

By: Christian

H.B. No. 1416

A BILL TO BE ENTITLED

1 AN ACT

2 relating to environmental standards applicable to certain small
3 counties and fines or other penalties for violations of the
4 standards.

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

6 SECTION 1. Subchapter C, Chapter 7, Water Code, is amended
7 by adding Section 7.0535 to read as follows:

8 Sec. 7.0535. ALTERNATIVE MAXIMUM ADMINISTRATIVE PENALTY
9 FOR CERTAIN SMALL COUNTIES. Notwithstanding any other provision of
10 this code or of the Health and Safety Code, a penalty imposed under
11 this subchapter on a county with a population of less than 75,000
12 for a violation of a statute under the commission's jurisdiction or
13 of a rule adopted or an order or permit issued under such a statute
14 may not exceed the amount of the penalty that would be imposed on
15 the county for the violation of a federal rule, order, or permit for
16 the same or similar type of violation, if the behavior or incident
17 that subjects the county to the penalty may result in the county
18 being subject to a federal penalty.

19 SECTION 2. Subchapter D, Chapter 7, Water Code, is amended
20 by adding Section 7.1045 to read as follows:

21 Sec. 7.1045. ALTERNATIVE MAXIMUM CIVIL PENALTY FOR CERTAIN
22 SMALL COUNTIES. Notwithstanding any other provision of this code
23 or of the Health and Safety Code, a civil penalty a court imposes on
24 a county with a population of less than 75,000 for a violation of a

1 statute under the commission's jurisdiction or of a rule adopted or
2 an order or permit issued under such a statute may not exceed the
3 amount of the civil penalty that would be imposed on the county for
4 the violation of a federal rule, order, or permit for the same or
5 similar type of violation, if the behavior or incident that
6 subjects the county to the penalty may result in the county being
7 subject to a federal penalty.

8 SECTION 3. Subchapter D, Chapter 5, Water Code, is amended
9 by adding Section 5.135 to read as follows:

10 Sec. 5.135. ALTERNATIVE ENVIRONMENTAL STANDARDS FOR
11 CERTAIN SMALL COUNTIES. Notwithstanding any other provision of
12 this code or of the Health and Safety Code, the commission by rule
13 shall adopt standards under environmental statutes under the
14 commission's jurisdiction so that each environmental standard
15 applicable to a county with a population of less than 75,000 to
16 which there is a comparable federal environmental standard also
17 applicable to the county is not more stringent than that federal
18 standard.

19 SECTION 4. (a) This Act takes effect September 1, 2003.

20 (b) Sections 7.0535 and 7.1045, Water Code, as added by this
21 Act, apply only to:

22 (1) a violation that occurs on or after September 1,
23 2003; and

24 (2) a suit to recover a civil penalty under Section
25 7.105, Water Code, that is instituted on or after September 1, 2003,
26 for a violation that occurs on or after that date.

27 (c) The Texas Commission on Environmental Quality shall

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1 adopt rules under Section 5.135, Water Code, as added by this Act,
2 as soon as practicable. The rules must be effective not later than
3 January 31, 2004.