

## **BILL ANALYSIS**

S.B. 912  
By: Eltife  
Natural Resources  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Certain accidental wastewater discharges or spills that cause or may cause pollution must be reported to the Texas Commission on Environmental Quality, local government officials, and local media. Interested parties contend that current reporting requirements are unduly burdensome and that reporting the smallest accidental discharge or spill requires significant paperwork and costs. The parties contend that a change in law is vital to establish an effective regulatory framework for certain wastewater utilities. S.B. 912 seeks to address these concerns.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 of this bill.

### **ANALYSIS**

S.B. 912 amends the Water Code to exempt an individual required to notify the Texas Commission on Environmental Quality (TCEQ), local government officials, and local media, as applicable, of certain accidental discharges or spills which cause or may cause pollution from such requirement if the discharge or spill is a single accidental discharge or spill of treated or untreated domestic wastewater that occurs at a wastewater treatment or collection facility owned or operated by a local government, has a volume of 1,000 gallons or less, is not associated with another simultaneous accidental discharge or spill, is controlled or removed before the accidental discharge or spill enters water in Texas or adversely affects a public or private source of drinking water, will not endanger human health or safety or the environment, and is not otherwise subject to local regulatory control and reporting requirements. The bill requires TCEQ by rule to establish standard methods for calculating the volume of an accidental discharge or spill and requires the individual to calculate the volume of an accidental discharge or spill using an established standard method to determine whether the discharge or spill is exempted from the notification requirements. The bill requires the individual to submit to TCEQ at least once each month a summary of exempted accidental discharges and spills that occurred during the preceding month. The bill requires TCEQ by rule to consider the compliance history of the individual and establish procedures for formatting and submitting a summary, including requirements that a summary include the location, volume, and content of each accidental discharge or spill.

S.B. 912 requires TCEQ, not later than June 1, 2016, to adopt rules necessary to implement the bill's provisions. The bill applies only to an offense committed on or after the effective date of such a rule adopted by TCEQ.

**EFFECTIVE DATE**

September 1, 2015.