



Legislative Update 2011

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Mission for WEAT's Legislative and Regulatory Programs

- To promote scientifically sound environmental policies and regulation

82nd Session Texas Legislature Key Dates

- November 8, 2010: Pre-filing of bills began
- January 11, 2011: Legislature convened
- March 11, 2011: Last day to file bills
- May 30, 2011: Last day of session
- June 19, 2011: Last day that Governor can sign or veto bills



Summary of Previous Sessions

- 80th Session
 - 6190 bills filed
 - 1480 bills passed (24%)
- WEAT tracked 60

- 81st Session
 - 7419 bills filed
 - 1459 bills passed (19.6%)
 - WEAT tracked 65

- 82nd Session
 - 7, 269 bills filed to date

Challenges and Issues for the 82nd Session

- Budget, budget, budget
- Redistricting
- State sovereignty
- Voter ID, Arizona-style immigration, sonogram bill

Topics WEAT is Following

- TCEQ ,TWDB, and PUC Sunset Bills
- TCEQ appropriations/fees
- Infrastructure financing (state water plan)
- Operator licensing
- Reuse
- Microconstituents
- Biosolids
- Auxiliary power requirements



From WEAT's Tracking List.....



TCEQ Sunset Review

- Agencies required to undergo Sunset review usually every 12 years. TCEQ and TWDB moved up to coincide with reviews of PUC and RRC
- Purpose is to look at an agency and evaluate whether the agency's functions should continue to exist and/or how can it be improved
- Provides for greater openness in government decision-making and improves government accountability

TCEQ Sunset Review

- Sunset Advisory commission accepted written comments and oral testimony at hearings
- WEAT submitted comments
- Recommendations adopted on January 12, 2011
- Recommendations are included in TCEQ's "Sunset bills"
 - HB 2694 filed by Wayne Smith, and
 - SB 657 filed by Huffman

TCEQ Sunset Bills

- Continue TCEQ for 12 Years and add "Public Health" to Mission Statement
- Establish factors the Public Interest Counsel must consider before deciding to represent the public interest as a party to a commission proceeding
- Revise compliance history process and rules. Remove requirement for uniform standard and change classifications
- Require TCEQ to structure its general enforcement policy in rule and publicly adopt its resulting enforcement policies

TCEQ Sunset Bills

- Increase TCEQ's administrative penalty caps from \$10,000 to \$25,000 per violation
- Authorize TCEQ to consider Supplemental Environmental Projects (SEPs) for local governments that would improve the environment
- Other recommendations related to underground storage tanks, water rights, surface casing recommendations for oil wells, LLRW, and the On-site Wastewater Treatment Research Council
- Related bills: HB 2431, HB 2668, HB 3543, SB 673

Funding

- Appropriations Bills (HB 1 by Pitts and SB 1 by Ogden)
 - Reflects a 33.7% decrease in overall funding for TCEQ
 - Reduction of 14.4 FTE's in water assessment and planning
 - Reduction of 61.8 FTE's in Field Operations and complaints
 - Reduction of 18.6 FTE's in Enforcement and Compliance Support
 - Reduction of 1.3 FTE's each in water resource permitting and Safe Drinking Water
 - Source: LBB

Funding

- SB 1584 by Ogden
 - Relating to state fiscal matters related to natural resources and the environment
- Authorizes state agencies to reduce expenditures by
 - Consolidating reports
 - Extending the effective period of any license or permit
 - Privatizing or out-sourcing services
 - Adopting and collecting fees or charges to cover any costs

State Water Plan Funding

- HB 3273 by Ritter
 - Relating to the creation and funding of the state water implementation fund for Texas to assist the Texas Water Development Board in the funding of certain projects included in the state water plan
- HJR 137 by Ritter
 - Proposing constitutional amendments relating to the funding of certain water projects.
- HJR 138 by Ritter
 - Proposing a constitutional amendment providing for the creation and funding of the state water implementation fund for Texas to assist the Texas Water Development Board in the funding of certain projects included in the state water plan.

State Sovereignty

- HB 3188 by Larson
 - Relating to prohibiting the implementation in this state of any federal greenhouse gas emissions regulatory program.
- HCR 61 by Creighton
 - Resolution expressing opposition to federal interference in state management of Texas' water resources
- HCR 81 by Creighton
 - Resolution expressing opposition to federal regulation of hazardous waste, water, and clean air and of the production, exploration, drilling, development, operation, transportation, and processing of oil, natural gas, petroleum, and petroleum products in the State of Texas

HB 965 - Callegari

- Relating to continuing education requirements for persons holding licenses issued by the Texas Commission on Environmental Quality

HB 965

- TCEQ may recognize, prepare, or administer continuing education programs for license holders, including continuing education programs made available through the Internet
- Allows A and B water and wastewater operators to certify at the time the license is renewed that the license holder has complied with TCEQ's continuing education requirements

HB 451 – Lucio III

- Relating to the creation of a Don't Mess with Texas Water Program to prevent illegal dumping that affects the surface waters of this state
- Places signs on major highway water crossings that notify drivers of a toll-free number to call to report illegal dumping
- Requires TCEQ to establish a toll-free hotline that will forward calls to the appropriate law enforcement agency
- Local government and TXDoT to work with TCEQ

HB 805 - Callegari

- Relating to the requirement that certain water service providers ensure emergency operations during extended power outage
- Filed version limited to drinking water plants in or adjacent to Harris County with a population of 350,000 (change from 400,000)

HB 2551 by Chisum

- Relating to the land application of grit trap waste
- Land application of grit trap waste may only be considered recycling if:
 - Waste includes no hazardous substance
 - All components will have a beneficial effect on the soil
 - No components will have a negative effect
 - Application rates will not exceed agronomic application rates for chemical components.

HB 2552 by Brown

- Relating to the regulation of certain businesses using sanitary sewer services of certain municipalities
- Applies to counties with a population less than 200,000 and in which two cities or more cities with population of 75,000 or more are located
- A business connected to a sanitary sewer system not owned or operated by the municipality in which the business is located shall comply with the applicable sanitary sewer system rules, including industrial pretreatment rules, of the municipality providing the sanitary sewer service to the business.

HB 1141 - Turner

- Relating to the permitting of certain small commercial development sewage collection, treatment, and disposal systems as on-site sewage disposal systems
- Allows permitting of “cluster” systems
- Must be on property jointly owned by the property owners served by the system;(2) produce not more than 5,000 gallons a day on an annual average basis;(3)serve an area that does not exceed 15 acres;(4) be designed to serve two or more sewage-generating units on separate tracts of land
- SB 1412 by Hegar is similar

SB 181- Shapiro, Seliger, Watson

- Relating to the calculation and reporting of water usage and conservation by municipalities and water utilities
- HB 1319 by Laubenberg and Creighton is similar
- TCEQ and TWDB shall develop a uniform system for calculating water use and conservation to be used by a municipality or water utility in developing water conservation plans and preparing reports required under this code
- Specifies minimum components of system

SB 617 - Rodriquez

- Relating to a manifest system to record the transportation of certain liquid wastes
- TCEQ by rule shall require a person who generates, collects, conveys, transports, processes, stores, or disposes of municipal sewage sludge, grit trap waste, or grease trap waste to keep records and use, as prescribed by rule, a sequentially numbered, uniform transportation manifest issued by TCEQ to ensure that the waste is transported to an appropriate processing, storage, or disposal facility or site permitted or authorized for that purpose

HB 2995 by Miles

- Relating to an exemption for urban farms from payment for wastewater service
- A retail public utility may not receive compensation for wastewater service provided to an owner or operator of an urban farm and used by the owner or operator for purposes of the farm
- TCEQ may develop standards to determine whether a farm or garden qualifies as an urban farm or community garden

SB 853 by Watson

- Relating to a restriction on permits authorizing direct discharges of waste or pollutants into water in certain areas associated with the Barton Springs segment of the Edwards Aquifer
- Prohibits TCEQ from issuing a new or amended permit in the recharge zone of the Barton Springs segment of the Edwards Aquifer that is under the jurisdiction of the Barton Springs-Edwards Aquifer Conservation District except under certain conditions
- HB 3602 by Garza related but not identical

Rainwater Harvesting

- HB 3372 by King and SB 1073 by Jackson
 - Relating to standards for a structure that is connected to a public water supply system and has a rainwater harvesting system
- HB 3391 by Miller
 - Relating to rainwater harvesting and other water conservation initiatives
- All three bills allow for indoor potable use of rainwater for properties connected to public water supplies

Other bills

- HB 89 – establishes a drug donation program through which a person may donate to a participating pharmacy or health care facility an eligible drug for use by an individual who meets certain eligibility requirements
- HB 3480 – TCEQ may not impose a standard or requirement to regulate an activity under TCEQ's jurisdiction that is more stringent than applicable federal law or regulation
- Multiple bills related to ownership of groundwater and desired future conditions

Just for fun

- HB 716 -Parks and Wildlife Department may not prohibit a person or the person 's agent or lessee who holds a landowner 's authorization and a permit from using a helicopter to take depredating feral hogs



WEAT Government Affairs

- New and improved website!!!!
- Bill tracking list updated weekly
- See
<http://www.weat.org/governmentalaffairs.htm>

More Information

www.capitol.state.tx.us

Upcoming WEAT Events

- **Texas Water, Fort Worth, April 5-8, 2011**
- **Operations Challenge, Fort Worth, April 6-7, 2011**
- **Biosolids, Odor and Corrosion, San Marcos, August 3-4, 2011**
- **CMOM, Austin, August 11-12, 2011**
- **WEFTEC 2011, Los Angeles, CA, October 15-19**

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