

BILL ANALYSIS

C.S.H.B. 3780
By: Bonnen
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, regulated entities meeting the criteria for designation as a “major source” and certain affected non-major sites are required to obtain a federal operating permit from the Texas Commission on Environmental Quality (TCEQ), as directed by Title V of the Federal Clean Air Act. As part of the terms and conditions of the permit, those entities are required to submit monitoring and deviation reports to the TCEQ every six months. Those self-reported deviations are then subject to be included in an enforcement action initiated by the TCEQ.

C.S.H.B. 3780 prohibits TCEQ from including in an enforcement action those self-reported violations that do not require automatic enforcement if those violations are not repeat violations, if they have been corrected within the timeframe specified by the TCEQ, or if the facility has not yet had the time specified by the TCEQ to correct the violations.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3780 amends the Water Code to provide that if the TCEQ determines that there are multiple violations based on information it receives from a private individual, only those that requires initiation of formal enforcement will be included in a proposed enforcement action. For all other violations that do not require initiation of formal enforcement, the TCEQ is prohibited from including in a proposed enforcement action the following:

1. Violations that are not repeat violations due to the same root cause from two consecutive investigations within the most recent five-year period; or
2. Violations that have already been corrected within the timeframe specified by the TCEQ, or violations that a facility has not yet had the time to fix as specified by the TCEQ.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute adds language to what the enforcement action may not include:

1. Repeat violations due to the same root cause; and
2. Violations for which the facility has not had the time specified by the TCEQ to correct.