

- SUBJECT:** Regulation of sanitary sewer overflows
- COMMITTEE:** Environmental Regulation — committee substitute recommended
- VOTE:** 6 ayes — Chisum, Jackson, Howard, Kuempel, Stiles, Talton  
0 nays  
3 absent — Dukes, Saunders, Yost
- WITNESSES:** For — Monte Akers, Texas Municipal League; Clay Pope, City of Houston  
Against — None  
On — Thomas Weber
- BACKGROUND:** The national Combined Sewer Overflow Policy (CSOP) was published by the Environmental Protection Agency April 8, 1994. The EPA is currently developing a policy for overflows from separate sanitary systems, the kind of sewer systems that are usually found in Texas.
- Combined sewer systems are designed, in periods of heavy inflow, to overflow at certain points in the system while separate sanitary sewer systems are designed to carry all the wastewater to wastewater treatment plants. Sometimes, however, separate sanitary sewer systems do overflow because of excess inflows and infiltration.
- DIGEST:** HB 1876 would prohibit the Texas Natural Resource Conservation Commission (TNRCC) from adopting rules, issuing permits or initiating enforcement actions relating to sanitary sewer overflows that would be stricter than the national Combined Sewer Overflow Policy (CSOP). The TNRCC would also be prohibited from seeking compliance in a manner that exceeded the minimum requirements of national sewer policy.
- A sanitary sewer overflow would mean a discharge of wastewater, stormwater that entered a separate sanitary sewer system at a point or points before the water entered a publicly owned treatment plant.

If the commission adopted rules for sanitary sewer overflows, it would be required to employ the maximum flexibility allowed under national policy and consider the financial conditions of local governments owning their own separate sanitary sewer systems (distinct from storm sewer systems). CSHB 1876 would require that the commission allow local governments time to develop cost-effective methods for controlling overflows before taking enforcement action.

Until a national policy for separate sanitary sewer overflows were adopted, the commission would use CSOP as the basis for working with local governments to develop cost-effective programs to control sewer overflows.

The commission could not require those local governments that substantially comply with CSOP to provide additional controls unless TNRCC documented a problem that would threaten human health, safety or the environment.

The bill would take effect September 1, 1995.

**SUPPORTERS  
SAY:**

The EPA is currently formulating a policy on separate sanitary sewer systems and it makes sense to wait for it to emerge before passing separate state regulations that could soon be inconsistent with national policy. It is extremely expensive for local governments to change or upgrade their sewer systems, and it very important for them to have one set of regulations that can serve as guidelines for long-range sewer planning rather than separate, conflicting state and federal regulations.

Federal sewer policy is very strict about protecting the health and welfare of the public, and local governments simply cannot afford to comply with standards that would be stricter than federal regulations.

OPPONENTS  
SAY:

It is unwise to tie the hands of state agencies who are responsible for public health and safety. By forbidding rules that are stricter than the national policy for sewer overflows, the ability of state agencies to respond to local problems is curtailed.

NOTES:

The committee substitute is not significantly different than the filed version of HB 1876.

A related bill, HB 1232 by Lewis, which would prohibit the TNRCC from adopting regulations concerning non-point source water pollution, stormwater discharges, wet weather water quality standards, and sanitary sewer overflows that are stricter than federal regulations, was left pending in the House Natural Resources Committee on March 3.