

87th Texas Legislature Stormwater-Related Bills as of 5/11/21

Bill Number	Short Title	Status	Last Action	Sponsor
<u>HB 152</u>	Relating to a study by the Texas Water Development Board of groundwater conditions in certain counties.	Withdrawn from schedule	4/27/2021	Buckley
<u>HB 242</u>	Relating to the authority of the Texas Commission on Environmental Quality to require water pollution abatement plans from certain facilities regulated by the Railroad Commission of Texas.	Left pending in committee	4/13/2021	Zweiner
<u>HB 271</u>	Relating to the procedure by which a state agency may issue an opinion that a watercourse is navigable.	Referred to House Natural Resources Committee	2/25/2021	Murr
<u>HB 291</u>	Relating to the regulation of certain aggregate production operations by the Texas Commission on Environmental Quality; authorizing an increase in the amount of a fee.	Left pending in committee	4/19/2021	Murr
<u>HB 348</u>	Relating to a requirement to make certain environmental and water use permit applications available online.	Referred to House Natural Resources Committee	2/25/2021	Zweiner
<u>HB 520</u>	Relating to the regulation by the Texas Department of Transportation of right-of-way landscaping installed by utilities.	Left pending in committee	3/23/2021	Beckley
<u>HB 531</u>	Relating to notice requirements for a leased dwelling located in a floodplain.	Committee report sent and distributed	5/10/2021	Walle
<u>HB 666</u>	Relating to the regulation of groundwater conservation districts.	Referred to House Natural Resources Committee	3/1/2021	Harris
<u>HB 668</u>	Relating to the regulation of groundwater conservation districts.	Referred to House Natural Resources Committee	3/1/2021	Harris
<u>HB 767</u>	Relating to best management practices for aggregate production operations.	Left pending in committee	4/19/2021	Huberty

HB 824	relating to the exemption of certain property from municipal drainage service charges.	Referred to Senate Local Government Committee	5/6/2021	Bucy
HB 1143	Relating to the publication of pathogen-related fresh water data by the Texas Commission on Environmental Quality.	House Committee Report sent to Local & Consent Calendar	4/27/2021	Ramos
HB 1289	Relating to notice of certain accidental discharges or spills to local government officials by the Texas Commission on Environmental Quality.	Referred to Environmental Regulation Committee	3/4/2021	Reynolds
HB 1410	Relating to the provision of parks and recreational facilities by water districts.	Left pending in committee	4/26/2021	Murphy
HB 2350	Relating to financial assistance provided to political subdivisions by the Texas Water Development Board for water resource restoration projects.	Referred to Senate Water, Agriculture, & Rural Affairs Committee	5/10/2021	Zweiner, Walle, Harris
SB 152	Relating to the regulation of groundwater conservation districts.	House Committee Report sent to Local & Consent Calendar	5/4/2021	Perry
SB 1128	Relating to pollinator health.	Referred to Senate Water, Agriculture, & Rural Affairs Committee	3/18/2021	Powell
SB 1772	Relating to the establishment of the Texas Pollinator-Smart program for solar energy sites.	Referred to House Agriculture & Livestock Committee	5/5/2021	Zaffirini

HJR 17	Proposing a constitutional amendment to authorize the legislature to exempt from ad valorem taxation the portion of the assessed value of a person's property that is attributable to the installation in or on the property of a rainwater harvesting or graywater system.	Referred to House Ways & Means Committee	3/1/2021	Zweiner

Splash Pad responses

City	Contact	Response
Frisco	Perry Harts	Our splash pads are in the middle of parks surrounded by grass. So all of the over spray goes into the grass. Let me know if you have additional questions.
Carrollton	Krista Pender	We do permit and require recirculated/treated water for splash pads and the water will be discharged to the sanitary sewer. I don't think we have any that aren't permitted. However, if a daycare wants to put up a sprinkler for the kids to run through we do not regulate that and allow that to discharge to the storm drain. On another note the TPDES Small MS4 General Permit does list splash pad water as an allowable discharge – "19. Other similar occasional incidental non-stormwater discharges such as spray park water, unless the TCEQ develops permits or regulations addressing these discharges."
Seagoville	Jenifer Bonner	Seagoville does have a city-owned splash pad that sheet flows to a retention pond (available for public fishing) 85+/- feet away in our largest city park. (Not only is the pond stocked yearly for Kid Fish in the spring, it also has acquired a wild duck population and numerous turtles.) I do not know of any other (private) splash pads in Seagoville. If we had one want to come in (such as an amenity in a residential development), we would probably make it either recycle the water, discharge through a detention/retention pond to address stormwater issues before reaching the MS4 system, or discharge to the sanitary sewer.
Dallas	Kevin Hurley	Splashpad water is not specifically addressed in our stormwater code, but:
		1. Water from splashpad maintenance would be prohibited from discharge to storm drain if it contains anything but clean potable water.
		2. Also, water from splash pad maintenance would be prohibited if discharged in a manner that causes erosion or adds a sediment or pollutant load to the MS4.
		3. Potable water that is uncontaminated can go to the MS4. The volume of water generated might be adequate to dilute the levels of sunscreen and other pollutants from the users enough to be "uncontaminated" if tested in a lab. The number of kids in diapers might be consideration too. If it's a kiddie focused splash pad, sanitary sewer may be preferred. Or holding onsite and controlled discharge to a vegetated area or routing to the irrigation system.
		4. Because of the chemicals used in pool maintenance and upkeep, swimming pool water must go the wastewater system in almost all cases. Filter backflush water too.
		I have asked our Park and Recreation department how they design the drainage from splashpads. I am not sure if the Building Inspection division (folks that regulate international plumbing code) would see this as a fountain or pond or what in terms of how it must be plumbed.

Splash Pad responses

		Additional questions:
		How much water per day passes through the splashpad system under normal use?
		What does splashpad maintenance entail?
		What capacity for reuse does the park have?
Royse City	Pat Baugh	The City of Royse City drains their splash pad into a settling/chlorination-dissipation pond before it outfalls to a stream within its MS4. I do not know if they test the effluent, but I suspect chlorine levels are near undetectable levels. At least not mitigation worthy.
Fort Worth	Cory Stuhmer	Our system here recirculates the water, so we do not discharge to storm water.
Plano	Echo Rexroad	We do not allow splash pads to discharge water into a stormdrain. Similarly, we do not allow homeowners to discharge their chlorinated pool water into the MS4. Some details on splash pads in Plano:
		Windhaven Meadows & Plano Aquatic Center: Both of the splash pads are on a recirculating high pressure sand filter system with automatic chemical controllers and ultra violet light (UV). We test these once a day as required by health code.
		Tom Muehlenbeck Rec Center: The splash pad area at TMC is not a standalone pad and is incorporated into the pool which has a similar circulation system.
		We have an upcoming project at Oak Point Rec Center and will be adding a splash pad with a recirculating system. We expect that to be open in 2022.
Richardson	Gayle Copening	I spoke with a couple of our supervisors and this is what they shared with me: The city's splash pads are treated with a chemical sanitizer as well as UV and Ozone systems so it must be directed to sanitary sewer. The systems use recirculated chemically treated water. It is not allowed to go down the storm drain.
Denton	Joetta Dailey	City of Denton does not have a splash pad permit; they are permitted as swimming pools so required to discharge to sanitary sewer. We only have a couple splash pads, but they capture and recirculate water, so have a filter/treatment system to maintain the chlorine residual similar to a pool.
Cleburne	Julie Winchell	Ours discharges to sewer. I don't think the MS4 permits call this out as an authorized discharge, so I would assume that it would not be authorized to go to the storm. If the splash pad is tied to chlorinated potable water supply it should not go to storm due to the potential for fish kills. When our water utilities have a leak or main break they have to try to dechlorinate the water before it discharges to the storm or a waterway. So I would assume that planned discharges such as that from a splash pad would require treatment.

Splash Pad responses

Lewisville	Jason Longbine	We have one splash pad in Lewisville, and it drains to the storm sewer. It was built more than 7 years ago, so that might not be how it would be designed today.
Mansfield	Howard Refearn	I think our Parks only has 1 splash pad, and it is recirculated water.

Endangered Species responses

City	Contact	Response
Carrollton	Krista Pender	Carrollton does not address this in our SWMP.
DART	Tad Heimburger	My research determined that TCEQ's water quality office has an incorrect listing of the Navasota ladies-tresses habitat as the entire Trinity River Basin. In August 2020 DART received a request from TCEQ for more information on the following endangered species:
		During the Water Quality Standards Review, two endangered aquatic or aquatic dependent species were identified in, or around, the receiving waterbodies of the MS4 as listed below:
		Species Waterbody(ies) Least Tern (Sterna antillarum athalassos) throughout Dallas County Navasota ladies'-tresses (Spiranthes parksii) Trinity River Basin
		The Texas Parks & Wildlife website has more detail on the specific habitat locations that may be used to better define the habitat. The attached information was sent to TCEQ to document that the Navasota ladies-tresses do not occur in the North Texas region.
		Which MS4 or who is asking? I would be happy to have a phone conversation to help resolve this problem.
		Tad Heimburger - DART Environmental Compliance Project Manager 214 749-2702
Farmers Branch	Renee Esses	City of Farmers Branch doesn't have any language in the SWMP regarding endangered species.
Lewisville	Jason Longbine	Could you please forward me your results on this topic. I have to address this species in my SWMP as well.

SOPs in use for drainage channel and basin maintenance

Perry	Hearts	As far as channels, we don't have many. The riparian areas of the creeks have been mostly preserved. So there is a different approach which is addressed on our HOA Maintenance Guide . We have found this to be very effective.
		HOA Maintenance Guide - https://nam12.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.friscotexas.gov%2FDocumentCenter%2FView%2F19892%2FHOA-Guidance%3FbidId%3D&data=04%7C01%7Csligons%40nctcog.org%7Ca9a16b7938be4905d8dd08d88fbe0d3d%7C2f5e7ebc22b04fbe934caabddb4e29b1%7C0%7C0%7C637417393744042722%7CUnknown%7CTWFpbGZsb3d8eyJWljojoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCi6Mn0%3D%7C1000&sdata=iekAttpD969GpEoes1toTYJ8fE5%2FgOzry3H%2BZJK6UIA%3D&reserved=0
		Four handouts

Covid stormwater public
education and outreach efforts

Maddisson	Dunn	Our stormwater outreach preCOVID was more in-person oriented with events including clean-ups, elementary STEM night demonstrations, well-owner workshops, and gardening workshops. We do a few local articles and social media posts for Texas Smartscape, Doo the Right Thing, Pool Draining, UPlantit, and crud crusier events. PostCOVID has been challenging since our virtual engagement is low. We've shared litter scavenger hunts and SmartScape flower quizzes. We are trying to brainstorm different ways to get the public engaged while virtual.
		The only involvement with schools is the elementary STEM night. Last year, we did a Freddie Fish demonstration and helped children build bee hotels. I attached some examples from the last event. Four attachments were submitted.
Jason	Longbine	We have provided in-person presentations to 7th grade science classes at LISD on a request basis. We have not done anything since the pandemic.
Jennifer	Bonner	Seagoville does not do anything in the schools. We are part of 3 districts – Dallas, Mesquite, and Crandall (Kaufman County).
James	Duvall	I have the same question for Azle. I have passed out every coloring book I had. I just met with the ISD and police department to come up with some alternative solutions. Apparently TRWD has a presentation of some sort that can be viewed on the television. I am checking on the presentation to see if I can use it. You may want to contact them as well. I'm not much help but I'm very interested in what you find out.
Nixalis	Benitez	Pre-Covid: In-person Workshops / Education Events in Schools / Environmental Booth at different locations / activities Post-Covid: Online messaging to community / Online Webinars / Trainings in Person with limited spaces
		At the moment we are not targeting schools. Only by some volunteers with the Stream Team Program.