

SUBJECT: TNRCC case-by-case approval of certain disposal systems

COMMITTEE: Environmental Regulation — committee substitute recommended

VOTE: 7 ayes — Chisum, Jackson, Dukes, Howard, Kuempel, Talton, Yost
0 nays
2 absent — Saunders, Stiles

WITNESSES: For — Steve Stagner, Consulting Engineers Council of Texas
Against — None
On — Thomas Weber, Texas Natural Resource Conservation Commission

DIGEST: CSHB 1826 would amend Water Code sec. 26.034 to delete the current statutory requirement that the Texas Natural Resource Conservation Commission (TNRCC) review and approve plans and specifications for treatment facilities, sewer systems and disposal systems that transport, treat, or dispose of domestic wastes. TNRCC could, on a case-by-case basis, review and approve such plans.

TNRCC would, by rule, adopt standards to determine which plans and specifications the commission would review for approval.

The following plans and specifications for a sewer system that transports primarily domestic waste, would not have to be reviewed by the TNRCC:

- Plans and specifications for a sewer system that would transport waste from a city, if that city had its own internal engineering staff. The plans to be reviewed would have to be prepared by private engineering consultants and reviewed by a registered professional engineer who is a city employee separate from the private engineering consultant charged with the design of the plans.
- Plans and specifications from an entity required, by local ordinance, to submit them for review and approval to a city.

If a city's registered engineer found the plans and specifications in substantial compliance with TNRCC standards, review and approval by the agency would not be required. If, however, the city engineer found that the plans and specifications were not in compliance with TNRCC standards, they would have to be submitted to the agency.

If TNRCC found a city's review and approval was not in substantial compliance with agency standards, TNRCC would require all plans and specifications reviewed by the city to be submitted to the agency for review and approval.

The bill would take immediate effect if approved by two-thirds of the membership of each house.

**SUPPORTERS
SAY:**

TNRCC does not have the resources or the staff to review the plans and specifications for all wastewater treatment facilities, sewer and disposal systems. CSHB 1826 would authorize by statute the current agency practice of not fully reviewing all plans and specifications submitted. The bill would allow TNRCC to review plans on a case-by-case basis, rather than requiring review of all plans and specifications.

TNRCC needs the authority provided by CSHB 1826 to decide which plans need to be reviewed, and to adopt standards to determine how the agency will decide which plans and specifications to review.

There is no reason for cities, which have their own internal engineering review staff, to have to resubmit their plans to TNRCC for a time-consuming, duplicative second review, especially for sewer systems that *transport* waste (collection systems and lift stations) as opposed to wastewater treatment facilities.

TNRCC would retain authority to review plans and specifications for wastewater treatment facilities.

**OPPONENTS
SAY:**

The state should allocate more money to TNRCC so the agency can hire enough staff to review and approve all plans and specifications for wastewater treatment systems and facilities.

Once a flawed facility is built, it can be difficult to find and remedy the problem. The only way to catch fundamental design problems is by reviewing plans and specifications before the facility is built.

NOTES:

The committee substitute specified that TNRCC would be prohibited from requiring plans of *a city* with an internal engineering staff; the original version would include a list of standards TNRCC would be required to consider before determining which plans and specifications to review for approval.