

Water Environment
Association of Texas

87th Texas Legislative Session: Law on a Rollercoaster

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TACWA Meeting – UTRWD
May 21, 2021
Virtual



87th Texas Legislature: The Big Three

- **Governor Greg Abbott**
- **Lt Governor Dan Patrick**
 - Senate InterimReports
 - Senate Rules
 - Committee Assignments
- **Speaker of the House Dade Phelan**
 - House InterimReports
 - HouseRules
 - CommitteeAssignments





87th Session of the Texas Legislature: Law in the Time of Coronavirus

Water Environment Association of Texas

Key Dates:

November 3 – Election Day

November 9 – 1st day of prefilings

January 12 – 1st day of 87th Lege

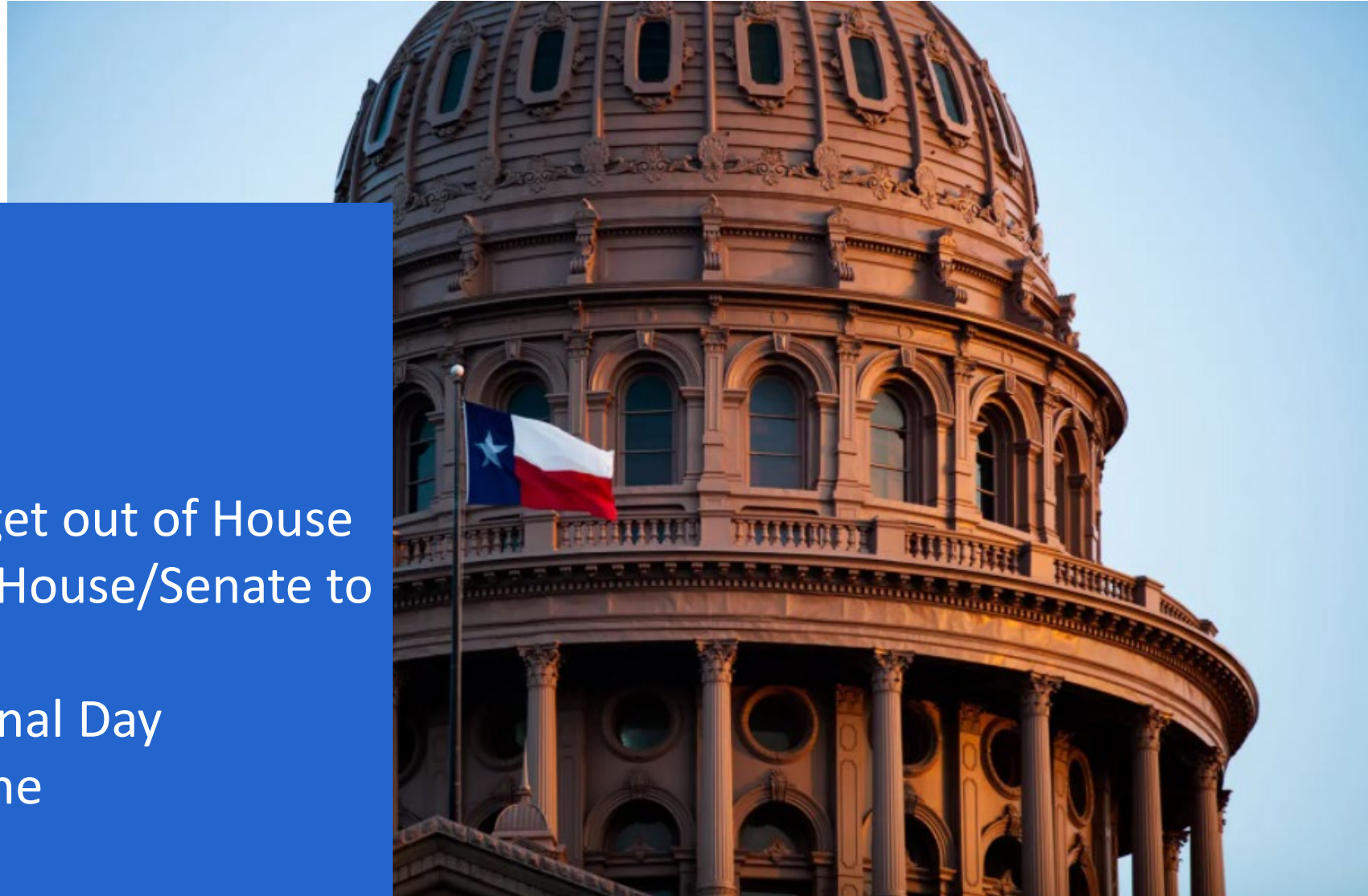
March 12 – Last day to file

May 14 – Last day to get out of House

May 26 – Last day for House/Senate to
hear bills

May 31 – Sine Die – Final Day

June 20 – Veto Deadline



Priority bills imperiled as end-of-session tensions rise between Texas House and Senate

House lawmakers expressed frustration Thursday that some of their priority legislation had not moved in the upper chamber, including a number of bills aimed at reforming the state's judicial system. The House has pushed by House



Jeff Leach

@leachfortexas

There are either two chambers or there are no chambers. If the TX Senate wants to kill or sit on important bills sent over by the House, they can expect the same in return. Starting today. As a wise House colleague once said, "The Senate can respect us. Or expect us." #txlege

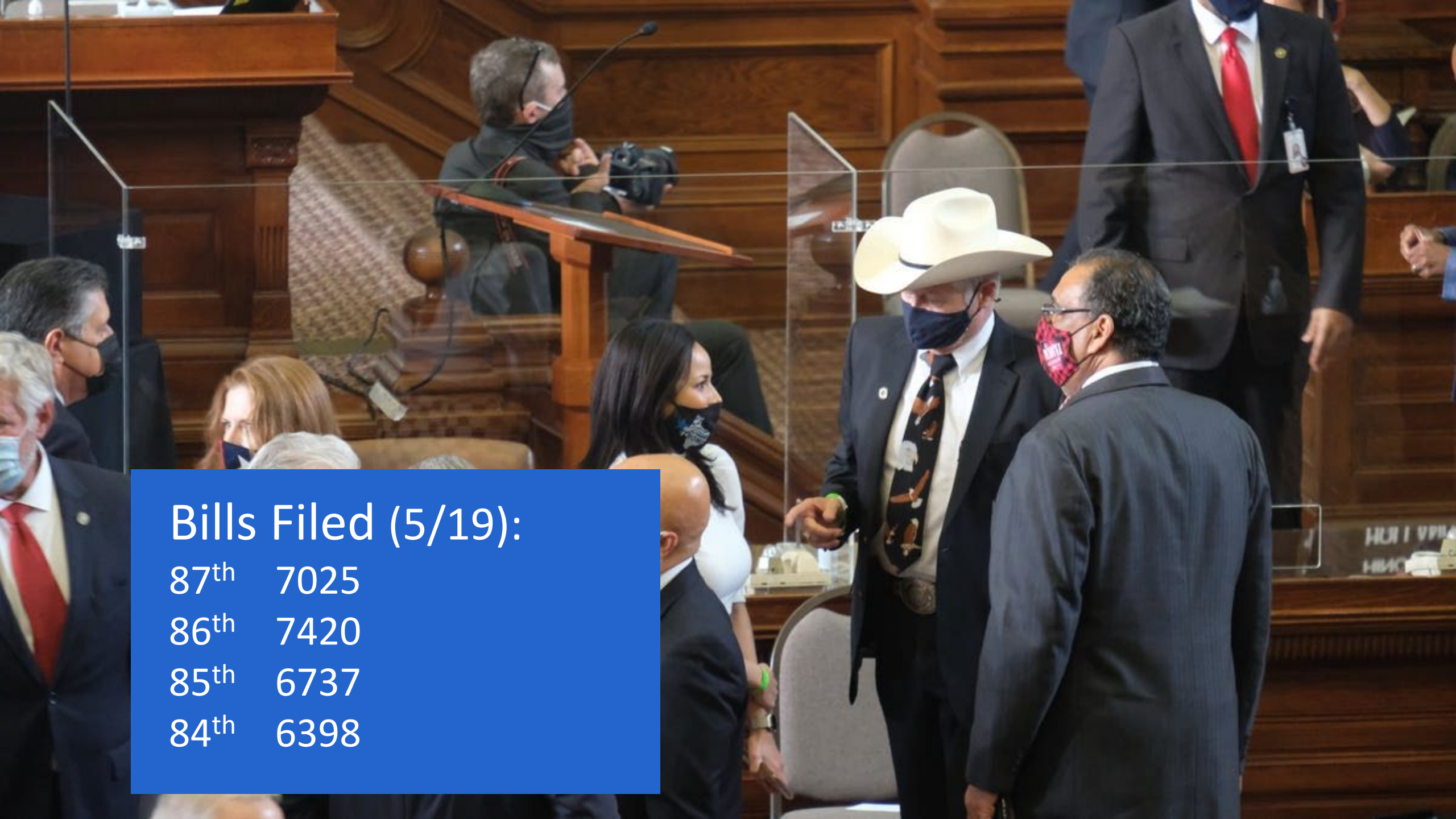
11:17 AM · May 20, 2021 · Twitter for iPhone



87th Texas Legislature: The Priorities

- Budget
- Redistricting
- Responding to the pandemic
- Expanded Broadband
- **Electric Grid**
- **Social Issues**





Bills Filed (5/19):

87th 7025

86th 7420

85th 6737

84th 6398

“The events that (led) to the electric grid’s failure was not caused by any one individual or group. ... The interests of many people and companies contributed the situation we faced ... “

finally the Legislature all had responsibility to foresee what could have happened and failed to take the necessary steps for the past 10 years to address the issues that each of them could have addressed.” - DeAnn Walker



Toby Baker, ED, TCEQ Testimony

Sen State Affairs – Feb 25

- Over 1,800 boil water notices in place at once out of 7,000 systems
- Many from smaller plants with less than 250 connections
- Primary concern during and after the storm has been lab space availability to test water quality in order to lift the boil water notices
- More than 80 large petrochemical facilities went into some form of shutdown during the storm
- Water treatment facilities failed due to lack of power, frozen pipes and chemicals, debris backups in the systems due to lack of pressure/water because of water main breaks





Legislative Fixes ERCOT & Disaster Alerts Speaker Priorities

HB 10 (Paddie) – relating to the governing body of the independent organization certified to manage the ERCOT power region **(LEFT PENDING IN COMMITTEE)**

HB 13 (Paddie) – relating to the establishment of the Texas Energy Disaster Reliability Council
(LEFT PENDING IN COMMITTEE)

HB 12 (Raymond) – relating to a study on a statewide disaster and extended power outage alert system and implementation of that system
(LEFT PENDING IN COMMITTEE)



Legislative Fixes Weatherizing Infrastructure

HB 11 (Paddie) - relating to the extreme weather emergency preparedness of facilities for providing electric service
(LEFT PENDING IN COMMITTEE)

HB 14 (Goldman) - relating to the creation of the Texas Electricity Supply Chain Mapping Committee
(LEFT PENDING IN COMMITTEE)



Legislative Fixes Weatherizing Infrastructure

HB 17 (Deshotel) - relating to a restriction on the regulation of utility services and infrastructure based on the energy source to be used or delivered (**SIGNED INTO LAW – effective immediately**)

HB 3915 (Goldman) - relating to the designation of certain premises as critical load
(NOT YET DEAD)

HB 2000 (Huberty) Relating to the funding of utility reliability projects by the TWDB



87th Texas Legislature Disaster & Pandemic Planning

SB 3 (Schwertner) - Relating to preparing for, preventing, and responding to weather emergencies, power outages, and other disasters

(MOVING)

SB 453/HB 1923 (Blanco,/Thierry) – Relating to a study and report by the comptroller on local and state supply chain disruptions caused by the COVID-19 pandemic **(DEAD)**

SB 437/HB 1989/HB 2270 (Blanco/Thierry/Turner) – relating to the state reserve of personal protective equipment for health care workers and essential personnel **(NOT DEAD YET)**

HB 2538 (Turner) - relating to the Task Force on Infectious Disease Preparedness and Response **(DEAD)**



87th Produced Water Consortium Bill and 86th Produced Water Bill - UPDATE

SB 601 (Perry) /HB 3096 (Burrows) - Relating to the creation and activities of the Texas Produced Water Consortium.

(ALIVE – UNCERTAIN)

SB 601 is Perry's extension of **HB 2771** (Lozano) – Allows TCEQ to issue discharge permits for produced water under TPDES program with existing permitting remaining under RRC.

- **HB 2771** mandated TCEQ seek authority to issue permits from EPA by September 2021
- **EPA approved TCEQ's application** to issue discharge permits for 3 waste streams from oil and gas facilities under TPDES – January 15, 2021
- **HB 2771 Stakeholder meeting – Previous meeting, March 18**



87th Texas Legislature

Oil and Gas

SB 771/HB 2006 (Nichols, Ashby) – Notice of surface disposal permits for oil & gas waste (**DEAD**)

SB 772/HB 2201 (Nichols, Ashby) – Location standards for oil and gas pits (**ALIVE - UNCERTAIN**)

HB 3516/SB 1335 (T. King, Perry) – Relating to the regulation of the recycling of oil and gas waste (**MOVING and on tomorrow's calendar**)



87th Texas Legislature

Spills and Unauthorized Discharges

HB 1289 (Reynolds) – Relating to notice of certain accidental discharges or spills to local government officials by the TCEQ
(DEAD)

HB 2659 (Rosenthal) – Relating to reporting requirements for certain accidental discharges or spills
(DEAD)

HB 4146/SB 1747 (T. King/Zaffarini) – Relating to a restriction on permits authorizing direct discharges of waste or pollutants into water in certain stream segments or assessment units. **(NOT DEAD YET)**

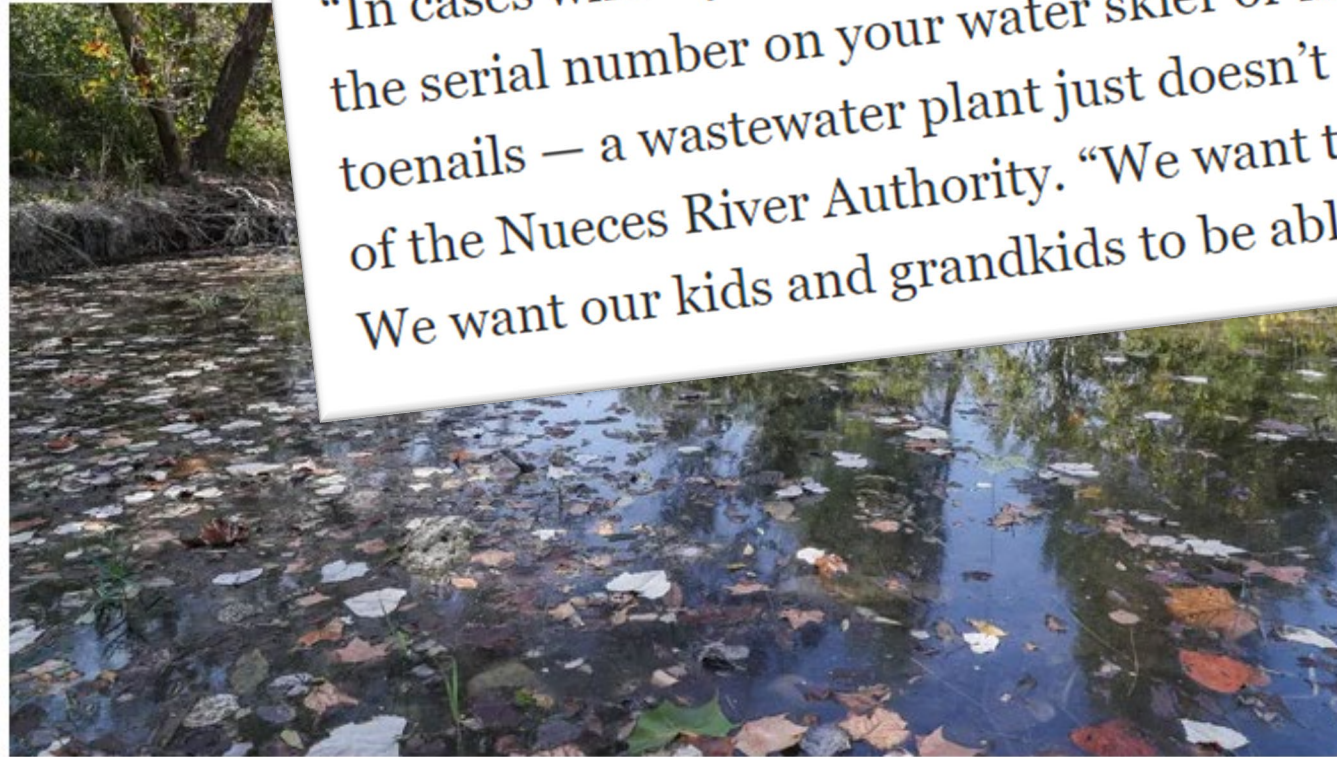


Texas House votes to ban wastewater discharge permits along 'pristine' streams

Madlin Mekelburg Austin American-Statesman

Published 7:00 a.m. CT May 12, 2021

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“In cases where you have this pristine water — where you can look down and read the serial number on your water skier or inner-tube or see the dirt under your toenails — a wastewater plant just doesn’t fit,” said John Byrum, executive director of the Nueces River Authority. “We want to try and keep those streams pristine. We want our kids and grandkids to be able to enjoy them the same way we did.”

The Texas House approved a bill that seeks to protect "pristine" streams from pollution by prohibiting the Texas Commission on Environmental Quality from issuing wastewater discharge permits on these waterways throughout the state. LOLA GOMEZ/AMERICAN-STATESMAN



87th Texas Legislature

Water Quality-ish

HB 242 (Zwiener) – Relating to the authority of the TCEQ to require water pollution abatement plans from certain facilities regulated by the Railroad Commission of Texas – **Refiled (DEAD)**

HB 271 (Murr) – Relating to the procedure by which a state agency may issue an opinion that a watercourse is navigable – **Refiled (DEAD)**

HB 1143 (Ramos) – Relating to the publication of pathogen-related fresh water data by the TCEQ
(DEAD)





87th Texas Legislature

Water Quality-ish

HB 2368 (Morales Shaw) – Relating to the participation by local governments in water quality control measures **(DEAD)**

HB 2350 (Zwiener) – Relating to financial assistance provided to political subdivisions by the Texas Water Development Board for nature-based water quality enhancement projects. **(NO HEARING IN SENATE, YET)**

HB 2426 (Murr) – Relating to water quality protection areas **(DEAD)**

HB 3814/SB 2097 (Hunter/Zaffarini) – Relating to the regulation by the TCEQ of the discharge of preproduction plastic from point and nonpoint sources to ensure zero discharge or release of plastic **(DEAD)**





87th Texas Legislature Drinking Water

HB 2148 (Stephenson) – Relating to notice of contamination of a public water supply to certain water providers by the TCEQ
(MOVING)

HB 2717 (Landgraf) – Relating to certain requirements for water systems **(DEAD)**





87th Texas Legislature

Lead in Drinking Water

HB 303 (Collier) – Relating to testing for lead contamination in public school drinking water – Refiled **(DEAD)**

HB 605 (Garvin-Hawkins) – Relating to the adoption of healthy and safe school water plan by public schools - Refiled **(DEAD)**

HB 2038 (Talarico) – Relating to lead in drinking water at schools and child care facilities – Refiled **(DEAD)**





87th Texas Legislature

Rates, River Authorities, Disconnection Notices

HB 1873 (Gates) - Relating to late payment fees charged by a municipally owned water utility **(DEAD)**

HB 2224/SB 784 (Bell, Creighton) – Relating to rates established by municipalities for water and sewer services **(DEAD/Hearing in HNR)**

SB 997 (Nichols)/HB 3079 (Larson) - Relating to procedural requirements for the review of a contractual rate charged for the furnishing of raw or treated water or water or sewer service **(MOVING – SENT TO GOVERNOR)**

HB 2227 (Wilson) - Relating to an interim study regarding the composition of the boards of directors of certain river authorities **(DEAD)**

HB 2268 (Paul) – Relating to disconnection notices **(DEAD)**





87th Texas Legislature Coast Protection/Dams

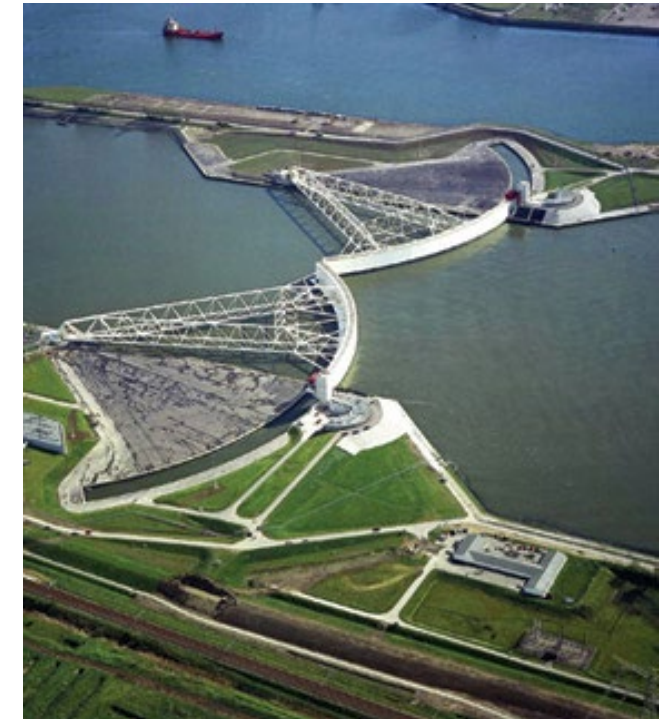
SB 1160 (Taylor)/HB 3029 (Paul) - relating to the creation of the Gulf Coast Protection District **(ALIVE)**

SB 1266 (Taylor)/HB 3537 (Paul) - relating to the feasibility of creating and maintaining a coastal barrier system
(NOT DEAD YET)

SB 600 (Perry) - relating to an inventory of dams controlled by river authorities **(ALIVE)**



**US Army Corps
of Engineers** ®





87th Texas Legislature

Groundwater

HB 152 (Harris) – Relating to a study by the TWDB of groundwater conditions in certain counties **(DEAD)**

HB 666 (Harris) – Relating to regulation of groundwater conservation districts

HB 668 (Harris) SB 152 (Perry) – Relating to regulation of groundwater conservation districts **(SB ALIVE)**

HB 966 (Burns) – Relating to the award of attorney's fees and other costs in certain suits involving a groundwater conservation district **(DEAD)**

HB 2652 (Larson) - Relating to establishing an advisory board to study surface water and groundwater interaction **(DEAD)**





87th Texas Legislature

Groundwater / Water Rights

HB 2095 (Wilson) – Relating to water research conducted by the University of Texas Bureau of Economic Geology **(ALIVE)**

HB 2652 (Larson) - Relating to establishing an advisory board to study surface water and groundwater interaction **(DEAD)**

HB 2710 (Bowers) – Relating to an exemption to the cancellation of a water right for nonuse **(DEAD)**





87th Texas Legislature

Reuse

HB 186 (Zwiener) – Relating to the exemption from ad valorem taxation of the portion of the appraised value of a person’s property that is attributable to the installation in or on the property of certain water conservation systems **(DEAD)**

SB 905 (Perry) – Relating to guidance on the regulations applicable to the potable reuse of wastewater.
(MOVING – SENT TO THE GOVERNOR)

HB 4066 (Lucio III) – Relating to the adoption by the RRC of a permit by rule for beneficial reuse of domestic wastewater and mobile drinking water treatment system.
(NOT YET DEAD)





87th Texas Legislature

Transparency and Notice

HB 70 (Swanson) – Relating to legislative review and approval of certain state agency rules – Refiled **(DEAD)**

HB 327 (Howard) – Relating to the internet broadcast or audio recording of certain open meetings **(DEAD)**

HB 348 (Zwiener) – Relating to a requirement to make certain environmental and water use permit applications available online – Refiled **(DEAD)**

HB 355 (Lopez) – Relating to providing notice to a state representative and senator of an admin penalty assessed by the TCEQ – Refiled **(NOT YET DEAD)**





87th Texas Legislature

Transparency and Notice

HB 531 (Walle) –Relating to notice requirements for a leased dwelling located in a floodplain. **(ALIVE)**

HB 634 (Morales) – Relating to the type of newspaper required for the publication of notices by governmental entities for representatives in certain countries **(DEAD)**

HB 768 (Patterson) – Relating to the requirement that certain governmental bodies make audio and video recordings of open meetings available on the internet **(DEAD)**

HB 968 (Dutton) - Relating to public comments on matters subject to a hearing under the jurisdiction of the Texas Commission on Environmental Quality **(DEAD)**





87th Texas Legislature

Transparency and Notice

HB 969 (Dutton) - Relating to the definition of "affected person" for purposes of a contested case hearing held by or for the Texas Commission on Environmental Quality regarding certain environmental permit applications – Refiled **(DEAD)**

HB 975 (Dutton) - Relating to the notice of intent to obtain a permit from the Texas Commission on Environmental Quality **(DEAD)**

HB 1030 (Shaheen) – Relating to the publication of required notice by a political subdivision by alternative media **(DEAD)**

SB 859 (Nathan) – Relating to the authority of certain water planning entities to hold an open or closed meeting by telephone conference call or video conference call **(ALIVE)**





87th Texas Legislature

Transparency, Notice, and Administrative Penalty

HB 1322 (Shaheen) – Relating to a summary of a rule proposed by a state agency
(PASSED – GOING TO GOVERNOR)

HB 2103 (Bowers) – Relating to the authority of certain water planning entities to hold an open or closed meeting by telephone conference call or videoconference call **(NOT YET DEAD)**

SB 366 (Miles) Relating to the minimum amount of an administrative penalty assessed by the TCEQ for a violation of certain laws under the jurisdiction of, or rules adopted or orders or permits issued by, the commission **(DEAD)**





87th Texas Legislature

Disaster Preparedness, Climate Variability and Stormwater

HB 655 (Raymond)/SB 865 Creighton – Relating to a study of a statewide disaster alert system and implementation of that system **(SB ALIVE)**

HB 1949 (Crockett)/ HB 2017 (Thierry) / SB 306 Eckhardt – Relating to information on projected changes in weather, water availability, and climate variability in strategic plans of certain state agencies **(DEAD)**

HB 2166 (Raymond) – Relating to a study by the Texas Division of Emergency Management of the potential effects of droughts and wildfires in this state **(DEAD)**





87th Texas Legislature Disaster Preparedness, Climate Variability and Stormwater

HB 2206 (Talarico) – Relating to the Texas Climate Action Act **(DEAD)**

HB 2275 (Zwiener) Relating to critical infrastructure resiliency and financing **(NOT DEAD YET)**

SB 888 (Eckhardt) Relating to the use of green stormwater infrastructure in new state buildings **(DEAD)**

HB 2762 (Rogers) - Relating to the exclusion of certain facilities from load shedding participation during a rolling blackout **(DEAD)**



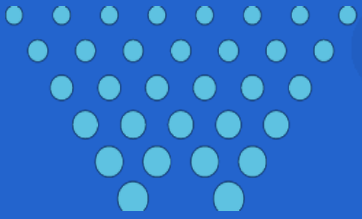


Spencer & Merry's Annual Portrait

2/13/2021

Water Environment Association of Texas





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Questions, Comments, Discussion...

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