

A Message from the Executive Director

By Carol Batterton, Executive Director



Legislative Update

The regular session of the 81st Texas legislature ended on June 1, 2009. WEAT tracked approximately 65 bills, and 15 of those bills passed. Several of the significant bills include:

HB 1174 by Rep. Harnett which allows a municipality or river authority to pay actual property damages caused by the municipality's or river authority's operation of a sanitary sewer system, specifically overflows. Certain river authorities are exempt from these provisions.

HB 1433 by Rep. Lucio increases the cap on the consolidated water quality fee. This bill calls for an initial cap on the consolidated water quality fee of \$100,000. Subsequent fee adjustments are linked to the Consumer Price Index with a maximum fee of \$150,000. This bill becomes effective Sept. 1, 2009.

HB 1831 by Corte relates to emergency management and adds language to the State Emergency Plan Annex that requires the Division of Emergency Management (DEM) to develop a plan for initial response (first 120 hours after disaster). The plan must include a provision for restoring power for continuing operation of critical water and wastewater services following a disaster. "Critical" wastewater facility is defined as wastewater collection or treatment equipment that is essential to prevent the discharge of untreated wastewater to waters in the state. The bill also requires DEM to maintain an online database of emergency generators, procedures for transportation and deployment of generators, and procedures to maintain the list through mutual aid agreements.

SB 361 by Sen. Patrick requires drinking water facilities in Harris County and contiguous counties of 400,000 or more (Fort Bend) to ensure the emergency operation of water systems during an extended power outage as soon as safe and practicable following the occurrence of a natural disaster. The utility must also adopt and submit to the TCEQ for its approval an emergency preparedness plan that demonstrates the utility's ability to provide emergency operations.

SB 1757 by Sen. Watson requires the TCEQ to conduct a study and make recommendations regarding the methods to be used by consumers, health care providers, and others for disposing of unused pharmaceuticals so that they do not enter a wastewater system. The commission shall submit a report of the results of the study to the legislature by December 1, 2010. In a related action, HB 19 requires pharmacies to label certain prescription drugs with a "Do Not Flush" label.

The bills listed above will become law unless vetoed by the Governor. The deadline for veto was June 19, 2009. A complete list of all legislation WEAT tracked this session,

including final disposition, can be accessed on the WEAT website at <http://www.weat.org/governmentaffairs.htm>. Many thanks to Holly Tichenor, WEAT's Government Affairs Committee chair, and GAC members Heather Cooke, Carolyn Ahrens and Brad Castleberry for advice and assistance during this session of the legislature.

Regulatory Update

TCEQ proposed rules for bacterial limits in discharge permits at their agenda meeting on May 20. Brad Castleberry provided testimony on behalf of WEAT. Brad is coordinating with WEAT subject matter experts to prepare written comments on this proposal. A public hearing was held June 30, 2009, and comments are due July 5, 2009.

TCEQ's fee rules are scheduled for adoption on the July 8, 2009, agenda. TCEQ advises that their funding status remains close to what was predicted when the rules were proposed. The agency will need to generate approximately \$15 million a year in fee revenue to fund the agency's water programs.

CALENDAR OF EVENTS

2009

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| July 9 | WEAT Executive Board Meeting, Lewisville, TX |
| July 16 | North Texas Section Meeting, Euless, TX |
| July 16 | San Antonio Section Meeting at SAWS main office, San Antonio, TX |
| July 19 | Central Texas Section & TAWWA Summer Social, Dell Diamond, Round Rock, TX |
| August 3-6 | Region 6 Pretreatment Assn. Workshop, Dallas, TX |
| August 6&7 | Texas Environmental Superconference, Austin, TX |
| August 24&25 | CMOM Workshop, Austin, TX |
| August 27&28 | Odor and Biosolids Management: Bridging to the Future Conference and Expo, San Marcos, TX |
| August 28 | South Central Texas Water for People Chapter - 1st Annual Charity Golf Tournament Canyon Springs, TX |
| September 25 | Darryl Hall Golf Tournament, Dallas, TX |
| October 10-14 | WEFTEC.09, Orlando, FL |
| November 5&6 | FROG Workshop, Houston, TX |
| December 2 | San Antonio Section End of the Year Meeting, San Antonio, TX |