

Amend HB 86 as follows:

1) Delete line 15 on page 1 and substitute "SECTION 3. Sections 5.753(a), (b) and (d), Water Code are";

2) On page 2, after line 10, add "(d) For purposes of listing compliance history or using compliance history in any escalation of penalties, the commission may not include as a notice of violation deviations or violations provided by a person to the commission, such as deviations set forth in Discharge Monitoring Reports or Title V Deviation Reports, unless the commission issues a written notice of violation. For purposes of using compliance history in any escalation of penalties, the commission may not use notices of violation unless the commission takes subsequent action or the person is a repeat violator as determined pursuant to Subdivision (2), Sec. 5.754(c) of this code. If the commission includes notices of violations in compliance history, the listing shall be preceded by the following statement prominently displayed: "A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action nor proof that a violation has actually occurred." [The set of components shall include notices of violations.] A notice of violation administratively determined to be without merit may [~~shall~~] not be included in a compliance history. A notice of violation that is included in a compliance history shall be removed from the compliance history if the commission subsequently determines the notice of violation to be without merit." ; and

3) On page 13, line 14, delete "5.753 (d),".