilities.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 26.039, Water Code, is amended by
1-24 amending Subsections (b) and (e) and adding Subsections (g) and (h)
1-25 to read as follows:

1-26 (b) Except as provided by Subsection (g), whenever
1-27 ~~[Whenever]~~ an accidental discharge or spill occurs at or from any
1-28 activity or facility which causes or may cause pollution, the
1-29 individual operating, in charge of, or responsible for the activity
1-30 or facility shall notify the commission as soon as possible and not
1-31 later than 24 hours after the occurrence. The individual's notice
1-32 to the commission must include the location, volume, and content of
1-33 the discharge or spill.

1-34 (e) Except as provided by Subsection (g), if ~~[if]~~ an
1-35 accidental discharge or spill described by Subsection (b) from a
1-36 wastewater treatment or collection facility owned or operated by a
1-37 local government may adversely affect a public or private source of
1-38 drinking water, the individual shall also notify appropriate local
1-39 government officials and local media.

1-40 (g) The individual is not required to notify the commission
1-41 of an accidental discharge or spill of treated or untreated
1-42 domestic wastewater under Subsection (b) or officials or media
1-43 under Subsection (e) of a single accidental discharge or spill
1-44 that:

1-45 (1) occurs at a wastewater treatment or collection
1-46 facility owned or operated by a local government;

1-47 (2) is 1,000 gallons or less;

1-48 (3) is not associated with another simultaneous
1-49 accidental discharge or spill;

1-50 (4) is controlled or removed before the accidental
1-51 discharge or spill:

1-52 (A) enters water in the state; or

1-53 (B) adversely affects a public or private source
1-54 of drinking water;

1-55 (5) will not endanger human health or safety or the
1-56 environment; and

1-57 (6) is not otherwise subject to local regulatory
1-58 control and reporting requirements.

1-59 (h) The individual shall submit to the commission at least
1-60 once each month a summary of accidental discharges and spills

2-1 described by Subsection (g) that occurred during the preceding
2-2 month. The commission by rule shall:

2-3 (1) consider the compliance history of the individual;
2-4 and

2-5 (2) establish procedures for formatting and
2-6 submitting a summary, including requirements that a summary include
2-7 the location, volume, and content of each accidental discharge or
2-8 spill.

2-9 SECTION 2. (a) Not later than June 1, 2016, the Texas
2-10 Commission on Environmental Quality shall adopt rules necessary to
2-11 implement Section 26.039, Water Code, as amended by this Act.

2-12 (b) The change in law made by this Act applies only to an
2-13 offense committed on or after the effective date of a rule adopted
2-14 by the Texas Commission on Environmental Quality under this
2-15 section. For purposes of this section, an offense was committed
2-16 before the effective date of a rule adopted by the Texas Commission
2-17 on Environmental Quality under this section if any element of the
2-18 offense occurred before that date.

2-19 (c) An offense committed before the effective date of a rule
2-20 adopted by the Texas Commission on Environmental Quality under this
2-21 section is governed by the law in effect on the date the offense was
2-22 committed, and the former law is continued in effect for that
2-23 purpose.

2-24 SECTION 3. This Act takes effect September 1, 2015.

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