

## PENDING LEGISLATION 79<sup>TH</sup> REGULAR SESSION

### **SB 1297**

#### **Relating to the elements of the criminal offense of discharging used oil into water in the state.**

Sections 7.147(a) of the Water Code is amended so that it is not a criminal offense to discharge used oil into waters in the state if the concentration of used oil in the waste stream is less than 15 parts per million; and if the discharger is authorized to discharge storm water under a general permit issued under Section 26.040.

Section 7.176(a) of the water code is similarly amended so that it is not an offense to discharge used oil into a sewer, septic tank, septic tank, surface water, groundwater, watercourse, or marine water if the concentration of used oil in the waste stream is less than 15 parts per million; and if the discharger is authorized to discharge storm water under a general permit issued under Section 26.040.

**IMPACT:** None

### **SB 1354**

#### **Relating to the protection of water quality in watersheds threatened by quarry activities; establishing a pilot program in a certain portion of the Brazos River watershed; providing penalties.**

The bill proposes to establish specific permitting and enforcement programs to a specific area of the Brazos River Basin between Possum Kingdom Reservoir and the Parker/Hood County line. Specifically the bill develops a pilot permitting program from 2005 to 2025 requiring: (1) issuance of individual permits to quarries located within one mile of a water body or within the 100-year floodplain in this watershed; (2) issuance of a general permit for quarries located outside the one mile distance in this watershed; and (3) a prohibition on new quarries or expansions of existing quarries located within 1500 feet of a water body in this watershed (with an exception to locate up to 200 feet of a water body provided the operation meets requirements established in rulemaking). Permit applications for quarries affected by the bill require submittal of: (1) a restoration plan to restore conditions from unauthorized discharges; and (2) evidence of sufficient funded bonding or proof of financial resources to mitigate effects on water bodies from unauthorized discharges. The bill requires development and submittal of an implementation report on December 1, 2006 and additional reports on the following even numbered years. The bill requires the TCEQ, Texas Parks & Wildlife Department, and Brazos River Authority to cooperate in conducting semi-annual water testing and visual inspections from the surface and the air in the affected watershed. Furthermore, the bill establishes specific enforcement requirements applicable to quarries in this watershed.

**IMPACT:** The bill requires the commission to develop rules to implement this legislation. Specifically, the bill requires by rule establishment of effluent or other water quality requirements including requirements for financial responsibility, and performance criteria allowing new or expanding quarries to locate between 200 and 1500 feet of a water body.

The Water Quality Division will be required to develop individual permits for quarries in the affected watershed. The Water Quality Division will be required to participate in the development of reports to the legislature on even numbered years, including coordination with other areas of the agency in development of the reports. The division may be required to develop a new general permit for quarries in this watershed.

## **SB 1707**

### **Relating to the regulation of poultry facilities.**

The bill proposes to:

- 1) add a new definition for a liquid waste handling system under Section 26.301 of the Water Code;
- 2) amend Section 26.0286 of the Water Code to exempt dry poultry operations from the sole-source protection zone requirements;
- 3) amend Section 26.302 of the Water Code to authorize the State Soil & Water Conservation Board to certify a water quality management plan for poultry operations that are required to obtain a water quality permit but does not use a liquid waste handling system,
- 4) reinforce that the bill does not affect the Commission's authority to enforce against unauthorized discharges, and
- 5) add a new section under Section 201.026(e) of the Agriculture Code to clarify that the proposed 26.302 (b-1) of the Water Code applies to a water quality management plan that is either developed or certified for use by a poultry facility.

**IMPACT:** The Water Quality Division would participate in the rulemaking activities (Memorandum of Agreement [MOA] between the Soil Board and TCEQ, CAFO general permit, and Subchapter B.) and revise the permitting activities to implement the statute. The MOA revision would acknowledge the Soil Board's authority to provide services to poultry facilities defined as point sources which do not use a liquid waste handling system. The CAFO general permit and Subchapter B rule would need to be revised to delete the applicability of the sole-source requirement.

## **SB 1281**

### **Relating to the regulation and permitting of a commercial industrial solid waste facility connected to a publicly owned treatment works facility.**

The bill proposes to add a Section 361.0901 in Subchapter C, Chapter 361 of the Health and Safety Code. The bill: (1) defines a publicly owned treatment works, a captured facility, and a commercial industrial solid waste facility, (2) prohibits a commercial industrial solid waste facility from discharging into a publicly owned treatment works facility without first

obtaining a permit from the commission issued under Chapter 361 or Chapter 26 of the Water Code with the exception that a permit is not required if wastes are incidental to handling, processing, storage, or disposal at a municipal solid waste facility or commercial industrial solid waste landfill facility (3) directs the TCEQ to adopt implementing rules no later than February 1, 2006, and (4) directs a commercial industrial solid waste facility not to accept industrial solid waste on or after June 1, 2006, unless the facility obtains a permit as required by the proposed Section 361.0901.

**IMPACT:** The bill specifically indicates that the commission shall adopt rules to implement this legislation by February 1, 2006. This has the potential to be a new permitting program for the Water Quality Division that would require the commission to develop rules for obtaining a permit to discharge to a POTW.

## **HB 2651**

### **Relating to the regulation of subsurface area drip dispersal systems by the Texas Commission on Environmental Quality.**

A new Chapter 32 would be created in the Texas Water Code establishing a specific permitting program for certain processed commercial, industrial, or municipal waste being disposed of by subsurface drip application.

This bill proposes to add to Subtitle D (relating to Water Quality Control) of the Texas Water Code, Chapter 32, Sub-Surface Area Drip Dispersal System.

The bill directs the commission to complete rulemaking by July 31, 2006 to implement the legislation and exempting a person from holding a permit under this new chapter until November 1, 2006.

**IMPACT:** The Water Quality Division would draft revisions to Chapter 305 (Consolidated Permits), Chapter 309 (Domestic Wastewater Effluent Limitation and Plant Siting), and Chapter 317 (The Design Criteria for Sewerage System) to implement the requirements in the legislation for subsurface drip irrigation systems.

## **STEERS-eDMR Fact Sheet**

The State of Texas Environmental Electronic Reporting System (STEERS) is a Web-based system that enables the regulated community to securely submit required reports electronically to the Texas Commission on Environmental Quality (TCEQ). The next major addition to STEERS will be a program to allow for the electronic submittal of Discharge Monitoring Reports. This project is called STEERS-eDMR. This system will leverage the existing STEERS infrastructure for security, authentication, authorization and record keeping. It will also build on lessons learned from eDMR systems operating in other states.

### **Features:**

- Online submittal of DMRs through Web forms; users only need an Internet connection and a Web browser, no special software required.
- Upload of DMR data from the customers' computers; no need to re-key information already stored in databases or spreadsheets.
- Secure, authenticated submittals using the same STEERS system that thousands of individuals in the regulated community already use.
- Verification and validation of DMR data prior to submittal; dozens of data quality checks will be performed on the submitted data and users will be able to correct mistakes prior to submitting the data.
- Every electronically signed DMR will be stored as a Copy of Record with all the data, the user name and email address of the submitter and the time and date of the submission. Customers will have easy online access to all of their previous Copies of Record. TCEQ staff will have easy access to all electronic Copies of Record through the agency's intranet.

### **Optional Features:**

- Corrections to eDMRs already submitted to the agency; the current plan is to include this feature in the first release of the STEERS-eDMR system in the first quarter of 2006. However, this may need to be moved to a future release, depending on how technically difficult it is to implement. At this point, we may not want to delay the initial release for this feature. That could change, based on discussion with external stakeholders.

### **Features Under Consideration for Future Versions:**

- A version of STEERS-eDMR for TCEQ staff to use for entry of paper DMRs; experience from other States indicates that this would significantly improve data entry workload for the TCEQ.
- Electronic submittal of state-only monthly effluent reports (MERs); this would be for self-reporting data required under Texas regulations and not reported to the Environmental Protection Agency.

### **Current Status:**

- The project has been approved by the TCEQ's Information Technology Work Group.
- A project manager has been selected.
- An internal project team is being formed.

**Upcoming Milestones:**

- June 7, 2005: TCEQ staff will make a presentation to the Water Quality Advisory Committee about the project and ask for volunteers to assist the agency with documenting the requirements for the system and with testing the system.
- July 15, 2005: Target completion date for the Software Requirements Specification document.

**Projected Completion:**

- The system is projected to be complete and available to users in March of 2006.

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Water Quality Advisory Work Group  
June 7, 2005  
Whole Effluent Toxicity Testing  
EPA Proposed Guidance Document

Lynda Clayton, Aquatic Toxicologist, TCEQ Water Quality Standards Team

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