

BILL ANALYSIS

Senate Research Center

C.S.H.B. 1979
By: Puente (Armbrister)
Natural Resources
5/23/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

In 2002, there were 6,173 sanitary sewer overflows in the State of Texas, discharging 190 million gallons of wastewater. The EPA estimates that 42 percent of sanitary sewer overflows are a result of grease blocking pipes. The proper use of grease traps by food service facilities and restaurants can eliminate many of these overflows. C.S.H.B. 1979 addresses sanitary sewer overflow problems by directing the Texas Commission on Environmental Quality to adopt criteria establishing model standards to prevent the discharge of untreated wastewater from sanitary sewers.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 26.049, Water Code, by adding Subsections (f), (g), and (h), as follows:

(f) Requires the Texas Commission on Environmental Quality (TCEQ), notwithstanding any other provision of this section, to establish criteria for evaluating whether to initiate an enforcement action related to a sanitary sewer overflows that occur as the result of a blockage due to grease. Requires the criteria to include consideration of whether the discharge could reasonably have been prevented, was minimized, and was reported and the notice required by Section 26.039(e) was given.

(g) Requires the adoption and enforcement by a separate sanitary sewer system of model standards for grease management recognized by the executive director to be considered by TCEQ to be evidence tending to show that reasonable measures have been taken to prevent or minimize sanitary sewer overflows that occur as a result of blockage due to grease.

(h) Provides that when a home-rule municipality has a plan to control or minimize sanitary sewer overflows, Section 402.901 (Relocation or Replacement of Water or Sewer Laterals), Local Government Code, does not limit the power of a home-rule municipality, in exercising its home-rule powers under Section 5, Article XI (Cities of More than 5,000 Population; Adoption or Amendment of Charters; Taxes; Debt Restrictions), Texas Constitution, to maintain, repair, relocate, or replace a water or sanitary sewer lateral or service line on private property without making an assessment against the property or a person.

SECTION 2. Amends Subchapter B, Chapter 26, Water Code, by adding Section 26.0491, as follows:

Sec. 26.0491. MODEL STANDARDS TO PREVENT DISCHARGE OF UNTREATED WASTEWATER FROM SANITARY SEWERS. (a) Defines "separate sanitary sewer system."

(b) Requires TCEQ to adopt model standards for use by an operator of a separate sanitary sewer system that are designed to prevent the discharge of untreated wastewater from a separate sanitary sewer system as a result of blockage due to grease.

(c) Requires the model standards to include certain elements.

SECTION 3. Requires TCEQ, not later than the 365th day after the effective date of this Act, to adopt the criteria required by Section 26.049(f), Water Code, as added by this Act, and the model standards required by Section 26.0491, Water Code, as added by this Act.

SECTION 4. Effective date: September 1, 2003.