

AN ACT

relating to use of certain environmental laboratory data and analysis by the Texas Commission on Environmental Quality.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 5.127, Water Code, as added by Chapter 965, Acts of the 77th Legislature, Regular Session, 2001, is amended by amending Subsections (a) and (b) and adding Subsection (e) to read as follows:

(a) The commission may accept environmental testing laboratory data and analysis for use in commission decisions regarding any matter under the commission's jurisdiction relating to permits or other authorizations, compliance matters, enforcement actions, or corrective actions only if the data and analysis is prepared by an environmental testing laboratory accredited by the commission under Subchapter R or an environmental testing laboratory described in Subsection (b) or (e).

(b) The commission may accept for use in commission decisions data and analysis prepared by:

(1) an on-site or in-house environmental testing laboratory if the laboratory:

(A) is periodically inspected by the commission;

or

(B) is located in another state and is accredited

or periodically inspected by that state;

1           (2) an environmental testing laboratory that is  
2 accredited under federal law; or

3           (3) if the data and analysis are necessary for  
4 emergency response activities and the required data and analysis  
5 are not otherwise available, an environmental testing laboratory  
6 that is not accredited by the commission under Subchapter R or under  
7 federal law.

8           (e) The commission may accept for use in commission  
9 decisions data from an on-site or in-house laboratory if the  
10 laboratory is performing the work:

11           (1) for another company with a unit located on the same  
12 site; or

13           (2) without compensation for a governmental agency or  
14 a charitable organization if the laboratory is periodically  
15 inspected by the commission.

16           SECTION 2. This Act takes effect September 1, 2003.

David Newkum

President of the Senate

Jim Cusick

Speaker of the House

I hereby certify that S.B. No. 934 passed the Senate on April 3, 2003, by the following vote: Yeas 31, Nays 0.

Larry Spaw  
Secretary of the Senate

I hereby certify that S.B. No. 934 passed the House on May 20, 2003, by a non-record vote.

Robert Haney  
Chief Clerk of the House

Approved:

20 JUN '03

Date

Rick Peery  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
9:30 AM O'CLOCK

JUN 20 2003  
Kevin Shea  
Secretary of State