

CHAPTER 53

S.B. No. 502

AN ACT

relating to certain powers and duties of the State Soil and Water Conservation Board.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsections (a), (b), (c), (d), and (h), Section 26.0135, Water Code, amended to read as follows:

(a) The commission shall ensure the comprehensive regional assessment of water quality in each watershed and river basin of the state. In order to conserve public funds and avoid duplication of effort, river authorities shall, to the greatest extent possible and under the supervision of the commission, conduct regional assessments of their own watersheds. *Regional assessments involving agricultural or silvicultural nonpoint source pollution shall be coordinated through the State Soil and Water Conservation Board with local soil and water conservation districts.* The commission, either directly or through cooperative agreements and contracts with local governments, shall conduct regional assessments of watersheds where a river authority is unable to perform an adequate assessment of its own watershed. The assessment must include a review of wastewater discharges, nonpoint source pollution, nutrient loading, toxic materials, biological health of aquatic life, public education and involvement in water quality issues, local and regional pollution prevention efforts, and other factors that affect water quality within the watershed. The assessment shall also review any significant regulatory or enforcement issues affecting the watershed. The assessment required by this section is a continuing duty, and the assessment shall be revised as necessary to show changes in the factors subject to assessment.

(b) In order to assist in the coordination and development of assessments and reports required by this section, a river authority shall organize and lead a basin-wide steering committee that includes representatives from all appropriate state agencies, *the State Soil and Water Conservation Board*, political subdivisions, and other governmental bodies with an interest in water quality matters of the watershed or river basin. Each committee member shall help identify significant water quality issues within the basin and shall make available to the river authority all relevant water quality data held by the represented entities. A river authority shall also develop a public input process that provides for meaningful comments and review by private citizens and organizations on each regional assessment and report.

(c) The purpose of the assessment required by this section is not to mandate exhaustive and detailed water quality studies, but rather to identify significant issues affecting water quality within each watershed and river basin of the state and to provide sufficient information for the commission, *the State Soil and Water Conservation Board*, river authorities, and other governmental bodies to take appropriate corrective action necessary to maintain and improve the quality of the state's water resources. The commission shall establish by rule the level of detail required for each watershed and river basin assessment.

(d) On or before October 1 of each even-numbered year, each river authority shall report in writing to the governor, commission, *State Soil and Water Conservation Board*, and Parks and Wildlife Department on the water quality assessment of the authority's watershed, including an identification of any significant regulatory or enforcement issues, and on any actions taken by the authority and other local governments to improve water quality within the authority's watershed. The assessment report must identify each legal, administrative, economic, or other impediment to further water quality efforts by the authority and local governments. The commission shall then prepare a report that summarizes each river authority's assessment report, describes the commission's regional water quality assessment efforts, and lists the commission's past and proposed actions for improving water quality within the watersheds subject to such assessments. The commission shall submit its report, along with the commission's comments and recommendations on regional water quality management, to the governor, the lieutenant governor, and the speaker of the house of representatives on or before December 1 of each even-numbered year.

(h) The Texas Water Commission shall apportion, assess, and recover the reasonable costs of administering water quality management programs under this section from [all] users of water and wastewater permit holders in the watershed according to the records of the commission generally in proportion to their right, through permit or contract, to use water from and discharge wastewater in the watershed. The cost to river authorities and others to conduct regional water quality assessment shall be subject to prior review and approval by the commission as to methods of allocation and total amount to be recovered. The commission shall adopt rules to supervise and implement the water quality assessment and associated costs. The rules shall ensure that water users and wastewater dischargers do not pay excessive amounts, that a river authority may recover no more than the actual costs of administering the water quality management programs called for in this section, and that no

municipality shall be assessed cost for any efforts that duplicate water quality management activities described in Section 26.177 of this chapter.

SECTION 2. Section 26.0136, Water Code, is amended to read as follows:

Sec. 26.0136. REGIONAL WATER QUALITY IMPLEMENTATION. The commission is the agency with primary responsibility for implementation of regional water quality management functions, including enforcement actions, within the state. The commission by rule shall coordinate the water quality responsibilities of river authorities within each watershed and shall, where appropriate, delegate water quality functions to local governments under Section 26.175 of this code. *The State Soil and Water Conservation Board shall coordinate and administer all programs for abating agricultural or silvicultural nonpoint source pollution, as provided by Section 201.026, Agriculture Code.* Nothing in this section is intended to enlarge, diminish, or supersede the water quality powers, including enforcement authority, authorized by law for river authorities, the State Soil and Water Conservation Board, and local governments. *Nothing in this section is intended to enlarge, diminish, or supersede the responsibilities of the Texas Agricultural Extension Service and the Texas Agricultural Experiment Station to conduct educational programs and research regarding nonpoint source pollution and related water resource and water quality matters.* For purposes of this section, river authority shall have the same meaning as that contained in Section 26.0135(i) of this code.

SECTION 3. This Act takes effect September 1, 1993.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on March 17, 1993, by a viva-voce vote; passed the House on April 19, 1993, by a non-record vote.

Approved April 29, 1993.

Effective Sept. 1, 1993.