

Welcome to the 86th Session of the Texas Legislature



*Heather Cooke – WEAT President Elect and Governmental Affairs Committee Co-Chair,
Presenter and Panelist*
City of Austin



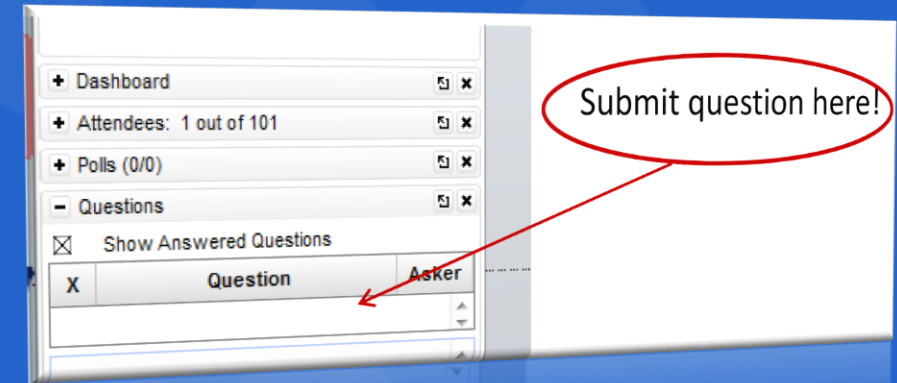
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Lloyd Gosselink



*Julie Nahrgang - WEAT and TACWA Executive Director,
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Webinar and slides will be posted in 3 days at:

<https://www.weat.org/event/leg-webinar-3-20-19/2019-03-20>



Water Environment
Association of Texas



CEU Questions

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- 1) What changes are being proposed by the legislature to the current process for wastewater spill reporting?
 - a. adding reporting to a county judge and other local government officials in the area where the spill occurs
 - b. lowering the number of gallons spilled that has to be reported to TCEQ within 24 hours
 - c. removing requirements to report spills to TCEQ
 - d. none of the above

- 2) Has legislation been filed to give guidance to local governments to help them plan better for future disasters, including removing debris faster?

- 3) True or False: A bill has been filed to allow Harris County to try reusing any kind of wastewater at county facilities.



Welcome to the 86th Texas Legislature: Day 72 of 140 and Feeling the Love

Water Environment Association of Texas







Welcome to the 86th Texas Legislature: New and Familiar Faces

House Natural Resources Committee

Water Environment Association of Texas

Position

Chair:

Vice Chair:

Members:

Member

[Rep. Lyle Larson](#)

[Rep. Will Metcalf](#)

[Rep. Alex Dominguez](#)

[Rep. Jessica Farrar](#)

[Rep. Cody Harris](#)

[Rep. Tracy O. King](#)

[Rep. Mike Lang](#)

[Rep. Poncho Nevárez](#)

[Rep. Tom Oliverson](#)

[Rep. Four Price](#)

[Rep. Ana-Maria Ramos](#)

**House Committee
on Natural
Resources (C390)**

Legislature: 86(R)
- 2019

**Appointment
Date:** 1/23/2019

Clerk: Shannon
Houston

Phone: (512) 463-
0802

Room: EXT E2.104





Welcome to the 86th Texas Legislature: New and Familiar Faces

House Environmental Regulation Committee

Position

Chair:

Vice Chair:

Members:

Member

[Rep. J. M. Lozano](#)

[Rep. Ed Thompson](#)

[Rep. César Blanco](#)

[Rep. Kyle J. Kacal](#)

[Rep. John Kuempel](#)

[Rep. Geanie W. Morrison](#)

[Rep. Ron Reynolds](#)

[Rep. John Turner](#)

[Rep. Erin Zwiener](#)

**House Committee
on Environmental
Regulation
(C260)**

Legislature:
86(R) - 2019

**Appointment
Date:** 1/23/2019

**Clerk: Scott
Crownover**

Phone:
(512) 463-0776

Room: EXT E2.154





Welcome to the 86th Texas Legislature: New and Familiar Faces

Senate Water and Rural Affairs Committee

Position

Member

Chair:

[Sen. Charles Perry](#)

Vice Chair:

[Sen. Brandon Creighton](#)

Members:

[Sen. Carol Alvarado](#)

[Sen. Nathan Johnson](#)

[Sen. Lois W. Kolkhorst](#)

[Sen. José R. Rodríguez](#)

[Sen. Larry Taylor](#)

**Senate
Committee on
Water & Rural
Affairs (C700)**

Legislature: 86(
R) - 2019

**Appointment
Date:** 1/9/2019

Clerk: Leah
Curren

Phone:
(512) 463-0340

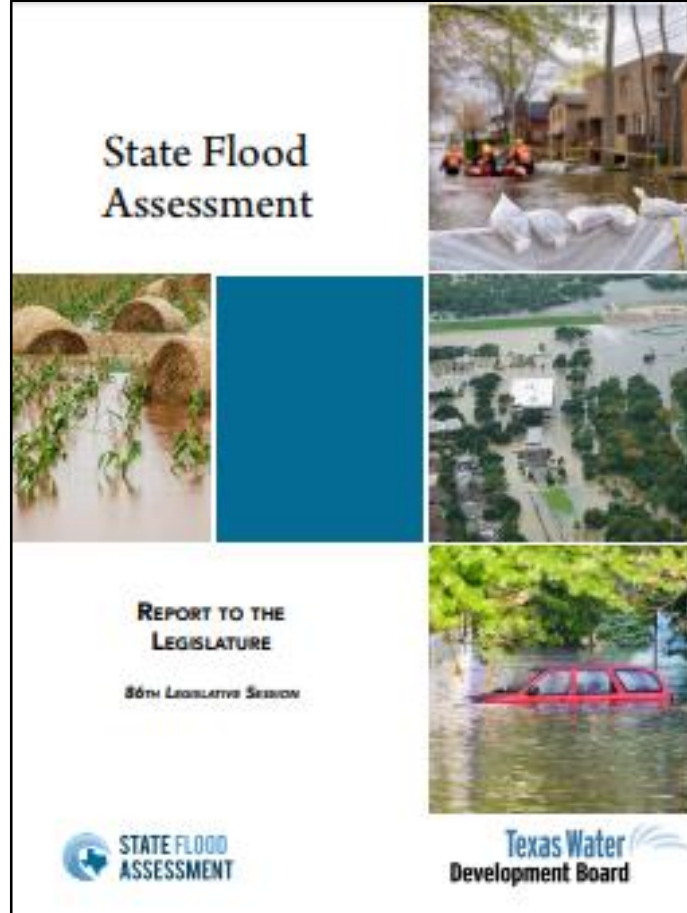
Room: SHB 335





Welcome to the 86th Texas Legislature: Flood Planning and Funding Bills

Water Environment Association of Texas





Welcome to the 86th Texas Legislature: Flood Planning and Funding



SB 8 (Perry) – Lead Senate Bill for Flood Planning;

- State plan due by Sept 2024; Regional planning along river basins by Jan 2023; Soil & Water Conservation Board Dam Plan

HB 13 & HJR 4 (Phelan)/SJR 51 (Hinojosa)

- Creates Flood Infrastructure Fund at TWDB with \$3.26 billion from Rainy Day Fund; State plan due by Sept 2024
- River authorities may participate in flood planning
- TWDB to develop dam maintenance plan





Welcome to the 86th Texas Legislature: Flood Planning and Funding



SB 7 (Creighton)

- Perry and 12 other Senators are co-authors
- Creates “Infrastructure Resiliency Fund”
- 4 accounts within this fund

SB 500 (Nelson) – FY 2019 Supplemental Appropriations

- \$1.6 billion transfer from Rainy Day Fund plus more

SJR 28 (Perry) – Voter Approved Transfer in Nov 2019

- \$1.2 billion transfer from Rainy Day Fund to “State Flood Implementation Fund”





Welcome to the 86th Texas Legislature: Disaster Planning

SB 6 (Kolkhorst) – Disaster response guide to be developed by TDEM for local entities

HB 5 (Phelan) – Disaster guide and study of local impediments to disaster recovery

HB 6 (Morrison) – Disaster Recovery Task Force for federal assistance projects & disaster planning

HB 7 (Morrison) – Contract support and rules suspension for disasters





Welcome to the 86th Texas Legislature: Water Quality

HB 817 (King)/SB 655 (Flores) – Discharge bans for Nueces River portion of Edwards

HB 944 (Dutton) – Signage requirements for wastewater and injection well permits

HB 1671 (Huberty) – Water quality protection of certain areas

HB 1267 (Wray) /SB 530 (Birdwell) – Raises water body pollution penalties up to \$5,000





Welcome to the 86th Texas Legislature: Water Quality

HB 2003 (Leach)/ SB 970 (Creighton) – Would shift approval authority of PE contracts from state Comptroller to Attorney General

HB 2023 (Metcalf)/ SB 942 (Johnson) – Broadens provisions of Clean Water SRF eligibility and remove 20 year loan term limit.

HB 2426 (Reynolds)/ SB 1498 (Zaffirini) – Increases size of on-site septic system from 5,000 to 10,000GPD and delegates permitting to local authorities.

HB 3035 (Zwiener) – Amends TCEQ penalty assessment for compliance violators





Welcome to the 86th Texas Legislature:

Spill Reporting and Remediation

HB 3805 (Paul) / SB 2394 (Taylor) – Requires spills to be reported to county judge in which the spill or discharge occurred as soon as possible and no later than 24 hours. Existing spill exemptions apply

SB 1994 (Birdwell) – Requires spill to be reported to “local government officials”

HB 4116 (Zwiener) – Requires TCEQ establish an escrow account and program for TPDES permit holders to pay into the account in the event that the permit holder causes a discharge that damages the environment



Welcome to the 86th Texas Legislature: Contested Cases



HB 654 (Dutton)/SB 573 (Miles) – Expands definition of “affected person” for wastewater, injection well and solid waste permit protests

SB 1990 (Zaffirini) & HB 1006 (Collier) – (Similar bills) time limits for changing permit applications after SOAH referrals (wastewater, injection wells, solid waste, air)

HB 3114 (Kacal) – Moves SOAH hearing process to TCEQ with contracted administrative law judges



Welcome to the 86th Texas Legislature: Biosolids and Domestic Septage



HB 3318 (Burns) – Creates permit requirements for domestic septage like those of Class B including permit rather than authorization and pathogen and vector reduction treatment like that of Class B

HB 3319 (Burns) – Defines domestic septage and requires soil monitoring samples for land application unit to be collected by inspectors for domestic septage sites and Class B sites

HB 3930 (Morrison)/ SB 2070 (Menendez) – Prohibits land application of grit and grease trap waste

HB 523 (Allen)/ SB 1249 (Miles) – Extends notice area to 1 mile for solid waste permit applicants and organizations within 2 miles



Water Environment
Association of Texas

Domestic Septage Land Application

WEAT's Position

WEAT's position is that the public should be able to exercise due process over the land application of domestic septage. Domestic septage should be required to meet the minimum standards of biosolids for land application, and should be regulated and permitted similarly if not more rigorously, given the lack of treatment afforded to that type of waste.

Definitions

Domestic septage is untreated raw sewage from portable toilets, septic tanks, and recreational vehicles. Biosolids are nutrient enriched solids treated to meet federal and state standards, which are subsequently applied for beneficial use as a soil amendment.

Explanation

Applying biosolids to the soil for agriculture use offers a cost-effective way to manage a resource and avoid the expense of purchasing unnecessary chemicals. However, restrictions on the land application of biosolids differ greatly from the restrictions on the land application of domestic septage. According to Texas Administrative Code 30 TAC 312, Class A, AB, and B biosolids must undergo pathogen and vector attraction reduction treatment to reduce risk and odor before being land applied. The same stringent requirements do not apply to domestic septage.

Furthermore, Class A, AB, and B biosolids land application sites must be permitted and not simply administratively "registered" like domestic septage sites. As a result, biosolids undergo rigorous notice and reporting requirements, and the public is allowed to participate in the process of permitting those sites. The registration process for domestic septage does not require public notice or participation, which among other things, denies the public the ability to meaningfully participate in the process for siting and operating domestic septage waste disposal sites.

For these reasons among others, WEAT does not support the current treatment of domestic septage disposal sites. We believe that domestic septage should be treated as rigorously as biosolids, which are beneficial to the agricultural business and economy of the State of Texas.

WEAT's Position

WEAT's position is that the public should be able to exercise due process over the land application of domestic septage. Domestic septage should be required to meet the minimum standards of biosolids for land application, and should be regulated and permitted similarly if not more rigorously, given the lack of treatment afforded to that type of waste.



Welcome to the 86th Texas Legislature:

Produced Water and Discharge Permits

HB 2545 (Guillen) – Amends tax code to provide tax incentives to certain desal facilities. Facility permit holder gets credits for producing freshwater at desal facility and credits for mineral extraction

HB 2771 (Lozano) / SB 1585 (Hughes) – Allows TCEQ to issue discharge permits for produced water under TPDES program with existing permitting remaining at RRC

HB 3067 (Ashby) – Changes tax code to incentivize desal of salty produced water and requires RRC to set adopt rules for program

HB 3246 (Darby) – Relates to treating produced water for beneficial use
– reads as a chain of custody bill



Welcome to the 86th Texas Legislature:

Produced Water and Discharge Permits

HB 3320 (Zwiener) – Requires O&G companies located over the Edwards Aquifer Recharge Zone to submit to TCEQ a water pollution abatement plan for the facility

HB 3717 (Dominguez) / SB 1999 (Hinojosa) – creates a tax credit program incentivizing the treatment and ASR of produced water

HB 4380 (Herrero) – creates an environmental task force advisory committee which is tasked with reviewing the RRC's regulatory structure and rules





Welcome to the 86th Texas Legislature: Brackish Groundwater and Desalination

HB 722 (Larson) - Brackish production zone rules

HB 724 (Larson)/SB 1836 (Alvarado) – Transfers of treated brackish groundwater

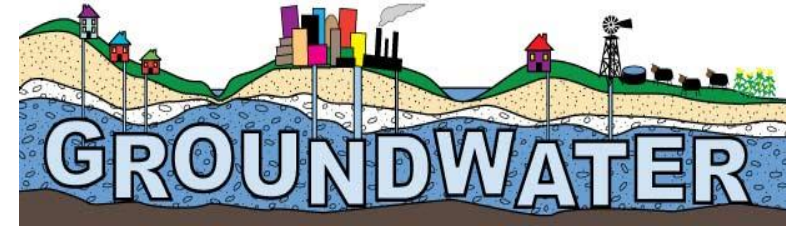
HB 845 (Lozano) – Property tax breaks for desalination projects

HB 1617 (Larson)/SB 1041 (Taylor) – Extended TWDB deadline for brackish zone designations

HB 1052 (Larson) – Allows TWDB to use state participation account for ASR and desalination projects



Welcome to the 86th Texas Legislature: Groundwater & Surface Water



Groundwater

HB 726 (Larson) – Omnibus groundwater bill that amends and repeals multiple sections of Chapter 36, Water Code relating to limiting rules at time of permit

HB 1594 (Shine)– TWDB to update groundwater availability models for Edwards and Trinity aquifers by Sept 2020

SB 1010 (Perry) - Similar rules for GCDs over same aquifer

HB 2123 (Harris) – Petition process to change GCD rules

Surface Water

HB 1964 (Ashby) – Exemptions of notice and hearing requirements for certain surface water rights amendments

HB 4570 (Larson) – Study of groundwater/surface water interaction





Welcome to the 86th Texas Legislature:

Aquifer Storage and Recovery & Reuse

HB 720 (Larson) – Relating to appropriations of water for use in ASR projects

HB 721 (Larson) – TWDB to conduct studies of and submit reports on ASR

HB 481 (Kuempel)/ SB 520 (Campbell) – ASR in portion of Edwards Aquifer

HB 1044 (Zwiener)/ SB 483 (Campbell) – Expands types of injection well permits for ASR projects over sections of the Edwards Aquifer – Buda bill

HB 2880 (Zweiner) – Study of state and local building codes that may hinder conservation and on-site reuse technology

HB 3560 (Farrar) – Authorizes Harris County to implement a pilot program to reuse any form of wastewater at a county facility



Welcome to the 86th Texas Legislature: Workforce Development

HB 1469 & HB 1472 (Thierry)/ SB 1724 (Campbell) – Gives school districts and charter schools access to Skills Development Fund for workforce training



SB 1538 (Menendez) – Creates veterans career mentoring pilot program for technical training at Alamo Community College

SB 1539 (Menendez) – Requires Alamo Community College to implement pilot program for career interest groups for veterans

SB 1576 (Alvarado) – Creates TX industrial workforce apprenticeship grant program to address immediate workforce needs resulting from impact of Harvey and overall workforce shortages



Welcome to the 86th Texas Legislature: Other Key Themes

- **Public notice and transparency**
- **Eminent domain**
- **Conservation**
- **Cybersecurity**
- **Lead line replacements**
- **Excavation and right of way issues**
- **CCN releases**

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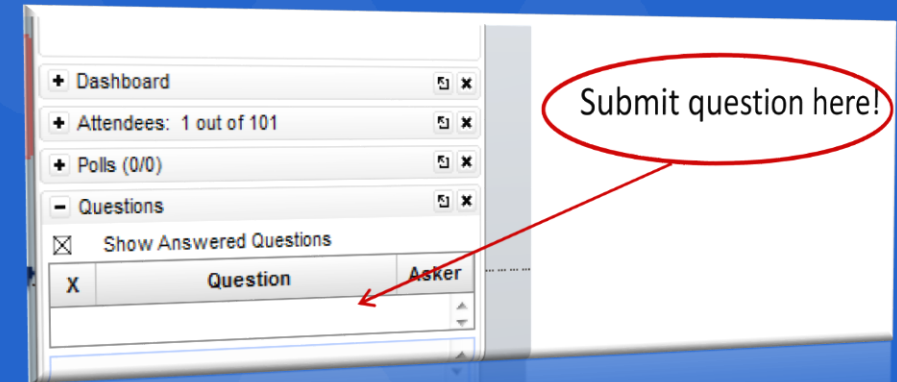
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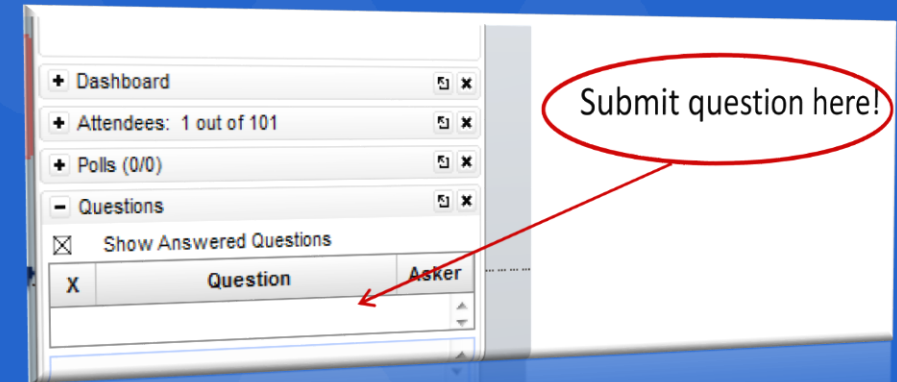
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