

**SUBJECT:** Establishing the “Don’t Mess with Texas Water” program

**COMMITTEE:** Natural Resources — favorable, without amendment

**VOTE:** 8 ayes — Ritter, T. King, Beck, Creighton, Hopson, Larson, D. Miller, Price

0 nays

3 absent — Keffer, Lucio, Martinez Fischer

**WITNESSES:** For — Luke Habenicht, San Antonio River Authority; Brian MacManus, East Rio Hondo Water Supply Corporation and Rio Grande Regional Water Authority; Gustavo Gonzalez; (*Registered, but did not testify*: Fred Aus, Lower Colorado River Authority; Carol Batterton, Water Environment Association of Texas; Shanna Igo, Texas Municipal League; Ken Kramer, Lone Star Chapter, Sierra Club; Elvia Lopez, South Texas Water Utility Managers Association; Larry McGinnis, Texas Association of Counties; Leonard Olson, Texas Rural Water Assoc.; Matt Phillips, The Nature Conservancy; Dean Robbins, Texas Water Conservation Assn.; Christina Wisdom, Texas Chemical Council)

Against — None

On — Brian Christian, TCEQ, Small Business and Environmental Assistance Division

**DIGEST:** HB 451 would require the Texas Commission on Environmental Quality (TCEQ) to establish a “Don’t Mess with Texas Water” program to prevent illegal dumping that affected the state’s surface waters. Under the program, signs would be placed at major highway water crossings advertising a toll-free number to report illegal dumping. TCEQ would be required to establish a toll-free hotline that would forward calls to the appropriate law enforcement agency. A local government could work with TCEQ to participate in the program and could contribute to the cost of operating the toll-free number. The Texas Department of Transportation (TxDOT) would be required to work with TCEQ in placing the signs.

The bill would take effect September 1, 2011.

**SUPPORTERS  
SAY:**

Illegal dumping is a growing public health and environmental concern that negatively impacts water quality, aquatic habitat, and wildlife that depend on the waterway. Illegal dumping can increase the risk of flooding by altering the water-carrying capacity of the stream where the dumping has occurred. It also costs taxpayers millions of dollars in cleanup efforts.

HB 451 would help in curtailing illegal dumping and prosecuting offenders. It would raise awareness of illegal dumping and provide a means for people to report this crime, which would help reduce its incidence. Placing signs on major highway water crossings would inform citizens whom they could contact to report illegal dumping. These signs also could deter potential violators.

By helping to alleviate clean-up costs, the bill would save for more than its minimal expense. Both TCEQ and TxDOT report that they could absorb any cost within their existing budgets, and the fiscal note shows no significant fiscal impact to the state. Local government participation would be optional and wholly voluntary, so each local entity could decide whether it could afford the small cost of participating.

**OPPONENTS  
SAY:**

Although the costs associated with HB 451 would not be significant and could be reasonably absorbed within both TCEQ's and TxDOT's current funding, this bill would establish a new program requiring a new use of state resources in already lean budgetary times.

HB 451 may help raise awareness of illegal dumping, but would do relatively little to help prosecute violators. By the time that law enforcement had been notified, the violator likely would have left the scene.

**NOTES:**

According to the fiscal note, TCEQ and TxDOT both report that the costs associated with implementing HB 451 would not be significant and could be reasonably absorbed within each agency's current funding. The fiscal impact to local governmental entities for the enforcement of illegal dumping and the costs to operate the toll-free number would vary depending on an entity's proximity to surface water and whether a local government opted to participate in the program.